

Committee on Standards

Oral evidence: Code of Conduct Consultation, HC 954

Tuesday 25 January 2022

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Members present: Chris Bryant (Chair); Mrs Jane Burgess (Lay Member); Alberto Costa; Allan Dorans; Mrs Rita Dexter (Lay Member); Yvonne Fovargue; Sir Bernard Jenkin; Dr Michael Maguire (Lay Member); Mehmuda Mian (Lay Member); Dr Arun Midha (Lay Member); Mr Paul Thorogood (Lay Member).

Questions 120 - 230

Witnesses

[I](#): Ethan Shone, Investigative Reporter, National World Newspapers; Esther Webber, Senior UK correspondent, Politico; and Henry Dyer, Politics Reporter, Insider.

[II](#): Richard Brooks, Journalist, Ian Hislop, Editor, and Solomon Hughes, Journalist, Private Eye.

[III](#): Rt Hon. Sir Desmond Swayne MP.

[IV](#): Kate Green MP.

Written evidence from witnesses:

[Rt Hon. Sir Desmond Swayne MP](#)



Examination of witnesses

Witnesses: Ethan Shone, Esther Webber and Henry Dyer.

Chair: Welcome to our witnesses. Welcome to the Standards Committee and our inquiry into the Code of Conduct and its operation in the House of Commons. We are very grateful to have three journalists—I am going to call you senior, or veteran journalists, because that is what you call us when you want to make us sound more important in any article. Welcome to you today.

We have various questions. If you feel that the question has been answered sufficiently by the others, please don't feel you have got to repeat everything, because we are fairly tight on time. Arun Midha is going to start.

Q120 Dr Midha: My name is Arun Midha. I am a lay member of the Committee. I would like to talk about the seven principles. The Committee is exploring a bespoke set of principles to reflect an MP's world. It is also thinking about an eighth principle of respect, to reflect anti-racism, inclusion and diversity. What are your thoughts about an eighth principle, perhaps not dwelling on whether it should be called respect or not, but what it is trying to achieve in those three areas and, in particular, given the Islamophobia issues that are floating around at the moment?

Esther Webber: I think it definitely sounds on the face of it like a good option. Referring across to the code that asks MPs not to engage in bullying, harassment or discrimination brings it in line a bit more with those obligations towards staff. It definitely sounds like something encouraging. I would be interested to know more about how Members feel about it and whether it would get buy-in from the people who would be expected to uphold it.

Q121 Dr Midha: Hopefully, with your encouragement, it could get more buy-in. Thank you. Henry, what are your thoughts?

Henry Dyer: I broadly agree with Esther on this. I think the seven principles of public life are very important. I am not sure they are necessarily at all times kept at the forefront of parliamentarians' minds, and I would have concerns over whether an eighth one would help that or not.

Q122 Dr Midha: The eighth one would be very specific, in terms of anti-racism, inclusion and diversity. It would be focusing on those particular values that an MP really should reflect in their everyday lives.

Henry Dyer: I think one concern would be that you might lead to a situation where MPs start discussing what they personally feel is anti-racism, which would not necessarily be a helpful situation for anyone. But it is certainly well intentioned and would probably be a net good.

Q123 Dr Midha: Okay, thank you very much. Thank you, Chair— Oh, I'm sorry.



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Ethan. I do apologise.

Ethan Shone: No, it's fine. I echo what Esther and Henry said. I have nothing else particularly to add.

Q124 **Mr Thorogood:** I am Paul Thorogood. I am also a lay member on the Committee. There has been a lot of discussion around whether MPs should be marking their own homework or should be part of the adjudication process for breaches of the Code of Conduct. What do you think about that? Do you think there is merit in giving the role to an independent body, in a similar way to the ICGS?

Esther Webber: With the ICGS, it definitely has been really important to remove MPs from that process as far as possible. It is not total, I suppose, in the sense that the Standards Committee still comes into play, but certainly, in the time I have been covering the ICGS, that has really been crucial to getting to the point they are in terms of building up trust with people who are considering coming forward with complaints. In the case of ICGS, it is an important principle. I don't know whether the creation of a new body, given that we have quite a complex structure of different standards processes already, would necessarily be the right route to go down though.

Q125 **Mr Thorogood:** Ethan, do you have a view on that?

Ethan Shone: My expertise relates more to the register and MPs' outside interests. All I would say is that, without knowing a great deal about this, on the part of the public there is perhaps a little bit of confusion about why MPs should or might, as some might argue, have to be involved in a disciplinary process. However, I noted the concerns raised in the previous session about the very unique role that MPs have and allowing for that. I wouldn't like to add anything more to that.

Henry Dyer: I listened to most of Lord Evans's testimony this morning. I thought he was correct on this point. I would say, especially with some of the changes to the Code of Conduct that the Committee is proposing, that those would actually stress the requirement for there to be an independent, or a greater sense of independence, certainly, for the public. If, for instance, it is brought in that you've been severely, personally attacked by an MP, then you might feel discomfort at the idea of coming forward with a complaint—if you felt that that MP's peers, who may have political allegiances with that MP, are going to be the judge of whether or not they have done that wrongdoing.

Q126 **Mehmuda Mian:** Good afternoon. I am Mehmuda Mian, another lay member. I wonder whether you have any views on the actual changes to the process of investigating and adjudicating on alleged breaches of the code?

Henry Dyer: I think one thing that is curious about the way the investigation process works is that when complaints are put in and an investigation is started, following the media exposing alleged wrongdoings—at least, in my experience, and possibly in Esther's—I don't hear a word from the Parliamentary Commissioner for Standards. I don't



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think other journalists do, either. This isn't a desire to get overly involved in an adjudication process, but sometimes there are details that do not make it to publication, for one reason or another, and those are the sort of details that might be helpful to the parliamentary commissioner, but they are never sought out. As an outside body, it's all kept under parliamentary privilege, which is all well and good, but you don't know what's happening. If it gets to the point where the report has come out, it is then too late to do anything about it, if you know things that might be relevant.

Otherwise, as for the investigation process more broadly, I think there may be concerns over the extent to which complainants are kept up to date. With the current process and the confidentiality, there is the possibility that a complainant could feel they're in a sort of purgatory: they know they have made a complaint and it's being handled, but they have no idea of the progress on it. I have never put in a complaint, so I don't know—maybe further information is given.

Q127 **Chair:** Would there be an issue with your revealing sources, if the commissioner were to approach you?

Henry Dyer: I would try to share information in a way that wouldn't reveal sources, obviously. It would be a balance to strike. Journalists or anyone else with information would have to be able to freely approach or be approached by the commissioner, but not have any requirements to offer evidence, if they had it.

Q128 **Chair:** Ethan?

Ethan Shone: I think I will pass on this. It's not something I have particular expertise on, so I will let people who do comment on it.

Q129 **Chair:** Esther?

Esther Webber: I would echo what Henry said. I think it's quite an interesting point about keeping complainants up to speed. From the contact I've had with people who have raised complaints, they have been updated, but at quite a late stage in the process. Maybe it would be useful to have some kind of separate marker point, within the investigation, to say, "We've finished interviewing witnesses," or, "We've reached a stage where we're about to write our report." That might make the process a bit more transparent for people who are trying to use it.

Chair: I think complainants do get that at that juncture, but maybe there are other things that are worth looking at. We can ask the commissioner about that when we have her in front of us tomorrow. Grand. Mehmuda, did you have any more?

Mehmuda Mian: No, thank you.

Chair: Allan.

Q130 **Allan Dorans:** In the Code of Conduct, there are a number of actions and behaviours by MPs that could breach the code and attract sanctions. Do you think there should be a new rule in the code prohibiting unreasonable

and excessive personal attacks? I'll start with Esther.

Esther Webber: Yes. Within the recommendations your Committee put out for consultation, I thought that was well explained in terms of bringing it into line with other legislatures. It would fill a gap that exists at the moment, where Members are free to make that kind of attack without any recourse. Obviously, there will be some disagreement about what constitutes such an attack. Also, I think it needs to be a bit more closely defined what would then happen and what the sanction would be, which is something Henry and I were discussing—you might want to say more.

Henry Dyer: I think it is a very good proposal, but there is a lack of clarity on the detail of it, which could lead to confusion for the public. One of the main things would be what the sanction is, because for this sort of thing you would not necessarily say that an apology on the Floor of the House is appropriate; a personal apology to the person who feels as if they have been harmed would certainly be appropriate, as it would be for any member of the public who feels as if they have done something particularly unpleasant to another.

This is something for later, on the difference between MPs who are Ministers and Back-Bench MPs, but there would have to be someone who had to work out, if say a Minister had attacked a member of the public on Twitter and been quite vicious and unpleasant, whether that MP was acting in a ministerial capacity or in their capacity as a Member of the House of Commons. That could lead to someone deciding—someone would have to decide—which was which. If you leave it to the Minister to decide, they could say, "Well, the sanctions that would be applied to me on the Parliamentary Commissioner for Standards route are too harsh, so I have made this comment as a Minister and will go through the Prime Minister's Independent Adviser on Ministers' Interests," which will then go to the Prime Minister, who may well choose to do nothing, as opposed to the PCS and the Standards Committee, which could choose to take firmer sanctions. That lack of clarity would need to be addressed.

Ethan Shone: I certainly support the spirit of the proposal. More clarity is needed, whether with examples or something like that, but yes, I support what that proposal is driving at, absolutely.

Q131 **Chair:** This may be a matter of just getting this on the record from all three of you, but we have made various suggestions on changing the lobbying rules—for example, extending the time period to 12 months from six months, clarifying the serious wrong exemption so that it cannot be just a massive loophole, and requiring MPs to have a written contract that excludes lobbying and bans them from taking certain jobs that could be considered effectively to be lobbying jobs in a different name. Do you support those measures? You do not need to answer that at great length if you have not got long answers, but are we missing anything?

Esther Webber: Generally, yes, I think these are steps in the right direction. They would offer clarity for both MPs and the public.



Henry Dyer: I would say yes. The 12-month extension makes sense—that is a period for which an interest remains on the register, so it would make sense for those to align.

I think the Committee should go further, in that the contract should be published. If an MP takes an outside interest—for example, if they were a former Minister—an outline of the work they intend to do should get published, assuming they go to the Advisory Committee on Business Appointments, which of course some do not. ACOBA should publish an outline of the work when it publishes the advice letter. It would seem strange for there to be a double standard for ex-Ministers and people who have not left ministerial office in the past two years.

I do not see the harm in having contracts published, which would explicitly spell out what work the MP was doing. The approach that ACOBA takes is that, while recognising that it is pretty toothless, the one thing they can do is publish letters, which are certainly personally helpful in terms of writing stories, but are also more broadly helpful in being a transparent process. If it were the case that contracts were seen only by the Parliamentary Commissioner for Standards—if and when a complaint went in—and were not necessarily published, you would have that lack of transparency. That transparency works for ACOBA, and I think that transparency would work for this sort of process within the House of Commons.

Q132 **Chair:** Ethan, did you have a view on that?

Ethan Shone: I broadly support the measures that have been proposed with regard to lobbying. Also, Henry's specific point there about publishing the contract is really worth consideration. There are benefits to mandating contracts that do not relate directly to lobbying, but probably in that regard that is where you would see the most benefit from it, and I would support that as well as the proposals that were mentioned previously.

Q133 **Yvonne Fovargue:** Good afternoon. What is your view of the Committee's proposals on outside roles more broadly? Is there a way to address the public concern about this through the code, or is it a matter for individual MPs and political parties? I mean, you may have heard that we had a big debate about reasonableness this morning. Ethan, what is your view on that?

Ethan Shone: I heard the discussion about reasonableness and, as has been laid out, there are real complications involved in trying to determine what is reasonable.

Apologies if I have got the name wrong, but I think it was Rita who said that she was initially of the view that a reasonableness clause was what was needed, but as the conversation goes on she has moved closer to the view that a ban is needed. Accepting the difficulties in deciding exactly what is reasonable, I think the public would find it very difficult to accept that, because it is difficult to determine what "reasonable" is in this context, then the current system remains in place, which effectively is that there are no limits, certainly on the amount of time and the amount of money that an MP can earn from outside interests.



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Again, I do not envy your role in trying to determine what “reasonable” might be, but I think that when you look at what a minority of MPs have done, and still do in some instances, in terms of their outside interests, the layman would identify many of those as being plainly unreasonable, and I think that further consideration is warranted in determining what “reasonable” is in this context.

Q134 Chair: Can I just ask you: how many? Do you think that’s a large number, or is it one or two?

