

Committee on Standards

Oral evidence: The Code of Conduct and Guide to the Rules, HC 813

Tuesday 13 December 2016

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Members present: Sir Kevin Barron (Chair); Sir Paul Beresford; Tom Blenkinsop; Mrs Jane Burgess (Lay Member); Miss Charmaine Burton (Lay Member); Mr Christopher Chope; Mrs Sharon Darcy (Lay Member); Mr Dominic Grieve; Mr Peter Jinman (Lay Member); Dr Arun Midha (Lay Member); Mr Walter Rader (Lay Member); Sir Peter Rubin (Lay Member); Tommy Sheppard.

Questions 44-112

Witnesses

I: Matt Chorley, Editor, the Red Box, *The Times*, and Chair of the Parliamentary Press Gallery, Chris Hope, Assistant Political Editor and Chief Political Correspondent, *The Daily Telegraph*, Dr Jonathan Rose, Senior Lecturer in Politics and Research Methodology, De Montfort University, Martin Williams, Freelance Journalist, and Tony Grew, Parliamentary Journalist, *Sunday Times*, and Hon. Secretary of the Parliamentary Press Gallery.

Written evidence from witnesses:

[Dr Jonathan Rose](#)

Examination of witnesses

Witnesses: Matt Chorley, Chris Hope, Dr Jonathan Rose, Martin Williams and Tony Grew.

Q44 **Chair:** Good morning. Sorry for the slight delay in proceedings. We are waiting for two more witnesses who will be along very shortly. This is the fourth session that the Committee has taken in public on the review of the code of conduct. Could I ask witnesses to introduce themselves and their positions briefly for the record?

Dr Rose: I'm Jonathan Rose. I'm a senior lecturer in politics and public policy at De Montfort University.

Tony Grew: My name's Tony Grew. I'm a parliamentary journalist and I'm here representing the Parliamentary Press Gallery in my role as secretary.

Chris Hope: Chris Hope from the *Daily Telegraph*. I have been with the *Telegraph* for about 13 years and I'm its chief political correspondent and assistant editor. I'm a former chairman of the Parliamentary Press Gallery.

Q45 **Chair:** Thanks again and welcome. You will be familiar with the operation of our proceedings. Could I ask all three of you whether the current code of conduct looks like a coherent approach to ensuring high standards at Westminster?

Chris Hope: Yes, I think it does. I think the concern that readers have about the code is that it is—to use the expression—marking your own homework. That is the concern. I know you have taken recent efforts to change that by pointing more laymen and laywomen, which is definitely to be applauded. However, it can fail the outside smell test and that is a problem for a lot of readers and that is what we reflect in our newspaper.

Tony Grew: From my point of view the code of conduct is not very well known, so as a parliamentary journalist I had to remind myself of what it is and what it says and where I can access it. I guess my view is that the whole overarching structure of the code of conduct and how it is implemented is complex. We have a Standards Commissioner, we have this Committee. For a layman to try to unpick who does what, the time that it takes, and who makes decisions about the code is another issue. Someone looking into the structure would ask themselves the question, "There is a code of conduct, who is directly responsible for enforcing it, who is responsible for ruling whether an MP has broken it and what sanctions are taken against them?"

I know that that process involves a report from the Commissioner, the consideration of this Committee and a decision of the House. To someone outside, that looks like a really, really complex structure. If I wanted to complain about a police officer or my GP, I think that the ways in which I could do that would be much simpler.



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I have one other observation about the code itself. In some ways it is incredibly specific. It says, for example, that you may not take a bribe, which seems pretty standard, but it also says something like, "You must not do anything to bring the House into disrepute". I read that and I think, what does that mean? One hundred people could have 100 different definitions about what brings the House into disrepute, so I think the structure itself is complicated, quite apart from the language of the code.

Chair: I will be picking through one or two of those things this morning.