Ethan Shone: As National World, we had a project looking at mapping the register of interests between January 2020 and August 2021. The findings were that around one in three MPs had outside paid interests; that rose to about 42% or 43% including surveys, which we exclude from the headline figure.

However, the number of MPs who have a significant amount of outside interests, in terms of a time commitment or earnings, is probably quite a bit lower than that one in three figure. In terms of MPs who have more than three second jobs, shall we say, there were around 20. Now, that is prior to the Owen Paterson case and there have been some changes since then; I am not sure whether they were related or not.

Around one in three MPs have registered outside earnings. Of those, perhaps about a third again have what we might call a significant amount of outside earnings, or time commitments, outside of Parliament, which would not be caught in the kind of professional exemptions that I think Lord Evans referred to this morning. Those are instances where qualifications need a certain hourly commitment per year to maintain them; I am thinking in particular of medicine or even law.

So it is not a widespread problem, but I think that from the public’s point of view there are some particularly distressing cases, really.

Q135 Mrs Dexter: May I just pursue that with Ethan? You did get my name right from this morning; it was me who spoke on that topic. One of the things I said this morning was that if there is a substantive and insurmountable difficulty about crafting an appropriate reasonableness rule, one way to solve that would be to have a prohibition on secondary employment. That would solve those difficulties about what is reasonable and what is not reasonable, and who will make that judgment.

That is not my proposition, but it is a reasonable proposition. In fact, it is a proposition that was made by one of the later witnesses this morning. He was quite clear that being an MP is enough, and that based on his political science work, a lot of MPs say, “It’s a really exacting job and I have difficulty fitting it all in.” So he said, “How would they have room for yet a further role?”

On the other side of the coin, some of my colleagues will make the argument that secondary roles, or experience, as it were, enhances what those people bring to the business of the House. Do you have a view on that? You obviously have a detailed knowledge of what people are doing in



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practice, so maybe you have some insights into whether those roles add value to their work in the House.

Ethan Shone: I would find it very difficult to say absolutely whether some of the roles I have looked at have any real added value for anyone other than the Member in question. Some absolutely do. My starting position is not that there should be a ban; certainly, any kind of prohibition would have to have quite significant room for exemptions and, ideally, for decisions to be made on a case-by-case basis.

There are difficulties when we talk about what an MP's job entails. In terms of the timing commitment, one of the main considerations is that we must assume that an MP's job has a significant amount of headroom, to some extent, to allow for the potential of a ministerial role or a Select Committee role. I appreciate that this is quite difficult to determine, but I think there probably is a way to determine a reasonable amount of work.

For example, if pay is the measure we are looking at, something like a percentage of an MP's basic pay would make sense. Once that threshold were crossed, perhaps there would not be a complete ban even at that point, but perhaps, as was suggested earlier, Members might be able to make a case why that role has benefits to their constituents or the House. My suspicion would be that for some of the roles I have seen, some of which are ongoing and some of which have ceased, those Members would have had quite a difficult time making a case that their role outside Parliament added any real benefit for constituents or the House. That would be my assumption, but I could not be absolutely certain.

Esther Webber: I do not have a huge amount to add, except that, from all my interaction with MPs, I get the impression that being an MP takes up as much time as you have in the day. I can see that when the Government are asking people like teachers or retired medical professionals to come back into work and help out at times of stress, there would be a case for allowing MPs to be part of that. Beyond that, I find it quite hard to see how an MP can meaningfully conduct another job alongside their own.

Henry Dyer: I think one way to view it, and certainly the way a member of the public might view it, is that one of the issues with an MP having a second job is the conflicts of interest that arise as a result. These conflicts of interest do not arise in the case of jobs where the MP is plainly serving the public interest—for instance, nurses, doctors or being a reservist.

Where you have MPs who are taking outside roles where it is not about the experience they bring to Parliament but about bringing their parliamentary experience to the company they are working for, that is a serious concern, because that is a plain conflict of interest where someone in public office is profiting off the fact that they are in public office. For many people, that simply does not sit right. I do not think it sits right for elected representatives anywhere further down than an MP. If you are a councillor or an Assembly Member—that sort of thing—you would not think about it.



Q136 **Chair:** A councillor?

Henry Dyer: Well, no, councillors you would. Obviously, that is more of a part-time job, but there is certainly a middle ground where it is seen as less acceptable.

To go back to the previous point—this thing on lobbying—there are Members of Parliament who have outside roles that relate to them giving advice on what is happening in Parliament, or indeed giving advice to people who are going to Parliament. You could, in theory, set up a system like you have for ex-Ministers with ACOBA, where if an MP wants to take an outside job, they go to the Parliamentary Commissioner for Standards. There is this proposal for a safe harbour exemption, where if you ask the commissioner, “Is it acceptable for me to take this outside job?” and they say yes, then obviously you are free to do it. But if you do not go to the commissioner, what is the actual sanction? This is the issue with ACOBA: if you do not go to ACOBA, the sanction is that a letter gets published. From what I read of the proposals, there is no sanction proposed if you are an MP and you choose to take an outside job, were the Committee to ban it.

Esther Webber: On the conflict of interest point, as well as the public wanting to know more about MPs’ outside interests, sometimes we have seen that MPs themselves do not always understand what their obligations are. In the past, some of them have said that because they declared an interest, they believed that everything was above board. I think that needs to be better explained or talked through with them as well, which I think is something that is mentioned in the Committee’s recommendations.

Q137 **Chair:** Henry, if the commissioner were, let’s say, given the deciding role on whether somebody could take up a new role or not, how should she deal with somebody getting a weekly programme on LBC or a weekly column in the *Telegraph*?

Henry Dyer: I would broadly say that it supports public life, because it supports public discourse and it is in the public interest. You could maybe make an argument that the MP could donate their fee to charity, as many MPs do for their newspaper columns—they give them to charity, or to support their work for their constituency. MPs’ offices cost a lot of money to run, their budgets are only so large, and if an MP can make a substantial hourly rate from a media organisation, there is a good argument that they could use that to bolster the work they do for their constituents.

Q138 **Chair:** Would that be a condition of them taking it, or not? How would you check whether they had given it to charity?

Henry Dyer: That is the issue with a lot of these things, isn’t it? You would have to go off the assumption that Members are acting honourably and truthfully.

Chair: Because on the whole, as a Committee, we have tended to take the view that we do not want to put things in place that are unpolicable and



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uninvestigable.

Henry Dyer: Journalists are quite good at finding these things out, normally.

Chair: Yes, they might find them out, but that does not necessarily mean—anyway. Bernard, I think you're pregnant.

Q139 **Sir Bernard Jenkin:** Yes. Welcome, both of you, and sorry I was a little late; I was in the Chamber for the Russia statement.

Esther, you said something really interesting, and I just wanted to pick you up on it. You suggested that some Members of Parliament have a false understanding that, just because they have declared something, everything is fine. How do we enlarge their understanding that, if you have declared a potential conflict of interest, you then have a responsibility to manage it intelligently going forward? Everybody can obey rules, but the mere observation of rules does not necessarily make for better behaviour and a better culture. How do we address that?

Esther Webber: It is tough, but I think possibly there is a unique moment right now where there is really intense scrutiny of standards in Parliament and public life more broadly. The final outcome of this consultation will possibly be more closely watched than these events might have been before. I think that is an opportunity for MPs to say, "We don't want to be put in the category of people who aren't trusted," and to engage with the code, whether that means having refresher sessions available for people who have not read it in a while, or sessions not necessarily with the commissioner but with people who understand the rules very well, to have an "ask me anything" approach. That is similar to some of the points made by this Committee on safe harbour and the idea that if you ask and are up front about your questions and concerns, that can improve the functioning of the code overall.

Sir Bernard Jenkin: Thank you.

Q140 **Dr Maguire:** Good afternoon. I am also a lay member of the Committee. I have a particular question around transparency and the ministerial code, but before we go down that route, I want to clarify something you said earlier, Esther, in relation to MPs not marking their own homework and taking the adjudication role away from MPs. If I understood correctly, you said that you were not keen on creating another structure because it was complex enough. I agree with you, but does that mean that you would see that going into the ICGS as a possible solution?

Esther Webber: I think the reasons why the ICGS and the lobbying rules are separately enforced do make sense, because the cases that the ICGS deals with are generally more sensitive and personal, as opposed to financial. Even though I have a consistent struggle in trying to force editors to allow me the word count to distinguish the Independent Expert Panel from the standards commissioner and the Standards Committee, I think that process, as it is now functioning, should be—I am not at all saying that the ICGS is completely flawless, but the pattern that has been



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worked out seems to hold for that. I think it is appropriate to draw a distinction between that system and the system that oversees lobbying, where it would not be as sensitive to have MPs involved in some part of the process, although, as we saw with what happened around the Owen Paterson case, that can still be explosive in different ways.

I do not think that was ultimately very clear on your question, but yes, I think the operation of the ICGS is basically in a good state right now, and that does not dictate that there should be a new independent body on lobbying.

Q141 Dr Maguire: What would be your view on a halfway house whereby the ICGS deals with appeals from the Standards Committee?

Esther Webber: On lobbying?

Dr Maguire: Yes.

Esther Webber: So an ICGS investigator would look at an MP's appeal?

Dr Maguire: The panel would hear an appeal, yes.

Chair: Sorry, Michael; I think the suggestion is that you could have exactly the same as now, whereby the rules on lobbying or stationery or whatever go through the commissioner, who submits a memorandum to this Committee, and then the appeal on our decision would be heard by the Independent Expert Panel.

Dr Maguire: Apologies—that is what I meant.

Esther Webber: Right, okay. That would make sense. Would the idea be that it would be exactly the same, as in the IEP would deal with both lobbying and bullying?

Q142 Chair: Yes. It would deal with every element of a sexual harassment and bullying case, and it would deal with the appeal process of lobbying, stationery and all the other things that we normally deal with—writing to judges.

Esther Webber: Yes. I think there are reasons why that sounds like a good option, because, again, it is taking MPs out of the process, but I can foresee difficulties with that, in the sense that MPs have obviously expressed unhappiness with the way the system is working already and problems they see with the IEP. I may not agree, but it is not as if they have always found themselves to be in agreement with the panel's decisions.

Chair: Well, there are quite a few people who don't agree with the court's decision at the end as well.

Alberto Costa: But you do have appellate systems in the court system, Chair, as you well know; you can go all the way to the Supreme Court.

Q143 Dr Maguire: I think it was also the case that when we looked at Owen



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Paterson, there was an appeal process in terms of what the Committee heard. We are talking about the sanction, really, rather than revisiting the entire case again.

Esther Webber: Yes. I do think that sounds like a positive step.

Q144 **Dr Maguire:** Okay. We are looking for views on removing the exception in the guide that Members shouldn't register benefits received in their capacity as Ministers. I suppose the question is, in the interests of transparency, is it better to have a sharp distinction between the House code and the ministerial code, or can it be done through the House code? It is quite a specific question. Do you have any views on it?

Esther Webber: Just briefly, because I think the other witnesses might have more to say on this. To me, it would seem to make sense, particularly on issues like the timeframe for reporting, which I believe is longer for Ministers at the moment. That can be quite frustrating, certainly for journalists. Bringing them into line would seem to make sense to me.

Henry Dyer: I know that the Committee on Standards in Public Life has suggested that, first, the Cabinet Office and the Government more widely should be much better at this, and secondly, they should start publishing on a monthly basis. Obviously, the register of interests is updated more or less fortnightly.

My view is that it makes very little sense for there to be these two different sets of standards depending on whether you are a Minister or not. Ministers' interests should be published in the House of Commons Register of Members' Financial Interests.

I did a quick bit of research ahead of this meeting. I looked at a handful of Departments and when they have most recently updated it. The Register of Members' Financial Interests was last updated last week. The Department for Education has published nothing since December 2020. We have an entire year from the Department for Education where we have no idea what their Ministers have received in terms of gifts or hospitality in their ministerial capacity. The Foreign Office was, likewise, December 2020. The Cabinet Office, which is meant to be responsible for this—not since June 2021. That is six months ago. A lot of the rest of Whitehall is, similarly, June 2021 or March 2021.

The Foreign Office told me that they are not planning on updating anything for another three months. I don't want to turn this into too much of a go at how the Government publish their transparency releases, but the Departments sort of feel like they can publish things whenever they want. If you are a journalist and you are trying to get the details out of them, and you make an FOI request for this sort of thing, they will say, "We are going to publish it in due course, so we won't release it to you now." The term "in due course" is used across Whitehall but means nothing. There is this total double standard.