Dr Rose: I agree with a lot of what Tony said in the sense that it is a very complicated document. You start with what is a relatively nice introduction, but could be slightly better written from the public's point of view, I think. It is quite short and should give the overarching principles and a rough idea of how they apply, but behind it are about 45, 50 pages of notes and extra guidance and such like. It becomes quite difficult to see how the guidance necessarily marries up to the original code and how exactly all this should be interpreted. There is the separate question of whether what is in the guidance is capable of ensuring high standards in and of itself.

Q46 **Chair:** Morning Matt, thanks for joining us. I have just asked the question—sorry to drop you straight in—whether, from your point of view, the code of conduct looks like a coherent approach to ensuring high standards in Westminster.

Matt Chorley: There's a feeling in the Press Gallery from people we'd spoken to before we knew we were coming about the slight lack of awareness of the code of conduct and the ability of journalists, when a story happens, to judge whether it is or is not in breach of the code. In the sense that MPs are held to account against the code for their actions, there is a lack of clarity about the content, but also a lack of awareness of it.

Q47 **Chair:** What can the Commons learn from elsewhere about standard setting and building a culture of compliance? Do you see any good examples?

Chris Hope: In America, the Office of Congressional Ethics sits outside the Senate and Congress. I know you looked at that before as a model. It is more costly than the current model, which is basically you guys doing it yourselves, but that would give people a bit more confidence in the way Parliament is held to account by a different body, whatever you call it—Ofparl or OfMP—outside of this place. You are getting there with having more laymen appointed, but that removes it, in the way that IPSA is removed from the actual Estate. I know that is a source of frustration for MPs, but it gives members of the public confidence about the MPs' expenses system.

Tony Grew: I would never present IPSA as best practice.

Chris Hope: But the model is right.



Tony Grew: I agree. I refer back to my earlier point. In terms of public services, there has been a huge culture change in the police, with things like the IPCC and taking that professionally away and having a separate body that deals with it. That has improved public confidence in the process of complaints against the police. Obviously, MPs do a very different job from the police, and there are considerably fewer of them, but that seems to have been the direction of travel in other areas of public life.

Dr Rose: I'm not entirely sure I agree that IPSA is a model to follow. It has problems in terms of its individual efficacy and other areas. In terms of public organisations that have done a very good job of reforming attitudes towards ethics and integrity, the police are an excellent example. Not very long ago, the police had a pretty terrible reputation for this, and now they have a pretty excellent reputation. The changes they have made are probably the kind of thing that is worth looking into. The judiciary is another example of a group that tends to be held in very high regard. It is very highly trusted, with very high standards of personal ethics and integrity. Again, that is worth looking into.

Matt Chorley: There's not a huge amount to add to that, other than about the process. The content of the code is one thing, but then there is the process that follows it, your role in it, the Commissioner's role in it and especially the speed of it. When there is an event, an MP is on the front pages for a week, and then it could be months and months before there is any resolution. That is no good, whether the MP has done anything wrong or not. For justice or whatever to be seen to be done, narrowing that gap is quite important.

Tony Grew: That's a really important point, in terms of the time it can take to get to a situation where an MP is either cleared or found to have breached the code. That places a lot of stress on an MP who is innocent, as well as one who has done something wrong. There is a very long time with a cloud hanging over them and certainly the length of time taken to come to a conclusion is a concern.

Q48 **Chair:** It is not unusual in other regulated bodies. I sat as a lay member on the General Medical Council, and some doctors would have this thing hanging over them for months and sometimes years.

Tony Grew: It still does not make it right, though, that it takes that long.

Chair: No, I don't disagree, but this is about process. Processes cannot always be as sharp and quick as people want them to be. I look at this from the perspective of the MPs. Martin has joined us.

Martin Williams: Sorry I'm so late.

Chair: Welcome, Martin. We are at the very beginning. Peter, do you have a question?