Obviously, it is tricky, because, in line with the rest of how MPs declare things, you would only end up getting Minister's gifts and hospitality and



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other benefits—not the meetings. I suppose that is better than nothing. I accept that there would be duplication, but, again, I don't actually see that as an issue. We already have duplication with the Register of Members' Financial Interests and the Electoral Commission records. The fact that you can find these records in two places should not pose an issue.

I also don't see a practical reason why it couldn't happen. Private officers know these meetings happen, because they book them into their diaries. An MP's private office knows that they have received a gift or that a meeting or trip abroad gets organised, because they put it into the diary. This idea of one standard for an MP who is a Back Bencher and one standard for an MP who is a Minister makes very little sense and is an inconsistency that I think should be urgently remedied. A Minister is also presumably better supported by their departmental private office.

Dr Maguire: Thank you. Ethan, do you have a view?

Ethan Shone: I do not have anything to add, other than that I agree completely with the points that Henry and Esther raised on that.

Q145 **Chair:** Incidentally, I think the commissioner investigated two Ministers in the Foreign, Commonwealth and Development Office about their going to the Brit awards.

Henry Dyer: Yes.

Chair: They claimed it was in their ministerial capacity—an argument that the commissioner fully accepted. They said that they would publish it in the ministerial code, and it has still not been published nearly nine months after the event. Anyway, Rita, I think your question is for Ethan?

Q146 **Mrs Dexter:** You have taken my first line. My brief suggests that I might want to ask you, Ethan, whether you have any comments on the accessibility of Members' interests and declarations. I probably know what your headline comment is—that it is not very satisfactory. Do you think you could expand on that for us? We have, we think, extracted a promise or an earnest undertaking from the House authorities that they are going to give this some urgent attention. We would like, as a Committee, to police that over the coming months. Do you have any tips on what kind of questions we should ask to assure ourselves that progress is being made? There is an issue about the technology. What should the technology be capable of enabling? There is a separate question about the content. Is it just about better technological enablement of what is currently published, or is there more to it than that?

Ethan Shone: Good question. I am conscious that journalists talking about the accessibility of the register could be mistaken for us asking you to make our jobs a bit easier. I do think it is a valid point. I know that the Committee on Standards in Public Life has called for the register to be digitised. What we did was pull together several versions of the register over a period of two years, and in looking at that data we found that, yes, there are flaws in the way that it is published. However, to be fair, there are also clear difficulties in registering that data. IPSA publishes expenses



data, and the Electoral Commission publishes donations data. In both those cases, it is a bit more straightforward. There are fewer variables to try to account for. I do think that it has to go a bit further than just digitising what is already there. I think it is about how data is collected and what is collected.

That probably leads quite naturally into some of the other proposals and points that have been raised. I am thinking particularly about contracts and the information that is available about the nature of a job when you look at the register. Some MPs are quite forthcoming, and you might get the job title and a bit of background on what the role entails. Others list just a job title or in some cases a very vague title that could cover a lot of different things. I think that, as a baseline, it would make sense to standardise what information MPs have to provide in relation to any outside interests they have. I think it is particularly important for paid employment and regular employment.

The point about publishing contracts is a very good one. It would reduce the requirement to have too much information put into a dataset if it were understood that more information on any job that an MP takes on outside Parliament is available and is published. I am not aware of too many specific points about that, but more clarity on what these jobs are, including the hours involved and the pay, is required, in the first instance.

To highlight one case that makes this argument, an MP had, for about 18 months, registered a role that at various points was listed as a directorship and an advisory role. I think it changed again—I might be wrong on that, but it certainly changed twice. That role was listed as a paid role for more than 18 months. I understand that MPs were probably briefed to try to make sure that all their declarations were as up to date as possible, given the increased scrutiny, and encouraged to declare things that they may not be absolutely obliged to declare, such as unpaid roles. However, in the case I am talking about, in the next register to be published after the Owen Paterson affair, that role was changed retrospectively to say that not only was it now no longer a paid role, but that it had never been paid.

There is a separate point about MPs being a bit more responsive when we try to clear up the nature of such a misunderstanding, but, in the first instance, it would make sense for MPs to have to provide a bit more information about the nature of their role and, ideally, a contract to clear that up. I hope that doesn't go around the question too much and answers it a little bit.

Q147 Mrs Dexter: On declarations of interests, there's a kind of broader canvas, isn't there? We have focused quite a lot today on outside employment, but there are other interests that are dealt with in the register. Do you have any observations about those?

Ethan Shone: I would say that there is less interest in how MPs register their property ownership. I understand how outside employment is a much more pressing concern, certainly in terms of conflict of interest, but if the public want to understand more generally, particularly when it comes to



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rental income derived from properties owned by MPs, it makes sense that MPs should have to declare how many properties they own and more information about the type of properties they are.

The current rules about what needs to be declared mean that you could—I don't know whether this is the case, so please do not take it as a reference to a real-life case—own an apartment block or a set of apartments, and that could be registered as one property. As you know, the threshold for declaring rental income is £10,000 per year. For MPs who register multiple properties in London in particular—although I think there are cases of property in New York City—it is highly likely that the real income they would generate from that property is significantly higher than that.

More transparency would certainly be welcome when it comes to property, and to other aspects as well, to a lesser extent, from my knowledge. When it comes to share holdings and things like that, more transparency can only be a positive step.

Mrs Dexter: Do you have anything to add?

Esther Webber: Just very quickly, echoing what Ethan said, I have looked at a lot of the interests and found that some of the companies attached to the directorships tend to be fairly opaque companies in themselves. Again, it would be good to have some kind of standardised level of information about the company named and its primary business.

Henry Dyer: That is a requirement for the House of Lords; its rules are that if it is not immediately obvious from the name of the company, you should provide an explanation of what the company does. The aim of that rule is so that if a member of the public decides to look at a peer's register of interests, which I grant is probably not that frequent, they will at least know what it is the peer is doing. It is more important that that should be the case for MPs.

Not to get too technical about the register and the presentation of data in it, but the presentation of data is something where the Government are really good. Whitehall is excellent at presenting information on Ministers' meetings and gifts and hospitality. It is presented very well and is easily collatable.

Q148 **Chair:** But you can't search it.

Henry Dyer: You can search it.

Q149 **Chair:** It is 132 documents a year.

Henry Dyer: It is more easily compilable than the Register of Members' Financial Interests. You can compile those 132 documents—Transparency International has done great work where they compile all these meetings and you can search them all. You could not do with that with the Register of Members' Financial Interests, because the way in which the data is presented is not consistent. It is to do with the consistency of the presentation of data. One MP might declare their earnings at an hourly

rate; another MP might do it at a monthly rate, and another at an annual rate. Without breaking down the data and compiling it, there is no way of making comparisons, while the value of gifts or hospitality given to Ministers is much more easily comparable, obviously with the shortcomings in what they do and do not declare.

On another specific point, which ties in with Esther's point, when companies get involved, be it a directorship or donations from companies—although I think it is the case already for donations—it is very strange that there is not always a requirement to provide the company registration number at Companies House. That would be plainly useful and adds to the transparency.

Q150 Chair: You could indeed link directly to Companies House.

Henry Dyer: You could—that would be helpful. You do get cases where MPs do not accurately state the name of the company of which they are a director. You would not have this issue if they had to actually provide the company number. They could provide the incorrect company number, but then I would hope that the parliamentary commissioner—

Q151 Chair: On the hours, you would have to separate contractual employment over a period from one-off payments, because obviously a one-off payment will be for an hour or whatever it is, so you might end up having a separate category. I think the point is taken and we are seeking to do everything we can to make this much more searchable and usable. As many people have said, TheyWorkForYou is easier to use than the parliamentary system. To use the word of the day, that is bonkers.

I am conscious that we have other witnesses waiting. Is there anything else you wanted to say to us?

Ethan Shone: Can I very quickly go back to the reasonable limit point? At the risk of making this slightly more complicated, there is another consideration here that is particularly relevant given the events of the last two years or 18 months. That is the context in which MPs decide to take on extra work. If we look at the period between March 2020 and December 2020, 16 MPs took on brand-new roles that they had not carried over or done at some point previously. Five of those roles started during the first lockdown period, between lockdown being called and when social distancing restrictions were lifted slightly in July.

I think that is worth highlighting. When we talk about what is reasonable, I think that the public in particular would have a very difficult time accepting any real work other than that done by a number of MPs who went back to work or who continued to work in the NHS during the pandemic. During that period, it becomes even more difficult to try to justify what in effect looks like MPs trying to fill the spare time that they realised that they might now have because of lockdown and—

Q152 Chair: Ethan, can I just say to you: the idea that any MP had more spare time during lockdown is absolutely—

Sir Bernard Jenkin: Bonkers.



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Chair: Bonkers. In my 20 years as an MP, I have never worked so hard as I did during lockdown, because Government was in everybody's daily lives and I had thousands and thousands of people asking me every single day of the week, "Am I allowed to go to a wedding?", "How many people are allowed at a funeral?", "Am I allowed to go to England?", and so on.

It takes you into a world of subjectiveness, which is the one thing we have always tried to avoid on the Committee.

Ethan Shone: I think that's an absolutely valid point. I would note about many of those MPs who did take on extra jobs that if you were to email them during that time, you would be met with an auto-response saying they are dealing with an unprecedented amount of casework and inquiries. That was common throughout. I am only commenting on, I suppose, how that may appear to people. I am making no comment about what those MPs actually did. But I do think it's worth considering the time and place in which MPs decide to take on new roles. In particular, I will note that none of those roles was the kind of professional roles Lord Evans mentioned; nor were they a TV show, a column or something like that.

Chair: Okay.

Ethan Shone: I think I have made my point.

Q153 **Chair:** Sorry, Ethan, but time's winged chariot is hurrying near, so I'm afraid, unless any of you has anything really burning to add—

Henry Dyer: It's given only a single paragraph, I think, in the report, but there is a proposal to get rid of the section where Members declare it if family members are involved in lobbying, on the ground that it is rarely used. Just because it is rarely used doesn't mean you should scrap it. The fact that it is rarely used is probably a good sign, because it shows that more and more Members are aware that having close family members who are involved in lobbying is not a good look. If you were to scrap it, you might see a resurgence of people whose partners or children are in lobbying. Given that it is a requirement for the ministerial code, I think it is the sort of thing that you would expect to see in the Register of Members' Financial Interests.

I would also very quickly say that—

Q154 **Chair:** Henry, I am sorry to be rude, but we have three votes at 4 pm, which means we will have to have finished by 4, and we have two more panels to see by then.

Henry Dyer: I will put it in written evidence.

Sir Bernard Jenkin: Thank you very much.

Chair: If you could, that would be very helpful. The point is well made, and we are grateful, because so far you are the only person who has made it. It's a new point for us, and we are grateful.

Thanks very much to all three of you. We will have our next witnesses in.



Examination of witnesses

Witnesses: Richard Brooks, Ian Hislop and Solomon Hughes.

Q155 **Chair:** Colleagues, welcome. Mr Hislop, I should declare, obviously, that I have sat next to you at a dinner previously, so I have met you before.

Ian Hislop: Right, but I have no memory of it. Obviously, I can't comment until Sue Gray reports. *[Laughter.]*

Q156 **Chair:** That may not be until the police investigation is over, or not—who knows? Would you like briefly to introduce your two colleagues?

Ian Hislop: Yes, these are two of my journalists. This is Richard Brooks, and this is Solomon Hughes. They both write for the section of the magazine about conflict of interest. Richard Brooks appeared with me before one of your members to talk about ACOBA and the failure to police sufficiently Members of Parliament and ex-Ministers when they go on to jobs, but we are here today to talk about failure to police politicians when they are actually in the job. That is my understanding.

Q157 **Chair:** Just as a starter for 10, how do you think we are doing on standards in British public life at the moment?

Ian Hislop: It's not good, is it? Obviously it's good that we are here at all after the Prime Minister's cack-handed attempt to demolish the whole system. Since we are here, post Owen Paterson, I think we have to admit that the system failed, in that Owen Paterson had obviously no idea he was breaking the code, and a large number of his fellow MPs decided that they had no idea, either. The whole system was not working. My colleagues will come in very quickly here, but we have to redefine the term "lobbying", and we have to incorporate some of the proposals that you have made, except make them harsher.

Q158 **Chair:** Do you want to fill in on that? What are we going to do about making the rules on lobbying harder and tougher?

Richard Brooks: I think that by restricting what you ban to lobbying, you narrow it down too much. Lobbying is open to a very legalistic, technocratic interpretation, which does not include all kinds of behaviour—a quiet word in the ear, expressions of opinion without formally lobbying—that are just as important. Saying that you will first ban lobbying in return for money, and then tighten the rules—I think you propose imposing conditions on lobbying in employment contracts, or banning it in employment contracts—I am not sure that will address the problem. The problem is that a lot of what goes on that distorts public decision making does not qualify as lobbying. You perhaps need to look a bit further and say, "Okay, what kinds of jobs do we need to ban?", because they are essentially about the problems posed by lobbying.

Q159 **Chair:** What kinds should we ban?

Richard Brooks: Any job that is given to a Member of Parliament because they are a Member of Parliament, rather than because they have some



other qualification for it—for example, because they are a doctor, teacher, nurse, lawyer, whatever. If they are pursuing work outside Parliament because they are qualified for that, and the reason they have been given it is because they are good at that job and proficient at it, that is fine; but if the reason why they are given it is that they are a Member of Parliament, I do not see why they should have it at all.

Chair: Okay.

Solomon Hughes: If you look back to the original John Major sleaze scandal, that is remembered as being about personal behaviour, but it wasn't. Second jobs, particularly for ex-Ministers, was a big part of it. I dug out a cutting from 1993 that said, "Outspoken attack from shadow Chancellor Gordon Brown on ex-Cabinet Ministers walking into jobs in areas that they privatised"—at that point, it was areas that they privatised, rather than regulated. It was Norman Tebbit, Peter Walker, Norman Fowler and people like that. That underlay the original sleaze complaints. In the same way, the current issue that is causing scandal looks like being one of personal behaviour—it is about parties and so on—but it began with the Owen Paterson second jobs scandal. Unfortunately, the Labour Government that was elected in '97 saw a similar set of scandals about John Reid joining G4S and Alan Milburn joining Bridgepoint Capital. It is not really a new scandal; it's a permanent one.

The only thing that changes is the level of interest. There has been waxing and waning in levels of interest. We have been a bit more consistent, and it has kept me in work. It is something that has just continued, and it continues to keep me in work. It only becomes a scandal when it gains attention, but in reality it is very persistent, and you are not going to shift something as persistent as that simply by changing codes of practice. You have had the Nolan principles since '95, and it comes on the back of that. We are decades on from that, and we are still facing essentially the same issue.

Personally, I think banning second jobs is straightforward. There is no argument about it; it is simple. But the persistence and depth of the problem is what we can look at.

Q160 **Chair:** Can I ask you about one of things that is around in the ether? It is about people who perhaps had legitimate conversations with companies when they were in ministerial office, but when they left office, they then joined one of those companies. Have you got evidence of that happening? Do you think that is a key issue that we are not addressing properly?

Ian Hislop: We have given evidence before about exactly this and presented evidence about people who have had jobs in specific areas and then gone on to work with companies that benefit from Government contracts. There's absolutely loads of it. And I always say the same thing: what do you think these companies are paying the money for? Do you think they are chucking it away? When politicians declare their interests, why do they think these businesses are paying them this money? Why did Owen Paterson think he was being given all this money? What, because

he's so brilliant? Again, I think the public are very sick of being taken for fools at the moment, on all sorts of levels, and they are very sick of being taken for fools on this level. If you're taking money from a company, what are they getting out of it? Which is why the earlier answer from both my colleagues was, "At least print the contract. Tell us what you are being employed for, and let's have a look at the minutes of the board meeting. What did you say in this specific area?" Say you are employed, as Solomon always says, to sell guns, or bombs or weapons, and then you have a board meeting. If you won't tell us what you said in the meeting, don't take the job. Is that too extreme, Richard?

Richard Brooks: No, maybe not extreme enough.

Chair: Let me bring in Sir Bernard.

Q161 **Sir Bernard Jenkin:** First of all, thank you very much for the evidence you gave to my Committee, the Public Administration and Constitutional Affairs Committee, back in 2017, because I think we produced one of the best reports we ever produced.

Chair: Yes, but we are on this Committee now.

Sir Bernard Jenkin: It took a very long time for the Government to respond to that report. To pick up on one thing that you said, why do you think that so many MPs did not see that Mr Paterson was in breach of the code? I think it was a bit more complicated than that.

Ian Hislop: No, I don't think it was at all, and I'm sure your Chairman has views on this. The investigation was incredibly thorough. He was given every opportunity to respond. It was absolutely clear he had broken all the rules, and the public were quite clear that he had taken the money and he had lobbied, but the MPs were whipped into this ridiculous bid.

Q162 **Sir Bernard Jenkin:** Okay, but why do you think so many MPs didn't think he had broken the rules?

Ian Hislop: Do you want me to go into why they obey the party Whip? You're MPs; you could explain to us.

Q163 **Sir Bernard Jenkin:** I am independent enough. I hardly ever obey the party Whip; I vote with my brain. But for some reason, our system lacks authority over a large number of MPs; they do not respect the system. Why do you think that is?

Ian Hislop: Again, let's break down the MPs who have second jobs. One of you two answer that.

Richard Brooks: To answer your question, I think that the rules, and the implementation of the rules, give MPs such leeway that Owen Paterson could spend years thinking that he wasn't doing anything wrong. That is, first, because the rules were too vague on lobbying. Secondly, he could convince himself that what he was doing was not problematic, and that the company he was working for was a jolly good company—"What's not to like?" and so on. Eventually, we found out exactly what he was doing.



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The issue is, I think, that we don't find out what a lot of other MPs are doing. I am sure we will move on to questions about transparency and so on, but that is the issue.

Q164 **Sir Bernard Jenkin:** We have lots of rules; Mr Paterson was in breach of the rules. Let's just take his case: unfortunately, he did not understand he was in breach of the rules. Would that not be more of a problem with culture and attitude that rules cannot on their own fix? What do we need in addition to rules?

Ian Hislop: Well, we need the rules to be tougher and you need to police them more toughly—that's not a very good adverb; "more stringently".

Q165 **Sir Bernard Jenkin:** You can police rules tougher, and you can have tougher rules, but lots of people will carry on gaming the rules. If they think the rules are the only issue, and they do not understand why the rules exist and what the principles are behind the rules, you're not going to change people's attitudes, are you?

Ian Hislop: Well, that's just depressing—the idea that politicians are so innately corrupt that they won't understand public anger at what they are doing and none of them will obey the rules.

Q166 **Sir Bernard Jenkin:** Well, it happens in financial services—

Ian Hislop: Yeah, we're talking about MPs here.

Sir Bernard Jenkin: It happens in journalism; it happens in lots of other professions.

Ian Hislop: Yes, but fortunately this Committee is not looking into us; we're having a look at you.

Q167 **Sir Bernard Jenkin:** It's not an attack on you; I am just pointing out that to improve the attitude towards the seven principles of public life, we require far more than just rules. Wouldn't you agree with that?

Ian Hislop: What, you want a moral shift in the quality of people who become MPs? I can't do much about that.

Q168 **Sir Bernard Jenkin:** How about having more conversation in the workplace about why we have rules, what the principles mean, and how we should be setting the best example?

Ian Hislop: Why do you have to explain to a new MP why he shouldn't lobby for a company that is taking Government contracts? Why isn't that blatantly obvious?

Q169 **Sir Bernard Jenkin:** For the same reason that you have sit people in the financial services sector down to courses and exams, and why the Solicitors Regulation Authority encourages firms of solicitors to have discussions about ethics. It is because it is a fundamental fact of human nature that we are born savages, and we have to be trained to be civilised human beings.



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Ian Hislop: Right, can we leave the ethics and go on to the practicalities of what you can do?

Q170 **Sir Bernard Jenkin:** Oh, I see. I thought that this was all about ethics. I thought that we wanted to make this into—

Ian Hislop: No, I thought you wanted a philosophical discussion about the fallen human condition. Again, you say you've got a vote in an hour—

Sir Bernard Jenkin: I think I will drop this line of inquiry, Chair, because I am not getting very far with it.

Q171 **Chair:** We already have a rule that bans approaches to Ministers that seek to confer a benefit when an MP is paid. That is pretty clear, isn't it? Does it need anything more complicated than that?

Solomon Hughes: It's quite narrow, isn't it? Because it's determining lobbying on this very narrow thing of actually going up to a Minister and saying, "Can you give this benefit?". You might be advising the company on how they can lobby. You might be telling them who the best contacts are. You might not be approaching a Minister, but you might be approaching someone who has—

Q172 **Chair:** Yes, and we want to tackle that. That is one of the recommendations that we've made—that you should be barred from being able to do that, and that the company would have to have an undertaking. It is a moot point whether we should publish contracts—this is an issue that people have taken two views about, but—

Richard Brooks: Isn't the bigger point that when you're in receipt of money from somebody, it's very persuasive? You will come around to their way of thinking. It's not necessarily about lobbying; it's about what you think, what forms your opinion, how you influence your colleagues in Parliament, how you lobby the Government yourself, and what your approach is to all kinds of policy issues. If you're taking £30,000 a year from a private equity company, for example, your views will tend towards theirs on things like tax, the economy and employment law. All kinds of things will be coloured by that. The point is the disproportionate influence that money therefore has on Parliament.

I think there is a danger in focusing too much on lobbying—who says what, when, and what you're allowed to say in what circumstances—because you're just missing the big point. It is about the influence of money. I think your target should be to eliminate the influence of money as far as possible. I am not saying that you can do it completely, but as far as possible.

Q173 **Chair:** Can I ask you, then, about money that Ministers or Whips might offer to, or withdraw from, your constituency? What is that?

Richard Brooks: Corrupt. That is straightforward.

Q174 **Chair:** Should we have a rule that bans it? There is no present rule that bans it.



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Richard Brooks: Doesn't the law ban it?

Chair: It is very difficult to see how it does.

Richard Brooks: Misconduct in public office?

Chair: You could argue that misconduct in public office does, but that's very difficult to prove. It's a common-law offence, so is not in statute.

Richard Brooks: But you can do things on matters that are much easier to prove, such as whether you have a second job or not—whether you're receiving money from a private company—that's very straightforward. I think you have the power to do something quite drastic on that.

Ian Hislop: David Cameron said the next big scandal would be lobbying, and he was proved entirely right: it was himself, among others. He defined lobbying in a very particular way, and much more widely than Richard did.

Richard Brooks: Solomon knows precisely what he said.

Solomon Hughes: Yes, I wrote that down; everyone knows this: "We all know how it works. The lunches, the hospitality, the quiet word in your ear, the ex-ministers...for hire, helping big business find the right way to get its way."

Ian Hislop: That's an expert witness. That's a former Prime Minister in the middle of one of the lobbying scandals. He knows how it works, and that's much broader than your definition at the moment.

Q175 **Dr Midha:** As a lay person, I don't need a training course to tell me about lobbying, because I completely understand it. If, to be helpful to MPs, we decide that they can't work out that ethical question, should we not get to a point where nobody has a second job? You simply become an MP, and that's your decision for four years, eight years, and so on; you step out of what you do and become an MP. On your point, perhaps in the case of medicine, nursing and so on, you can go back, but that would be limited to retaining your competency in order to remain on the register. I think that would be rather like the United States system, where you're paid a bit more, but you can't do anything else. Would that be a better way of going about it?

Richard Brooks: I'm not sure I'd go that far. I think when Members of Parliament helped out notably during the covid pandemic, that wasn't just about keeping their qualifications current.

Dr Midha: But that was a national emergency.

Richard Brooks: I think those kinds of things are reasonable. You are getting into a grey area in areas such as law and practising as a lawyer—we have seen Geoffrey Cox spending all hours on his private practice. That has to be addressed by other rules about how much you can do. However, if you're qualified to do something else and you're only doing it for those reasons, I think that is legitimate. It is an element of the way the British



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Parliament works that it brings in all sorts of people, and it is important that it does. We shouldn't go too far into the professionalism of politics.

Ian Hislop: But if you look at the numbers—which these guys next to me frequently do—of people who are in trouble over conflicts of interest, it is a very small minority of MPs. A lot of them are the same MPs; usually, a lot of them are from the party in power at the time, which gives you a clue as to what the business is spending its money on. And they don't involve the headline figures: "Oh, she's a nurse", or, "She's a doctor—that's ridiculous." Of course it's ridiculous; that's not what the problem is. The problem is this top layer of people who get jobs that are not related to their skills. "Would you like to work for a nutrition company?"—or, "Would you like to work for a laboratory?" "Are you a scientist?" "No." "What are you?" "I'm an MP who is willing to take the money." "Well, that's a skill!" It's just not good enough.