Q49 **Mr Jinman:** I wanted to pick up on a point. You are very keen on the independence. Does that also apply to other groups? Are you suggesting that, for example, doctors and lawyers and perhaps journalists should be



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totally independently viewed? Does this have a consistency in your policy?

Chris Hope: You're looking at me, aren't you?

Mr Jinman: You're the one who raised the point. It seemed pertinent to ask you.

Chris Hope: I take your point about self-regulation in other sectors. I just think that MPs may be held to a higher standard: people vote for them, and it is public money, so it is slightly different to other sectors. I take your point that many different groups mark their own homework, in that sense. It seems to be more of an issue for people with MPs than in other sectors.

Tony Grew: I'm here as a representative of the Press Gallery, and we don't have a corporate view on that—so I am not going to express anything.

Q50 **Sir Peter Rubin:** Good morning everyone. Thank you, Martin and Jonathan, for sending in your written submissions. I assure you that we have read them. I say that because the questions we ask may give the impression that we have not read them, but the questions are pretty structured and formulaic. I have been allocated three questions that are around the structure of the code of conduct. The first question—and I think I know what one or two people's views will be on this—is, how well does the current code meet the test that it should be accessible, clear and intelligible, with clarity about rationales and intended outcomes? Martin, will you have a go on that one?

Martin Williams: It depends on what the purpose of the code of conduct is. In terms of whether it is clear, it is fairly clear—the rules are in fact very specific. The question is whether those rules are the correct rules. My position would be that, at the moment, the code of conduct poses more problems than it solves. I do not see that the code of conduct addresses in any way at all any of the major problems concerning standards. It allows an awful lot to go undeclared; it allows an awful lot to go unreported.

It depends what you want. If you want a system where MPs have to declare financial interests, if we think that financial interests are important—and I would argue that they are—then at the moment the system does not come anywhere near to making them transparent. To give a comparison, I believe that in the Welsh Assembly—although I am not an expert on it—it is a criminal offence not to declare financial interests in a debate, where they are relevant. Why does Parliament have different standards? There is an example in my written evidence about investment. If it is important for MPs to declare their investments, why are there so many loopholes? The example I have given is of a particular case, which I reported to the Commissioner, where it was an undeclared shareholding and was over the £70,000 threshold, but it was not against the rules, because it was only required to be declared once a year. Now, either it is important that we know that someone has an investment of a certain amount—in which case, it is important every day that they are in



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Parliament—or it is not important. So, the question of whether the code of conduct is clear and precise—

- Q51 **Sir Peter Rubin:** I wonder if I could paraphrase what I took from your paper and what I think you are saying now, which is that the rules—given that there is the code and there are the rules—lack the simplicity that would enhance the ability of everyone to know where they stood. Would that be a fair paraphrase?

Martin Williams: Yes, I think so, but I do not want to go too far down the road of saying that the language just needs to be simplified. Sometimes rules require reams of paper—they are complicated. If that is needed, that is fine, but in the midst of all these complicated rules, the actual gist of what is important has been completely lost.

- Q52 **Sir Peter Rubin:** Thank you. Matt, you were saying earlier about having to remind yourself what the code was. What are your views on whether the code achieves its aims of being easy to understand, and so on?

Matt Chorley: From the perspective of journalists reporting on it, quite often there is a case that arises with MPs involved in a news story in that a journalist might go to the code, but can't work it out. I'm sure that if she spoke to the Commons Press Office, it would say that for seven days afterwards it is dealing with "Can you say whether or not this is in breach?" It feels like it is therefore failing the test on clarity.

Part of the problem, I suppose, is that you add more and more words to it, but, human beings being human beings, their behaviour won't quite fit the way the words are there. But the general experience of journalists dealing with the code is that they end up having to seek some guidance as to whether the thing is within or without it. Obviously, it is the job of the Commissioner to spend months and months looking at that, but I think that if journalists turn to it, looking for clarity, and don't find it, it is failing that test.