Q176 **Mr Thorogood:** I would like to move away from lobbying, if that's okay with you. Mr Hislop, you were quite complimentary about the way the Owen Paterson affair was investigated.

Ian Hislop: I was.

Mr Thorogood: The commissioner did a great job. We reviewed it appropriately and produced a report. In terms of regulating MPs, what is your assessment of the House's standard system—good or bad? What do you think the public's perception of it is, and what would you do to improve it?

Ian Hislop: The public perception is: "Was this the tip of the iceberg that we were lucky to be told about? If Owen Paterson was happily doing this, what else did we miss?" I think that's what a lot of people thought. It was a very particular case, which blew up, and the public found out about it. Again, Solomon, your point is that at elections, and generally, people don't know what these conflicts of interest are.

Solomon Hughes: The transparency theory is that MPs have a second job that brings extra experience and informs their work as an MP; it's properly registered and it is put to the electorate, and they decide. However, that is not actually what happens. If you look at it, MPs very often take second jobs after they have been elected, so it is not put to the voters. I looked at some of the more eye-catching ones in the newspapers: Chris Grayling, a former Transport Secretary, took a £100,000 job with Hutchinson, a port operator, but he took it after the election; former Deputy Prime Minister Damian Green took a £40,000 consultancy position with private rail operator Abellio after the election.

Q177 **Mr Thorogood:** If you'll forgive me, you are doing what a lot of MPs do and not answering the question. The question was: what do you think of the House of Commons Standards Committee, and how would you improve it? The point is that the public perception is very important; it is important that there is a Standards Committee and a standards process, so that if MPs do contravene the rules, there is a regulatory body and process.



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Ian Hislop: I think what Solomon is saying is that one of the things you could do is say to people, "You need to tell the electorate." When you are campaigning, you say, "The reason you should vote for me is because I work for a hedge fund. Not all the time, obviously, and I won't devote too much time to it, but I'm pretty matey with a lot of hedge funders, so vote for me." Then, two months later, if you take a job with a hedge fund and you haven't declared it, this Committee should say, "Time to put that on the record. Next time you stand up in the House, you say: 'Before I say anything else, I should say I've taken a job with the hedge funders. Obviously, it won't influence anything I say about tax, wealth creation or policies.'"

Mr Thorogood: That's what's supposed to happen now. That is what the rules say.

Ian Hislop: It is, but it's—

Solomon Hughes: Some MPs do when they refer to the register. They say, "I'm speaking because of this." But many, many MPs just make an incantation—"I refer hon. Members to the register"—and it is meaningless. You all understand it in Parliament—

Q178 **Chair:** You would prefer it if the statement was the full thing: "As Members will see in my entry in the Register of Members' Financial Interests, I went to Colombia with Friends of Colombia," or whatever.

Solomon Hughes: I think we are talking about the more serious interests, like second jobs. To be honest, if you just do it as that incantation, it doesn't get reported. Any news editor will cut that—they won't put it on the telly—because it just looks odd. It just looks like one of the strange rituals of Parliament, rather than what it is supposed to be. It is supposed to be a piece of transparency about how your interests are affecting the debate. It comes across as one of those things of going through the motions, rather than actually—

Q179 **Chair:** Sorry to do this—Alberto, I am coming to you, honestly—but one of the other questions we have been asking people is this. At the moment, we draw a distinction, if you have another job, between initiating a proceeding and participating in a proceeding. I am guessing that I know what the answer to this is going to be, but I might as well just go through with it anyway. Do you think we should get rid of that distinction?

Solomon Hughes: I do. Obviously, it does the important thing of hiding something in the debate, but it also means that occasionally, when journalists try to say, "Well, somebody has broken the rules because they haven't referred to the register; they have this interest but they haven't referred to it," they then have to spend hours working out the difference between a supplementary and so on. I am saying that as someone who has done it. I thought, "Ooh, I've got a story here. They've not referred to the register." Then you think, "Oh God, now I've got to go through these rules," and then you give up.

Chair: And it's just a bit clearer.



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Q180 Alberto Costa: Good afternoon, gentlemen, and thank you for appearing before us. I am very much enjoying the robustness of the answers that you are giving. I am often accused of being perhaps a bit too robust with the questions that I ask on this Committee. I will continue to be robust in my questions, and I hope that you will continue to be robust in your answers. I suspect you are being robust, in particular, Mr Hislop, because, like me, you have a real, passionate, deep love for our democratic institutions. Am I right?

Ian Hislop: A deep love of what, sorry?

Alberto Costa: Of our democratic institutions.

Ian Hislop: Yes. I am quite keen on democracy—which is why I found it so depressing earlier to imagine that none of our representatives were capable of marking their own homework. You probably remember that at school, teachers sometimes gave out the test you had just done and you passed it one to the right, so a fellow pupil was marking your homework.

Q181 Alberto Costa: I never did that. The point I am making is that, in the television programmes that you have done, I have always felt that you have come across as somebody who actually cares very deeply—even though you come across with a lot of humour and satire—and genuinely about Britain. Am I right?

Ian Hislop: I'm not sure flattery is allowed on this Committee.

Q182 Alberto Costa: Allow me to build up the line of questioning.

Ian Hislop: Certainly.

Alberto Costa: Am I right? Do you have a great love of Britain, yes or no?

Ian Hislop: Yes.

Q183 Alberto Costa: Thank you. The questions I am going to ask you are to do with process. I am going to ask you to detach the emotion for a moment, because, as a lawyer, I am a stickler for process. I have been uncomfortable as a member of this Committee about some of the processes that we adopt, regardless of the substance of the cases that we have to deal with. I have just looked at your Wikipedia page. It is never a site to go to for any facts, but it says that Mr Hislop is "reputedly the most sued man in English legal history". Your lawyers must be very happy at that thought.

My point is this. Imagine a scenario where a claimant makes an allegation against you and takes the matter to court. The claimant presents the case against you and you present your defence, then the judge goes into chambers and invites the claimant in while the judge deliberates on the claim made against you. What would you say to that?

Ian Hislop: I'd say, "Where is this analogy going?"

Alberto Costa: What would you say in such an analogy? What would you



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say to that? Would you suggest—

Ian Hislop: Where are you going with this?

Alberto Costa: I am asking you a question of natural justice. Would you say that that is—

Ian Hislop: Is this about the Owen Paterson case? Are you saying that the process was abused?

Alberto Costa: I am not going to talk about the substance of cases. I am asking about process. I have serious questions about process, to which I would greatly appreciate serious responses for a moment.

Chair: Alberto, I think you need to be a bit more direct, rather than analogous, in your question.

Ian Hislop: This is a serious response—

Q184 **Alberto Costa:** The House of Commons, through its Standing Orders, created this Committee of 14 people. One of our roles on this Committee is as a disciplinary body. We also, through Standing Orders, created the Office of the Parliamentary Commissioner, currently held by the excellent Kathryn Stone. The issue I have had with my colleagues is not about individuals or cases, but about process, and it is this.

Currently, the person who investigates claims against MPs is the commissioner. That is her first role. The commissioner's second role is to adjudicate; as a first-instance decision maker, she will decide whether an MP has breached the code. If the matter is deemed serious enough, she will have a third role: to present the case against the MP before this Committee. At that point, the MP is invited to give a submission, and he or she might want to do that, but after the submissions have been made, the commissioner comes back into the Committee during our deliberations. That is the fourth role—as an adviser to the Committee.

I have felt, throughout my two years on this Committee, regardless of the substance of the cases and the personalities involved, that, as a matter of process, that is wrong and does not comply with natural justice. What is your view on that?

Ian Hislop: I don't really have a view on that. If you think the processes are unjust, you should sort that bit out. Really, I think we came here to give evidence on what you can do to improve the regulatory part of it, the access for journalists and the basic adherence to the morality of it. I'm sorry, but I was not prepared for a question on that sort of process. Again, if we are short of time, I don't really have an answer. Do either of my colleagues have a view?

Richard Brooks: No, but I do think that the Owen Paterson case showed that a Committee of MPs can do a good job. I think it is important that parliamentarians resolve those problems. It doesn't have to be a court of law.



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Alberto Costa: Thank you very much.

Q185 **Chair:** You may have heard evidence earlier today that, at the moment, if you are a Minister, the rules for what you have to register are slightly different. We have suggested saying that Ministers should have to register everything with the House. What do you think?

Solomon Hughes: I think what Henry Dyer said. The register of Ministers' interests turns up intermittently late and there is no announcement, and the departmental registers are sometimes good, sometimes bad, so I think what Henry said.

Richard Brooks: Also, there is no duplication because there are two roles. A Minister is a Minister and an MP, so fill them both in.

Q186 **Chair:** I have asked several people about this today: the Prime Minister has a holiday courtesy of Lord Goldsmith, which is registered in the ministerial register because it is supposedly received in his ministerial capacity—I am not doubting whether it is; they are just the rules as they are now—whereas his stay in a VIP suite on the same trip is registered with the Commons. What do you think of that?

Ian Hislop: They should all be registered together, surely.

Solomon Hughes: And if they are registered twice—there is an idea that registering something twice is some kind of terrible thing. It is words on paper. They do not have to bang it in brass with a punch. They should just register everything. In its favour, the Register of Members' Financial Interests arrives relatively promptly and is relatively clear.

Q187 **Mrs Dexter:** I want to ask a question about transparency: do the transparency provisions work? I think we understand that the technology doesn't enable transparency. We are pressing the House authorities to make some investment in improving things. I feel like I am 30 years too old to know what actually would be the best approach to this. Ethan, who gave evidence earlier, probably has better ideas that would never occur to me. Are there things that you would like to see, either in terms of technology or content?

Ian Hislop: I think the technology may be solvable. The transparency bit requires people to say who this company is and what the company does, rather than just saying the name of a company, with no reference to it in Companies House. Henry made that point. You would like to see more.

Richard Brooks: Yes, definitely. Sometimes you look at an entry and you are really none the wiser. You might not be surprised that *Private Eye* journalists coming to a meeting like this checked out the interests of the members of this Committee.

Ian Hislop: Oh, really!

Richard Brooks: Mr Jenkin just recorded an entry of a £1,500 shooting trip from a Richard Matthews. You look at Richard Matthews—no idea who he is. Google "Richard Matthews shooting" and you find some murder in



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America, but that's not too informative—we assume it wasn't him. So we are none the wiser sometimes. Often with companies, the company number isn't given. There is a whole series—Henry and Esther covered it pretty well.

I think it would be useful to set up a sort of procedural review, committee or whatever. The purpose and the nature of not just jobs but hospitality and gifts need to be explained a bit more. What was the purpose? Mr Costa has just questioned us. His register of interests shows that Heineken paid for very expensive seats for the World cup semi-final over the summer. Why? What did Heineken want from that? Why would they do that? Was Mr Costa a brewer in a previous life? Does he have expertise on that? No, but we need to know.

Chair: He was a lawyer in a previous life.

Richard Brooks: For example, on that entry, Mr Costa needs to say precisely what the gift or hospitality was, therefore what the interest was, and why he accepted it. A brief explanation of how it performed a parliamentary duty would be very useful.

Sir Bernard Jenkin: I don't think my affairs are really the concern of the Committee, but I am very happy to answer any questions about that. It is there on the record, and you can ask me any questions.

Richard Brooks: It is on the record, but it only says a person's name. It doesn't say where they are from.

Sir Bernard Jenkin: Any journalist or constituent can ring me up and say, "What's all this about?", and I will answer their questions.

Richard Brooks: They could, yes—that's yet another step. They should be able to just look at it and see immediately.

Ian Hislop: But it would help your processes if you put a little bit more detail, and then no one would have to be suspicious.

Sir Bernard Jenkin: We have a common interest in sailing, and he is a constituent. As a matter of policy, I always declare gifts of that kind from constituents—end of story.

Ian Hislop: So it is a gift from a constituent. What's his business? Is that important?

Chair: I am not going to engage in that any further, not least because I don't know what you're going to say to me.

Ian Hislop: But you would expect these journalists to have done that and to say, "These are good examples of not enough information; we don't know."

Q188 **Chair:** There are three things here. The key issue is conflict of interest. That is at the absolute heart of all of this, because we want to have MPs who act without fear or favour, and we want to know that that is what we



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are getting. There is a second issue about transparency and making sure that it is genuinely transparent—that there is enough information for people to make decisions about whether that passes the sniff test. A third thing is whether the information is in a form that is findable, because quite often it isn't.

At the moment, an MP will normally register by emailing the registrar, and there will be a to-and-fro as to what information is needed. One of the suggestions that has been made is that it might actually be easier if we did it online and there were boxes that were all identical for everybody, and you had to provide some of the information that you are talking about. For instance, you could upload the contract, if there was a contract involved. What do you think of that?

Richard Brooks: I think there are places to learn from. The European Parliament is a bit better in terms of standardisation and searchability. It is not perfect—it doesn't itself declare enough—but there is so much you can do. Being able to examine specific conflicts of interest is not just important on an individual level; as the previous witnesses were saying, you need to be able to collate this stuff and to look at trends—what is happening. There are all kinds of people with legitimate interests—not just journalists, but academics and political opponents. It needs to be much more usable. There are so many technical improvements you could make.

Q189 **Chair:** We are focused on that. The more you can say on that, the better, because we are having a bit of a battle with the House authorities to make sure that it happens. It has taken a long time.

Ian Hislop: But both Solomon and Richard said to me before we came into the meeting that, basically, you need to be more suspicious. There is a presumption here that all this will be fine, and I don't think that the public think at the moment that it will be fine. They think that too many MPs are up to no good, and that doesn't help anyone.

Q190 **Chair:** This is a different inquiry of ours, but on lobbying and public affairs companies effectively setting up APPGs, one suggestion that has been made is that we could, for instance, randomly audit 10% of APPGs every year.

Richard Brooks: Audit for what? What would you be looking for?

Chair: Whether they are abiding by the rules and whether it is genuinely an APPG. You could have the APPG AGM always chaired by a member of the Chairmen's Panel, so that you get around the fact that sometimes there are only three people attending the AGM and that it is really all run out of an MP's office on behalf of their wife or husband.

Richard Brooks: Clearly it should be auditable, but it is kind of about what you allow. Whether it is the pubs APPG or whatever that pays for trips to Wembley or whatever, or the gambling APPG, which is the prime culprit at the moment, what they are doing is treating the MPs to sway their opinion. It is really not much more complicated than that. They are providing them with very valuable benefits—hundreds or thousands of pounds-worth—and they are getting a word in their ear. They are getting



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to bend their ear in a way that constituents—people affected by gambling problems, alcohol problems and whatever—are not. They are not getting that influence.

Ian Hislop: Historically, with the work that both Solomon and Richard do, you look at the companies that are spending the most money, and they're not the good guys. The people who really are shelling out money to MPs come from very specific lobbies. We're in a very old building; it was the sugar lobby a long time ago, and then it was the tobacco lobby. The gambling lobby is pretty strong now, and there are plenty of others—the lobbies from the financial world. Again, I don't think any of this is hugely complex. It is pretty much who you think it will be, and they're doing what you think they're doing.

Q191 Alberto Costa: I think the evidence you are giving is quite persuasive, and I say for a second time that I am very grateful that you are appearing before us. As Sir Bernard correctly said, we are not here to discuss individual cases, but you referred to an entry of mine in the register. I am going to seek your advice on the situation I faced. I never accept hospitality, and I did not, but the night before the event, a member of my staff who had been working extraordinarily hard over the covid period phoned me up and said, "Alberto, you know I'm a football fan. You've received an email inviting you to this event. Can I go?" I am not a football fan. What should my response have been to that hard-working member of staff, in your opinion?

Ian Hislop: I would say that you would refer him to the Prime Minister's excuse that all his staff are incredibly hard-working and therefore deserve a drink at the end of the day. Lots of people are hard-working. You might have thought, "Oh, this free ticket should go to the nurse in the ICU." I'm being frivolous, but I'm just saying it's not a very good excuse.

Alberto Costa: It's not an excuse; it's the fact. I am just giving you the fact.

Ian Hislop: No, but you're using a fact as an excuse, and I'm saying that I don't think it's terribly convincing.

Q192 Alberto Costa: I understand, okay. On the second point, about the disclosure of it, my member of staff was at pains to point out to the registrar exactly what had happened. He was at pains to say that it was a member of staff. I noticed, Richard Brooks, that in referring to it, you did not mention that point. You did not say it was for a member of staff; you said it was for me, which I thought was odd. I am wondering whether you have evidence to give us about how we disclose these things. Should it be a very long narrative or a very short one? What is it you are suggesting?

Richard Brooks: A brief reason for why you accepted it. Heineken have done you a favour by providing a treat to you—I mean, it is all very well saying, "It was a member of my staff, not me," but you are the Member of Parliament. You said to your member of staff, "Here, you take the ticket," so you have given your member of staff a benefit, therefore Heineken have given you a benefit. They have done you a favour—a very valuable



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favour. Millions of people would have wanted to go to see Italy versus Spain in the World cup semi-final—I would have loved to have gone—but they couldn't. So, you have just been given a big favour by someone with a lot of money. That sort of thing should not really happen.

Chair: I can see Yvonne wants to ask a question. Then I should probably dismiss you, because we have other witnesses to hear before the votes at 4 pm.

Q193 **Yvonne Fovargue:** Briefly, with second jobs, it is not just about lobbying, is it? It is that constituents expect us to spend our time working for them. What do you think about MPs having any outside second jobs? What is reasonable, if you do agree with it? Who would decide that?

Solomon Hughes: I think the big question is the interest rather than the hours. I know people threw the accusation against Geoffrey Cox's ridiculous hours, but it is the interests and influence that really make the difference. The questions are about "He who pays the piper", and money talks, and that kind of thing. If you're looking for a scandal, follow the money. It is the influence more than that.

There is a question about hours. I don't understand that as well as you would understand it, because you have engagement with what it means to be a parliamentarian. For me, it is the question of who the money is coming from, rather than the amount of time.

Ian Hislop: I would agree with that. I think we got a bit side-tracked over the Geoffrey Cox headline, when the real scandal was about conflict of interest. Some MPs probably are lazier than others; some work really hard and would work even harder. That doesn't seem to be what this Committee is for. This is for MPs who are endangering the democratic process by setting up conflicts of interest.

Yvonne Fovargue: Thank you.

Q194 **Chair:** On that note, can I say—*[Interruption]*—no, I wasn't going to allege anything about anybody—thank you very much? One thing we would want to correct from the beginning is that we feel that, in the end, the system on the Owen Paterson case triumphed, but only by dint of quite a lot of hard work.

Ian Hislop: Yes, but luck shouldn't be good enough, should it?

Chair: No, indeed. Thank you very much for your time—we look forward to reading about it.

Examination of witness

Witness: Rt Hon. Sir Desmond Swayne MP.

Q195 **Chair:** Sir Desmond, thank you for joining us this afternoon. I think you have some specific concerns about what we have put in our report. I thought it would be best for you to air those, and then we can ask you questions around that. Does that make sense?



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Sir Desmond Swayne: Yes. The first bit is the additional principle of respect. I am very much against that. I believe that I am quite entitled to hold certain things and people in utter contempt. I am not required to respect them. I am answerable to my electorate for holding those views. As I said in my submission, you can't "have Satan too in an ecumenical movement." Members of Parliament are quite entitled to hold views that others may find very objectionable. That's democracy.

I feel that the inclusion of respect and the requirement to promote certain "behaviours"—I quote directly from the document—is anathema. Although the behaviours you want us to promote strike me as entirely unobjectionable and proper, nevertheless, that requirement on a Member of Parliament to conform to an identikit that you have set out is encroaching on thought crime. That is my first point with respect to the respect agenda.

Chair: Shall we deal with that one first, then? We will come to the other point later. Arun, do you want to ask a question?

Q196 **Dr Midha:** It is not a question, really, but I suppose I can phrase it as a question. What is the difficulty with MPs expressing a positive affirmation of fundamental principles such as anti-racism, inclusion and diversity? What is so difficult about signing up to those values?

Sir Desmond Swayne: Because you have expressed those values.

Dr Midha: Please don't point at me.

Sir Desmond Swayne: You have set out those values. I am responsible to voters and their values. Effectively, what you are trying to do is define who is able to be elected and function as a Member of Parliament. That is outrageous.

Q197 **Dr Midha:** Do you think that society defines these values, not us as individuals?

Sir Desmond Swayne: Well, let society define them through a process of election, rather than you as a Committee deciding what they are to be.

Q198 **Mrs Dexter:** Aren't those characteristics matters of law?

Sir Desmond Swayne: Which characteristics?

Mrs Dexter: Anti-discrimination, for example.

Sir Desmond Swayne: Not that I'm aware of.

Q199 **Dr Midha:** When you look at protected characteristics and so on, don't you think it's a matter of law?

Sir Desmond Swayne: I am not required to promote certain behaviours as a matter of law.

Q200 **Sir Bernard Jenkin:** May I have a go? When you speak in the House of Commons, you are required to use certain language and you are forbidden



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from using certain words. Why don't you object to that?

Sir Desmond Swayne: Because Parliament has determined that.

Q201 **Sir Bernard Jenkin:** Well, Parliament has determined to elect this Committee, and Parliament will decide whether to adopt any of the things that you are objecting to, so that would validate that.

Sir Desmond Swayne: Absolutely; I will have to abide by it. But I am responding to your consultation. I am saying that I hope Parliament will not do this.

Q202 **Sir Bernard Jenkin:** Okay. On the question of respect, wouldn't there be a nicer atmosphere in politics if we at least demonstrated the quality of respectfulness in our own characters?

Sir Desmond Swayne: I'm all for that.

Q203 **Sir Bernard Jenkin:** Right, okay, so that might be a compromise. We could settle on respectfulness.

Sir Desmond Swayne: It depends how you set it out, but what we cannot have is you defining what I must believe and what I must subscribe to.

Chair: I don't think any of us wants to do that.

Sir Desmond Swayne: Ultimately, it comes down to what is in black and white in the report.

Q204 **Sir Bernard Jenkin:** Okay, but the point is that there are certain principles set out in the report, which are not rules; they are a guide to behaviour, and the respect principle—the respectfulness principle—would simply be that. They are intended to inform the values that are behind the rules. The only reason we have rules is that we have values, and the only reason society operates is that there are values we hold sufficiently in common that we respect. In the absence of a common set of values that used to exist in this country because we all went to Sunday school and we were all Christians and we were all white, we live in a much more diverse society, so we need to talk about the kind of values that we want our institution to demonstrate and we want leaders to demonstrate in public life. That is what the seven principles of public life are all about.

Sir Desmond Swayne: Look, "Erskine May" sets out what is acceptable and what is proper in terms of language and behaviour in the Chamber and all those things. What it says here is that Members of Parliament should promote certain behaviours and should show respect. It is the same principle that the dons of Cambridge encountered recently when they were required to respect all points of view; they voted it down substantially, on the grounds that we are not required to respect all points of view. There are some points of view that I think are sickening, and I should be entitled to say so in the most robust language that I choose.

Q205 **Mr Thorogood:** Sir Desmond, that's different. The analogy you used there was that you objected, or it was objected to, that you would agree with a



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point of view. That is not what—

Sir Desmond Swayne: No, show respect to a point of view.

Mr Thorogood: No, I think what we are talking about here is that, as a value proposition, you should respect individuals, whether they are saying A or B.

Dr Midha: Might I say, put aside the term “respect” and think of it in terms of the value of being anti-racist, the value of being inclusive, and the value of diversity? You as an MP—a very senior MP—perhaps have a duty to be an exemplar, because people look up to you.

Sir Desmond Swayne: Only because I hold those values, but I cannot be excluded from being an MP if I do not hold those values. That would not be democracy.

Sir Bernard Jenkin: Nobody is suggesting that.

Q206 **Chair:** I think this is an important distinction, Sir Desmond, which we maybe have too clear in our heads and have not explained well enough. For instance, one of the other principles is selflessness. Selflessness could mean, “I am going to be so selfless that I will work 24 hours a day and I will not take a penny of salary.” I do not subscribe to that version of selflessness; I think you have to love yourself a bit if you are going to love anybody else. These are principles that are not justiciable within our system. You cannot lodge a complaint that Alberto’s not been selfless enough, I’ve not been honest enough, or whatever. Those are not things that the commissioner will investigate, and the same applies to respectfulness.

Sir Desmond Swayne: If you set that out as a rubric above the seven principles, I think I could live with it.

Q207 **Sir Bernard Jenkin:** Even respect? I do not like the word “respect”.

Chair: I think I prefer “respectfulness” to “respect”.

Sir Desmond Swayne: In other words, you are not going to hold me to it. Thank you.