- Q53 **Sir Peter Rubin:** During my time as chairman of the GMC, I adhered to a code of conduct that was very simple: you accept no gifts and you declare all financial interests. It was not complicated, and you did not wonder, "Do I declare or do I not?", because it was absolutely black and white as to whether you did or didn't. Is that lacking in this code of conduct?

Chris Hope: Yes, completely. I think this would be quite a good exercise. I know that some companies have codes of conduct on the back of their lanyards, on their passes. Obviously, it is a credit card-sized five lines of codes of behaviour, which may help the Committee to decide what's important because—

Sir Peter Rubin: If we could look in tomorrow's *Telegraph*.

Chris Hope: Well, yes—have a go. It is just that you could have a much more distilled version of it, which would be much clearer for people to understand. Matt and Martin are right: it is almost disguised with so much verbiage. The feeling where we work is that when an MP is accused of



wrongdoing, they are very quick to self-refer to the code and the Standards Committee because they know they will get off.

Martin Williams: May I quickly chip in? I completely agree with the points being made, but I would add this. Let's not pretend that MPs are stupid; they do understand these rules, by and large. I don't think that we can afford to give too many excuses for the failure to uphold these standards, just because there are some confusing lines in the code. While I agree that we need to simplify it, let's not use that as an excuse.

Sir Peter Rubin: No. I think that point is taken. Tony, do you want to add anything on this question?

Tony Grew: The question was whether the code is accessible and clear. Obviously, I take Chris's point about a 1997-style election pledge card with five points on it, but I don't think MPs are the ones who have a problem understanding the code or who need to be told that it exists or have it explained to them. I come back to this point. The press can't speak for the public. A lot of the documents sent to us beforehand were saying, "How do you think the public feel about this?" I don't come here and say, "I'm speaking on behalf of the public," but as a citizen, I look at this, and you ask whether it is accessible and clear. Obviously, I can understand English, so it is clear to me what it is saying, but is it accessible? No. I come back to this point: how do I complain, and what will be done? I think the focus needs to be not on simplifying the code so that MPs understand it, but on a continuation of the outreach project that Parliament has been doing across all its activities. This needs to be one of the areas in which it communicates better to the public that there are mechanisms by which they can complain and that there is a code that MPs are supposed to conduct themselves under.

Dr Rose: In a sense, the structure should be clear. You have an overarching set of principles, although what it lacks up front is a very clear statement for MPs about why it matters to be seen to be adhering to the highest possible standards. There are a lot of overarching principles like "Integrity matters". Of course it does. The code mentions the seven principles of public life, although they are not perfect. Then you go into very specific rules, and I absolutely agree with the point made earlier: they are much too easy to avoid if you want to. If someone is malevolent, they are extremely easy to avoid. I have probably already been able to jot down a couple of things where I have thought, "Hold on. If I structured it in this way, I could probably get away with it." And that is the problem: if people want to break the rules, they will be extremely ingenious in trying. If you have something simpler, if the code says, "You must declare everything," that is fine, but it is even better if it says why it is important that we are seen to have integrity.

Q54 **Sir Peter Rubin:** Thank you. The next of my three questions, leading on from what you have said, is this: would a shorter, more focused document be regarded as a step forward? Matt, what are your views on that?



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Matt Chorley: It goes back to the point that has been made before. If the code is shorter, it will be clearer, easier to understand and more accessible to people with a passing interest in what is happening—but potentially easier to avoid. It is more about what it is saying can and can't be done. If it is shorter, we are potentially moving some of the specifics.

Martin Williams: I agree with that but I come back to the point that a long document is not the problem. If you can make the document shorter, yes, that's great—fantastic. But there are so many problems with standards, transparency and the regulation of financial interests. On the list of priorities, the length of the document is right down at the bottom. Let's have a system where MPs are made to declare everything, where the Register of Members' Financial Interests is actually accessible and where you can cross-check the Register, which is pretty much impossible. The length of the document is not really of huge importance in the grand scheme of things.