Chair: They are aspirational principles. We are wanting everybody to move in that direction, but the commissioner is not going to launch an investigation into whether you have been respectful enough.

Sir Desmond Swayne: This is for the record, isn’t it—broadcast?

Chair: Yes.

Sir Desmond Swayne: Very good.

Chair: We have obviously not put that clearly enough in the report. We have to move on, because Sir Desmond has another issue he wants to raise.



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Sir Desmond Swayne: The other point is the ability of the Speaker to delegate investigatory powers as to what happens, principally in Committees and Divisions, but equally it does also imply the Chamber, notwithstanding that in one paragraph, you rule that out. It is included in the next, and that strikes me as fundamentally against the Bill of Rights. No proceeding in Parliament may be questioned in any place other than Parliament.

Q208 **Chair:** It may just be worthwhile explaining—everybody shoot me down in flames if necessary—that one of the issues we have at the moment is that if something happens in a proceeding in Parliament, for instance if an MP were to touch up a Doorkeeper during a Division, that is happening in a proceeding in Parliament. The commissioner would not be able to investigate because of the Bill of Rights, and the Speaker would not be able to investigate because the Speaker has no powers to investigate, so you have impunity during proceedings in Parliament. To get around this, particularly for ICGS cases, the House of Lords has said that the Speaker of the House of Lords can say “Okay, I am referring this matter to the Conduct Committee in the Lords”—or, in fact, to the ICGS. It would only be in such a circumstance as that.

Sir Desmond Swayne: In which case, you need to define it much more clearly in the explanation. My reading of it was that it might extend to the robustness of the questions that were put to witnesses in a Committee, which I think would have had a terrible chilling effect. I think you need to be much clearer about precisely how this would apply. Do Doorkeepers get touched up in Divisions?

Q209 **Sir Bernard Jenkin:** Can I ask you a supplementary question on this? If the Speaker was simply able to use the resources of the Parliamentary Commissioner for Standards, but the commissioner for standards himself or herself had no ability to adjudicate on the matter and could only refer evidence back to the Speaker for the Speaker to adjudicate on, would that be more acceptable?

Sir Desmond Swayne: Yes.

Chair: But it would not have an appeal.

Sir Bernard Jenkin: That is how we work in Parliament. The Speaker, in the end, is accountable: he can be removed.

Chair: I can hear the Division bell, so you had better not do anything wrong during the proceeding in Parliament.

Sir Desmond Swayne: I will undertake not to touch up any Doorkeepers, or anyone else.

Chair: On that note, I am afraid that I have to suspend until we come back.

Sitting suspended for Divisions in the House.



On resuming—

Examination of witness

Witness: Kate Green MP.

Q210 Chair: Order. Welcome back to what feels like the fourth or fifth round of today's hearings of the Standards Committee Code of Conduct consultation. It is great to have Kate Green, the former Chair of the Committee, here with us. Do you have some preliminary comments that you would like to make? You will have read our report; are there things where you think we are going completely off track?

Kate Green: No, I think it is a good report. I think there are places where it is still proving difficult to reach consensus, both within the Committee and certainly in the wider parliamentary community. You can see where some of those areas are, reading through the report. I particularly like the clarity about the distinction between rules and principles. I should declare an interest in the work that has been done around amplifying the principles with explanations. That was begun when I was Chair of the Committee and why I declare support for it—I think it is good and helpful. I think the report has made me more starkly aware of how vulnerable our system of self-regulation may be becoming in the eyes of the public.

Q211 Chair: That leads me on to another question. We will doubtless come on to the question of appeal, but leaving that aside for a minute, do you think MPs should play any role in self-regulation or should we be cauterised out of the system?

Kate Green: I was a fairly strong advocate of self-regulation when I was a member of the Committee, and I believe that parliamentarians should be as capable of it as any other profession. However, I think that a number of things will have caused that to be called into question in the eyes of the public. I think the recent Owen Paterson case—despite what I heard you say in the last session about the way in which Parliament and the Committee recovered and came out of it in probably a good place—from the public's point of view, opened a debate about "These people are not fit to run their own system." I also think that, reading the report, it is very clear that we now have a very distinct different set of routes for ICGS and non-ICGS cases, and the public may ask why that is. We, as a Committee, often noted when I was a member—I expect you still do—that Parliament tends to be dealing with the last scandal, not the next one. I wonder if we need to think about whether our system of self-regulation is fit for the next scandal that is coming along.

Q212 Chair: To play devil's advocate, you could argue that we have only had the system for a year, and this Committee with seven and seven for three years, with voting rights for lay members. If we keep on changing the system endlessly, there is a danger that maybe nobody really understands the system.

Kate Green: I am sure that's true, but I am not sure how well the system is understood, anyway. I am not proactively advocating getting rid of self-



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regulation. I am saying there may be quite a lot of work to do to shore it up in the eyes of the public.

Q213 Mrs Burgess: I was thinking about this earlier, Kate, and would be interested in your thoughts. It is about where the public perception comes from. What the public see is the end result generally in Parliament, so they see when things get to Parliament and how Parliament and the Commons behave more than perhaps how this Committee works and operates. Potentially this Committee is tarred by what happens in the Chamber. Do you think that the self-regulation that the public see is what happens generally in the House of Commons, and less about what happens here, and the outcome of the cases that happen a lot of the time don't get to that public perception?

Kate Green: I am sure that is correct. I don't think the public are aware of the detail and the care that is put into looking at cases before the commissioner and her team and by the Committee. I don't think the public, or probably all of our colleagues, really understand the role of the lay members on the Committee and the fact that you now have this in-built—though, so far as I am aware, not yet utilised—majority should it come to a vote and should you choose to vote as a block. I think you are right to say that the bit that the public see is the drama mostly taking place in the Chamber. So I repeat my point. It is not that I think our system necessarily needs to change again, but the bit that is most visible to the public is probably undermining at times the good work of the Committee and the commissioner.

Chair: Alberto, do you want to ask about appeals?

Q214 Alberto Costa: Thanks, Kate, for coming before us. You and I have worked in the past on EU national rights, and others. In fact, you invited me to consider coming on this Committee, so if there are any gripes—

Chair: It's your fault!

Alberto Costa: I put it on record that it was you that suggested it first, Kate. You and I spoke a couple of years ago about what you have just alluded to. Given the Owen Paterson debacle, you are now more of a mind that perhaps the disciplinary functions and adjudicating functions of this Committee—not the functions of oversight or drafting a code—perhaps might be better served with a different structure. I have long argued for that. I have long argued that a panel of 14 people, whether it is MPs, lay people or a mixture, is not the appropriate panel to adjudicate on these matters, whether it is stationery claims or otherwise.

Would you say from your revision of your own thoughts that the existing, albeit new, IEP might be an appropriate port of call should this Committee recommend that we hive off our disciplinary function following the judged review that we've got? Or would you suggest a completely new creature?

Kate Green: Well, I think you're pre-empting whether or not you need to make a change at all. As I say, I am open-minded on that. I am not firmly



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saying that I think we should. I am saying that if we don't, we will need to do other work to reassure public opinion that the structures we have at the moment are fit for purpose and working well.

If we were, however, to make a change away from self-regulation, I think one of the things your report exposes very clearly is the different steps in the process and at what point might you want to either have or not have MPs as part of the process. The report seems to be pretty certain that you need the expert understanding that comes from being a parliamentarian at least as an element of the process, albeit not necessarily with the decision-making roles that MPs in the process have at the moment.

I also think that the Paterson case and the way in which it was debated in the Chamber really exposed the lack of understanding among fellow parliamentarians about the inquisitorial nature of the commissioner's inquiries and about the role of the Committee in acting, as it were, as the court of appeal in terms of whether a breach has occurred—guilt or innocence, if you like. I think this has become clearer as a result of the way in which you as a Committee have tried to explain that in the light of the Paterson case. So I think there may be quite a lot to be gained simply by clarifying the existing processes and MPs' role at each point in the existing process.

However, if you were thinking that the only way in which you could preserve confidence in the system was to move to something in which MPs had no role other than—I think there is absolute consensus on this—a role at the very end of the process, in that nobody else should be able to suspend or expel a Member from Parliament, I am again open-minded. I think the IEP model would need to be extended quite a lot to accommodate all the other kinds of cases that come before this Committee, and extended not just in scale but in terms of knowledge, expertise and skillsets. As far as I know, we have not recruited to the IEP to understand the financial or other breaches that are considered routinely by the Committee.

Alternatively, if you were to set up two separate independent processes—one for the behaviour code cases and one for the rest—that would be a lot of House bureaucracy. I think the transition to doing either of those things would be quite tortuous, which is why the Chair's point—that we have a system that is relatively newly working as it currently is and perhaps we should just let it settle down and build up confidence in it—might be at least the best approach for now. Certainly I think the judge-led review that you are initiating would put us all in a better position to answer the question that you have just asked, but I think it is a question that we should be asking.

Sir Bernard Jenkin: Have you done grounds for appeal?

Chair: No, we have not asked the specific question about grounds for appeal.

Sir Bernard Jenkin: Okay, I'll come to that in a second, and forgive me



for arriving a little late.

Kate Green: I think we started a little early, Bernard.

Q215 **Sir Bernard Jenkin:** I actually came on to the Committee very committed to the idea of an IEP-type system, but I have listened very carefully to everything and I am modifying my views. In fact, the Committee on Standards in Public Life Chair, who was with us this morning, is now promoting the IEP model, and I said, "But what about the lack of MP expertise?", and he said, "Well, that might have to be involved in some way." So, if we had the existing IEP but with one or two specially appointed senior Members of Parliament, who were appointed for the purpose not of voting but of participating in the proceedings, so that they could raise the flag and say, "No, you don't understand. Parliament doesn't work like that. This is how it works"—obviously, the commissioner would also advise the IEP on those matters. Do you think that is a sufficient compromise, even if it was just for the appeals over the top of this Committee? The main objection that I think the Chair raised was that it is invidious for Members of Parliament to be marking their own homework. The public would have no confidence in it, however unfair that may be. We must not be seen to be marking our own homework; that lacks public confidence. So what do you think about all those issues?

Kate Green: I guess, if you are asking whether, if there were a pure IEP model, I would agree that there should be at least a couple of MPs, senior parliamentarians, on that committee in some sort of, perhaps quasi-advisory, role as an absolute minimum—having talked a great deal over the last few minutes about public confidence in the system, I think that would be a minimum to command parliamentarians' confidence in the system, because we hear again and again from our colleagues, don't we, that lay members cannot understand our jobs? I happen to know, having worked closely with lay members since I first served on this Committee in 2017—some of you were lay members then and are still—that that is a rather lazy characterisation of your understanding of an MP's job. None of us can understand a job we have not done in the way that somebody who has done it can, but it is not fair to say that lay members have not put a great deal of time and effort into understanding a great deal about parliamentarians' jobs. But I think there is a real issue: are parliamentarians going to be confident in a system in which they are not involved at any point in the decision-making process? Will they say, "Hang on: you don't understand how that bit works for us"—albeit that it might be only in an advisory way?

Do I think we should go all the way to an IEP model with that advisory function built in? As I say, I am really not sure, Bernard. I think the pressure to do so from outside Parliament is probably as great or greater than it has been at any time since I was on the Committee, but I think there are other ways we could and should attempt to see if we can shore up a system that inspires sufficient public confidence and that we ourselves are confident in and proud of.

Q216 **Sir Bernard Jenkin:** Were we to maintain the existing system but overlay



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it with an IEP-type model as just an appeal body, it would satisfy those who are not quite convinced that we are the appeal body. On the grounds for appeal, the lack of confidence of most colleagues in the Owen Paterson case was about the interpretation of the rules. It would have to be that you could appeal against a sanction or you could appeal on a point of interpretation.

Chair: Misapplication of the rules, as it were.

Sir Bernard Jenkin: Yes. You would have to have that as a ground for appeal, because that is where a body of lay members and MPs does not command confidence. We are sufficiently au fait with evidence, interpretation of evidence, interpretation of rules and precedents. It might also create a more solid collection of precedents for us to lean against, because we always find that we are reinventing the wheel on this Committee. It is quite hard work. What do you think about that?

Kate Green: I am quite in favour of quite wide grounds for appeal—and you point to some of the reasons for that in the report, in the interests of the parliamentarian who is the subject of the complaint—but I also think that we saw, certainly in relation to one appeal I was involved in when we still handled ICGS cases entirely on this Committee, that narrow grounds for appeal didn't always serve the complainant very well, either. I am quite in favour of wide grounds for appeal.