- Q55 **Sir Peter Rubin:** I take that point. If I understood your paper correctly, it is possible to be a profit-earning partner of a financial services company and not declare that on the Register of Members' Financial Interests.

Martin Williams: Yes, there was a case—

- Q56 **Sir Peter Rubin:** No, not the individual case. If that is correct, would that not be avoided by simply saying you declare all financial interests, full stop?

Martin Williams: Yes, absolutely.

- Q57 **Sir Peter Rubin:** That makes it shorter without all those sorts of examples, doesn't it?

Martin Williams: Yes. Look at the regulations for councillors and for other democratic institutions such as the Welsh Assembly and, I believe, the Scottish Government. Their regulations are far simpler. By and large, it is just a catch-all. They say, "Declare it", without all these loopholes.

- Q58 **Sir Peter Rubin:** My third and final question is: what can be done to improve transparency?

Tony Grew: As I said, there is a job of work for Parliament to publicise and to make people aware. Since I became a journalist here in 2009, I think Parliament has made a concerted effort to reach out to try and use new methods of communication such as social media. I do not think that in 2009, the House of Commons was on Twitter, for example. It now sees it as a central part of its communication to try to tell people what is going on in real time. There is some good work being done in terms of outreach and trying to make it relevant. This just has to form part of that work.

Chris Hope: I think it's more to do with making clear when investigations start. Kathryn Hudson just adds a name to the website and it suddenly appears. There is no attempt to say, "This has happened", and no attempt to tell the voters that we have now launched a new investigation into an individual and what it is about. A name goes on the screen. You phone



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Kathryn Hudson's office and the staff are no help at all. Maybe they are not required to be helpful. You don't know what it is about, so you have to guess or try to find some story in a local newspaper from six months ago that details some problem about the MP. It is all a bit convoluted when an inquiry starts.

As Martin says, when you add new things to the Register—I know it is now in yellow, and that is helpful to know that it is new. But there is nothing to say that a new Register was published today. It is almost as though it is apologetically regulating the MPs. I do not see why Parliament is not more up front and out there, saying "We're doing it." It seems to be neither one thing nor the other.

- Q59 **Sir Peter Rubin:** Is there a risk that transparency could be the enemy of clarity? In financial services, for example, you'll have a 50-page terms and conditions document, about which they will say, "It's transparent" and it tells you everything you don't want to know. But there could be a one-page document, where they say, "This is what you really need to know." Is there a risk, with what we are doing, that clarity and transparency collide?

Chris Hope: Definitely. You could call it the *Private Eye* test, couldn't you? Don't do anything you wouldn't want to see in *Private Eye*. That would be one paragraph.

Chair: Should I go?

Martin Williams: You asked what could be done to improve transparency. In my evidence, I listed seven key points that I think are really important. If I had to pick one thing that would really transform transparency—no offence to you guys—it would be to scrap this Committee, the Parliamentary Commissioner and ACOBA. I would scrap all these things that are done in Parliament and move it out to an independent body. I accept that that is unlikely to happen in the particularly near future, but if you are looking for a quick and easy way to hugely increase transparency and accountability, I would suggest two things.

First, make the Register of Members' Financial Interests accessible, which means publishing it as a spreadsheet where every category is sortable, including the company numbers for each company. At the moment, people often write the company name wrong, and it is very often impossible to find out what the company is. If you include the company number, it is very easy for people to check that. Make it so that people can sort the categories in the database so they can find out which MP is earning the most from second jobs.

Secondly, introduce a regular, independent audit of the Register of Members' Financial Interests. That is so important, and frankly I cannot believe that there isn't an audit of the Register of Members' Financial Interests. At the moment, Parliament publishes all this information with no attempt to check that it is accurate. As I said in my evidence, I consider



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that tantamount to gross negligence—publishing this information without any idea whether it is correct, without any idea of what has and has not been missed out. In the book I wrote this year, which I referenced in my evidence, I did an analysis of all these company directorships. Around 40%—

Q60 **Sir Peter Rubin:** You spotted a lot of errors, didn't you?

Martin Williams: Yes, around 40% of company directorships, which includes stuff that didn't necessarily need to be declared, had not been included. I just cannot see the justification for not having an audit.

Q61 **Sir Peter Rubin:** You made that point very powerfully in your paper. Do other members want to comment on the professional transparency issue?

Chris Hope: I agree entirely with what Martin says.

Q62 **Chair:** Martin, you said that the Committee should be disbanded and moved out of here. As I said earlier, I sat with doctors on the General Medical Council as a lay member for nine years, which worked reasonably well. That is why you have what you have in front you. You then hinted that the Parliamentary Commissioner for Standards is not independent. Why do you think that? How could she be independent, if you think she isn't?

Martin Williams: There are two issues here. There is the issue of whether she is independent, and then there is the issue of whether there is the perception that she is.

Chair: Unless I am wrong, you said that she is not independent. I want you to explain to me not the perception but why you said something like that.

Martin Williams: I know there is a difference of opinion here, but perhaps someone else—

Chair: No, you said it. I just want you to answer the question.

Martin Williams: If you look at the Straw/Rifkind case from last year, there were reports in *The Telegraph* that Sir Malcom Rifkind was part of a panel that appointed Kathryn Hudson.

Chair: I was.

Martin Williams: Okay, but the point is that she was recommended for that role by MPs. Whether there actually is influence there, and whether or not she actually is independent, I do not know. There is certainly a conflict of interest in the sense that she has been put in that place by MPs. You could make the same case for IPSA and why it was important to make IPSA independent. I am sure there were people sitting here before IPSA was established who said, "Well, the expenses system is in-house but independent," and it turned out that that wasn't really good enough. Notwithstanding the issues around IPSA and how good or not good they are, it is surely better that it is independent.



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- Q63 **Chair:** With the Parliamentary Commissioner for Standards, I think there were four of us on the panel. I was the only MP. Malcolm Rifkind sat on the Parliamentary Commission that endorsed what the panel had said. You say that she is not independent and, from the point of view of how we operate with her, I would like you to explain that, if you can.

Martin Williams: I think I have.

- Q64 **Chair:** If she comes near MPs, does she lose independence? Where is this?

Chris Hope: I think it's more that she seems a bit powerless or toothless to take any real sanction against MPs, so people ask why that is. If you want to talk about individual cases, we can do, but Ofcom took a different view from your Committee on the Rifkind/Straw case, didn't they? That caused a bit of a row, and then that led to the suggestion that you could do more to beef up its powers. Without going over all that again, that was why people were asking, "Why is Kathryn Hudson 'going soft' on the Rifkind/Straw case?" Well, let's look at an example, let's discover possibly, as Martin was saying, that Malcolm Rifkind had a say over her appointment. Did that have a bearing? You can shake your head. I am asking you—

Chair: I have explained to you the role he played, which was minimal.

Chris Hope: I am asking you to see how others might see it, looking in. That is all I am saying to you.

- Q65 **Sir Peter Rubin:** One very quick thing. When I was on the General Medical Council, I was sure that doctors were not favouring doctors. However, the perception was different and therefore the GMC moved to an independent tribunal system. I think perception is the key isn't it?

Martin Williams: Absolutely, but with all due respect, you're not doctors, you are MPs; that is the crucial thing here. These are people who are making decisions about laws. Doctors are very important people and it is important that their standards are upheld, but it is not as important as the people making the laws in this country being held to the highest possible standards.

- Q66 **Mr Grieve:** But that's also the rub, isn't it? One of the reasons we have this system is because of the principle that we are supposed to be answerable to the electorate when we stand at a general election. If you have a tribunal system superintending the work of independent Members of Parliament it subordinates them in a way that is potentially unacceptable in terms of their accountability to their own electorates. This has been one of the conundrums. It may be that we are worrying too much about that, but that is the bottom line of why we have these rather complex and bizarre structures.