Do I think that involving MPs in making those appeal decisions undermines public confidence, or that the public lack confidence in MPs' ability and capacity to do that? Yes, I think that is the case at the moment, but I do think that work has been done in the light of the Paterson case at least to explain that there is an appeal function, de facto, in the way that this Committee takes the commissioner's findings, offers an opportunity to the MP to make their response to the Committee in writing and in person, and then reaches a conclusion. I think you have demonstrated more clearly how that part of the appeal process works, and that may serve to boost public opinion. People may feel a little bit more confident.

In relation to sanctions, I can't think of an instance where the public have been hostile to a sanction when it has been imposed. It has tended more to be a sense of, "Oh, they just let them off."

Chair: Yes, I have not noticed anybody saying, "Gosh, that's a terribly high sanction." I have had quite a lot of people saying—I mean, it's only Twitter, isn't it?—"It's disgraceful that you've let them off with x."

Sir Bernard Jenkin: A wee supplementary, Chair, if I may. We are getting rid of the provision for serious and contested cases to go to a special panel. That is what we are recommending. Surely we have to replace that with something, because that was intended to be there for a reason. Okay, it's never been used, and I would argue that it's never been used because if the commissioner is chairing the panel—I cast no aspersions on the commissioner—it would be unlikely to reach a different conclusion from the conclusion that the commissioner has reached.



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Chair: But I think those panels were about the facts, weren't they? They were to establish the facts, not about the interpretation of the rules.

Sir Bernard Jenkin: Yes. Well, that panel is a very odd beast.

Q217 **Chair:** Do you agree with our recommendation to get rid of it?

Kate Green: Yes, I do, especially as it has never been used. I must admit I hadn't even realised it existed.

Q218 **Sir Bernard Jenkin:** But if we are getting rid of that, there is a case for putting something else in that would be a proper appeal process.

Kate Green: Yes, I understand that.

Q219 **Chair:** We have got a couple of other things, which we have been asking others about. I just wonder what your take is on second jobs generally. The Committee on Standards in Public Life has suggested that there should be a reasonableness test, so a reasonable number of hours or a reasonable amount of pay. Do you buy that?

Kate Green: I rather go along with what was being said in the previous session. I have more interest in the issue of conflict of interest than I have in how much time they are spending on activities that are not per se fulfilling their parliamentary functions, because I think that for people who have external roles, there is often a good read-across between the two. I think what we want to know about is the conflict, where their external interests lead them to not honour their obligations as a parliamentarian and to put their other interests first. If you are worried that somebody is spending too much time on their external interests, the right place to resolve that is the ballot box—"You're not representing me properly, because you are too busy doing your second job."

Your report doesn't say very much about this, but I think that I am as concerned about unremunerated conflicts of interest as I am about remunerated ones. If I am a trustee of a charity—an environmental charity, an animal rights charity or a charity that campaigns for people with a particular health condition—wouldn't you like to know that when I am participating in parliamentary proceedings on subjects of interest to that charity? I would argue that, as a parliamentarian, that might enhance my knowledge, my expertise and my ability to input into that debate or those proceedings, but you might want to know that I have got at least some kind of emotional interest, above and beyond the purely personal. That might be something that the public should know about when I come to participate in proceedings and exercise my vote.

Q220 **Chair:** Yes. We have said that we think people should just register everything now, and not faff around with it. But I would not want us to end up in a situation where you have had a brain tumour and you are asked to be a trustee of the brain tumour charity, if there is one, and you decide not to, because you are frightened that that would look as if you were pursuing the commercial interests of the brain cancer charity. You would not want to disincentivise somebody from assisting a charity, would you?



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Kate Green: I don't think you would do that, and I think it is about the culture and the expectations of an MP, and the understanding of a registration system that is not meant to be punitive or threatening; it is meant to be transparent and open, and that is a good thing. We all want to be transparent and open. That is something that we regard as a good value in this Parliament, and we are quite proud to say, "I am doing this, and I am open about it."

I do slightly tend to the "register everything" view. I think one witness that you heard from before you produced the report was very much in that space—declare everything. I increasingly think that if you have got external interests, whether they are remunerated or not, "declare them" is a good mantra. I suppose the other thing is that I feel increasingly, particularly if you made the register very easily searchable, which I know is a long-held ambition of this Committee—

Chair: Yes.

Kate Green—that having them on the register might be sufficient, and the need to mention them every time you stand up in Parliament might not be necessary.

Q221 **Chair:** For an unremunerated one?

Kate Green: Possibly even for a remunerated one.

Chair: We were pulled in the other direction earlier.

Q222 **Mr Thorogood:** One of the major arguments around second jobs is that an MP can bring experience and knowledge into their role. Mr Paterson would say, and actually did say, that that is what he was doing. I know he was on a six-figure sum and all the rest of it, but he would say that his background experience and knowledge enabled him to warn of certain things. What do you have to say about that? For me, it was clear that that was not the reason why he was doing it, but he would say that he was actually bringing expertise and knowledge into his role as an MP, and that he was not lobbying; he was warning Parliament.

Kate Green: He was lobbying. It was paid lobbying. Your report is really good in tightening up the provisions that we should have in relation to paid lobbying, and how we could make it clearer what we mean by paid lobbying. The safe harbour proposal is a very good one, and it goes again to my point that the more we can create a positive attitude to openness, the better. The safe harbour is one of the ways you can do that.

We could make it harder for that kind of argument to be made by casting more sunlight on people registering what they are doing, and what we define as paid lobbying that is not allowed. I think your work on that in the report is very good.

Q223 **Chair:** There are just a couple of other things. On the ministerial capacity exemption for registering things, we have made recommendations. We might have to finesse them a bit, but what is your broad feeling about



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that?

Kate Green: Yes, I think it would be valuable for people who receive benefits in their capacity as a Minister to be put on the parliamentary register too, because they are receiving them as Members of Parliament, and the public will want to know. Again, if you have a very searchable register, it would be handy to have everything in one place.

I think, on the sort of mismatch between things like how quickly you have to register and how proactive you have to be, we should err on the side of the more demanding requirements. I think your recommendations are sensible and I support them.

Q224 **Chair:** I will come to Rita in a second—*[Interruption.]* You cannot leave, Bernard, as we would be inquorate.

I cannot tell whether I have got this wrong—I might have done—but it feels as if the Government whip House business more often, and when the Government whip, the Opposition whip as well. Is that your feeling, particularly in relation to these issues, which are quasi-judicial? Do you think it is appropriate for the Government, and the Opposition for that matter, to whip?

Kate Green: To whip on standards?

Chair: On a standards report, for instance.

Kate Green: No, I do not think it is appropriate at all.

Q225 **Chair:** Did it happen when you were Chair?

Kate Green: I cannot think of a single instance when it did, but I might not be remembering. However, in so far as we might have encouraged colleagues to respond to a report from the Committee, the message would have been, "Don't question it; don't undermine it." That would have been the message we would have been sharing with colleagues.

I was Chair when we had the case in the House of Lords that led to the Lords really moving to a much more independent system. I think there was real concern then that seeking to influence colleagues to question the work of the Standards Committee was a very dangerous space to go to.

Chair: Right. Bernard, you can go because we will still be quorate—sorry, I couldn't count. Never put me on the Treasury Committee.

Sir Bernard Jenkin: Thank you so much.

Q226 **Mrs Dexter:** I want to go back a tiny bit, to outside employment. The Committee on Standards in Public Life, who came this morning, said in their submission that "we believe the Standards Committee...should set an indicative limit of hours and remuneration, with a rebuttable presumption that paid outside employment exceeding those limits would be considered unreasonable." I cannot quite imagine how we would explain the idea of a rebuttable assumption to members of the public, but leaving that to one side, you have expressed a view, I think, that you do not think a limit on



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hours is the right thing—I think you said that a few minutes ago.

Kate Green: Yes.

Q227 **Mrs Dexter:** All day, I have been wondering about money. I have not had the courage to ask anybody this, but I am going to do so now, towards the end of the day. How much is too much? Imagine that you are really good at something that is not a conflict of interest; perhaps you are a really good lawyer, for example, and you can earn a lot of money doing not that many hours. Imagine that you can earn £50,000 a year. Is that too much? How much is too much? Is £100,000 too much? Is £20,000 too much? Given that a respectable body like the CSPL has said that there should be a limit on remuneration, you then get into asking, “How much is reasonable and how much is too much?”

Chair: Indeed.

Kate Green: I think it is really difficult for the Committee to lay that down, because what my constituents probably think of as a very large sum of money might be very different from what people who earn those sums of money think is a very large sum of money. I think it would be extremely unwise for this Committee to go out and say that it thinks a certain figure is reasonable. I think many of our constituents would look at any figure and think, “These people don’t live in my world,” and therefore we should not put ourselves in the position of saying that.

It has been a long-standing enthusiasm of the Committee on Standards in Public Life that there should be a limit on time and earnings, but I repeat what I was saying a few moments ago: I think that is a matter for the ballot box, not for this Committee. I think that the issue is conflict of interest and your inability to serve the interests of your constituents first and foremost. That is what the Committee should be putting its mind to.

Chair: I agree with you about that. For anybody in my constituency, £3,000 is life-changing, but in some other constituencies £3,000 is not what you get out of bed for for a week. It is difficult.

Mrs Dexter: May I ask Arun’s question, as he is not here?

Chair: Of course, and then I have Jane, but I did promise that we would finish at 5 o’clock and I try to keep my promises.

Mrs Dexter: The last Chair never kept us here all day long. *[Laughter.]*

Kate Green: The last Chair wouldn’t have dreamed of doing that.

Q228 **Mrs Dexter:** One of our proposals in relation to the seven Nolan principles is to add an additional principle of respect. You were here, I think, for the last discussion we had with a Member about that. It would not be investigable, as was clarified in the last session, but there is the idea of adding an eighth principle and calling it “respect”—or it might be called “respectfulness”; I think people heard a contribution on that this morning that they were quite attracted to. Do you support that? The CSPL have said, “We’ve talked about respect and we’ve decided to add it to the



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leadership principle,” but they did not explain it as being more than a matter of taste. In terms of taste, a number of members of this Committee—but certainly not all—favour an eighth principle rather than the incorporation of respect into one of the seven principles. Do you have a view about that?

Kate Green: I listened to Sir Desmond Swayne giving his evidence to you. While he was speaking, I had another look at your report to see exactly what you had said the respect principle should say. I think Desmond was perhaps assuming that it said rather more than it actually did in terms of the behaviour it would have expected of him. I think it was not asking him to pretend that he had views he did not subscribe to, or to accept or find tolerable views that he did not find tolerable. I think it is well written. Particularly given what we have been through in the creation of the ICGS and the events that led us to take those steps, I think it is really important to the wider parliamentary community that you have this explicit principle of respect in the way that you have articulated it in your recommendation and the report.

Q229 **Mrs Burgess:** I just wanted to go back to the point of conflict of interest. Kate, thank you very much for saying that we work hard for our understanding of MPs’ lives. I might be showing my ignorance here, but I find it really interesting that you have said that the ballot box is where you make the decision, and it is important for you to do your work from a constituency perspective. There might be some things that your constituents would not see as a conflict of interest or as lobbying, but that constituents in somebody else’s constituency might see as a conflict of interest or lobbying. If you had a big organisation in your constituency that was going to close its factory, you would want to see what you could do to potentially stop that from happening, but that might have a conflict of interest with somewhere else where they want to open up a factory.

Chair: But surely the conflict of interest in that case is if you are employed by, or you have received donations from, that organisation. That was one of the cases that we had last year, wasn’t it? He thought that the constituency exemption completely exempted him, and it didn’t because he still had a financial interest.

Q230 **Mrs Burgess:** But it is the point about unremunerated, isn’t it?

Kate Green: I think in this instance you are defending your constituents’ interests, and you would rely on the constituency exemption. I am very sorry if it is not in the interests of Chris’s constituents, but they have Chris to defend them. When I am saying, “I want to keep this factory open in my constituency, because it is 400 jobs and it is really important,” and Chris is saying, “We would love it to relocate to my constituency,” we both have the opportunity to speak out for our constituents, and there is no conflict of interest there.

Chair: No; I remember being very cross when Burberry were closing in my constituency and going to Yvette Cooper’s.



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Kate Green: They weren't coming to Stretford and Urmston, though, Chris.

Chair: No. Kate, thank you very much. Apparently, you were a wonderful Chair of the Committee, and we have fallen on hard times of late.

Kate Green: You have had a very demanding time of late. I would certainly say that.

Chair: We have been quite busy; that is true.