Chris Hope: It's sovereignty.

- Q67 **Mr Grieve:** It is a sovereignty issue, absolutely.

Chris Hope: That is a constitutional issue which perhaps we are underqualified to address.

- Q68 **Mr Grieve:** You sometimes talk about the sovereignty issue as being very important. Then we get round to having this regulatory system that is, in fact, a form of self-regulation where even if we go outside—as we do with IPSA—ultimately, the sanctions have to come back to us because they cannot be given to anybody else.

Chris Hope: But the way IPSA approaches transparency—sorry, Matt—I think is really good. The way they announce: “On Thursday, we will release the quarterly update of your expenses,” and then we go through them, and the story is becoming one of declining returns. There are fewer articles than there used to be about expenses because there is now confidence in the system. I know it is onerous on MPs—it’s a pain—but I think the perception is that it is working, and the perception is that your Committee on Standards, are not working. That is the truth of it.

- Q69 **Miss Burton:** This question is really important to me. What should be the main purpose of the code of conduct? You have talked a lot about public perception, press and so on, but we haven’t really talked about the code of conduct in terms of its actual function. So, what should be the main purpose of the code of conduct? Is it primarily a code for MPs to live by, or a code for others—the public, yourselves—to judge them by?

Matt Chorley: It’s arguably both. The MPs should be living by it, if that is what MPs have decided, and then the public can judge them against it. There is the sovereignty question but if there is transparency about what MPs are doing—and social media, journalists and what is published online play a part in that—then individuals, voters, can go online and see what their MPs are up to. To some extent, they will decide from their own personal code whether or not they think that is right. I think the code is there for MPs to live by and then for others to judge whether or not they are living by it. That would be the case with any code of conduct.

- Q70 **Miss Burton:** May I follow this up? We did our outreach last week in three different places. I am not sure whether I missed it, but I didn’t see much press around the fact that we were out and about, consulting. However, when there is something in regards to the code of conduct, it will be there publicly, but the fact that we were actually going around and finding people’s opinions, that wasn’t really there. Why would you say that is?

Matt Chorley: Without seeming rude, because a Committee holding a consultation is not as exciting as an MP caught diddling their finances. In terms of what does and doesn’t make the news, that, unfortunately, is the truth. I take your point. What Tony was saying about some of the work that Parliament does to try and raise the profile of what Committees and things are doing—I think there is an important role in that.

Tony Grew: Obviously, I don’t want to talk about the news values, or whether or not that is newsworthy, but I think it is great that you have gone out and done outreach, and I urge you to do a lot more, because we



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don't speak for the public; the public speak for the public, and I would urge you to listen to them more than us on all these issues.

Q71 Miss Burton: You talk about social media. Is that in all the Committees or across the board? Would you like to see more social media used?

Tony Grew: Broadly there has been a culture change in Parliament. I first became a parliamentary journalist in 2009 when a man called Gordon Brown was Prime Minister. It seems like an innocent time now as we sit here at the end of 2016. In that period Parliament has made the decision that it wants to reach out a lot more. Just to give you an example, you are one of the few Committees that does not have a Twitter account. The change that I have seen—just that: Select Committees live tweeting, saying “We’re having a hearing; here is what’s being said. You can follow it on Twitter”, and also just saying really simple things like, “By the way, if you want to watch this live on TV here’s the link. It’s all televised.”

So there has been a big change in culture in wanting to use social media to bring people in; and just simple things, like the House of Commons having a Twitter account that tells you that there is going to be an urgent question later, and who is going to ask it, and what it is about. Even the Lords have started—I shouldn’t say “even the Lords”; but they have also made big strides in being present on social media and trying to connect with people, simply because that is how people communicate. A lot of people use that to communicate nowadays, and it means that if someone is interested in the environment they can follow the Environment, Food and Rural Affairs Committee, and all those different iterations of Parliament’s work are increasingly represented on social media.

Chris Hope: You asked who the code is for—the public or the MPs; that was your question. I think it is for the public. It is for them to say—I think it is surprising that members of the public cannot complain about an MP’s conduct between elections. That was not included in the recent consultation by Kathryn Hudson. That is a surprise, but I think people would now expect, if an MP is giving only half a day every month to surgeries, why cannot you complain about that? To say that you are assessed every five years by election is not enough, I think, for a lot of people.

Q72 Mr Grieve: Who is to adjudicate on whether he is doing the job properly? It is public opinion. We all know of some Members of Parliament who during the course of their careers hardly ever came here, or would come here to make a grand speech and then go off and do something else. They seemed to be quite successful, because they got re-elected, at least for a time. I happen to agree with you; I think there are basic standards one might expect of a Member of Parliament, but if a Member of Parliament says, “No, that’s not what I expect to do. I am going to do it differently,” how can we, sensibly, investigate that as a complaint? You can have a complaint of breaking the rules of the House or you can have a complaint about fiddling your expenses, or you can have a complaint about breaches of the code of conduct, but actually how you go about doing your job as a Member of Parliament is a matter for the press and



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public opinion, and voting you out at an election. I do not see how there is any other way in which it can be adjudicated without turning the Member of Parliament into just a paid official who is supposed to be doing certain things.

Martin Williams: I agree that there are issues here, and I am not entirely sure what the problem is. You could suggest that one thing would be to ban second jobs; but, even before you touch that, at the moment it is really hard for the public to find out how much time their MP actually spends doing parliamentary work. Now even if you are not going to ban MPs from doing other things during the week, surely we should have a transparent system where people can find out what their MP is doing. Are they spending five days a week on their MP work, or are they spending most of the time doing something else?

Q73 **Mrs Darcy:** Dominic was getting very much into the area that I wanted to talk about. Charmaine has already mentioned that we have done some outreach work. Something that came across at the session that I was in was that people don't really know what an MP's job is; so there is no job description. To what extent do you as a panel think the fact that there is no job description has an impact on public confidence in Parliament and MPs?

Tony Grew: As you were saying that people can't take action against an MP during an election period, I was sitting here thinking—

Chris Hope: During a Parliament.

Tony Grew: What do you mean?

Chris Hope: Between elections, there's no way of—

Tony Grew: I see what you mean. What I was going to say is that part of the job that faces Parliament is that there is a very basic lack of knowledge among the public about some of these issues: what is an MP, what do they do and how much time do they spend doing different things? It comes back to that education thing.

As an aside, I want to mention again the fact that another big change that has happened since the expenses scandal in 2009 is that MPs are now broadly falling over themselves to give their constituents information about what they are doing. That is everything from newsletters to constantly talking on Twitter—"I'm going to this Committee; I'm doing this"—to making videos. I have seen dozens of different enterprising ways in which MPs are signalling to their constituents, "I'm working really hard. I'm not just sitting in Westminster." But again, it comes back to that issue of educating the public about what is done here.

Q74 **Mr Grieve:** It's pure propaganda, isn't it?

Chris Hope: Some are; a lot aren't. Some just don't appear. Your question, Sharon, was about having a job description. I think there should be one. Why not try to establish for people what the duties of an MP should be? "You should meet constituents for a Friday afternoon once a



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week"—or even a full afternoon. I appreciate that it is all down to your good offices and your own decisions on that, but why not just give guidance looking over the piece? Not appearing for three years and then making a great speech about Iraq is not good enough if you are an MP nowadays.

- Q75 **Mrs Darcy:** It is relatively easy to go along with that line of thought, but then you have to ask yourself, "What is it reasonable to expect an MP to do?" When you start trying to fill in that detail, it gets more difficult. I would welcome your views on that point.

Martin Williams: I come back to transparency. It doesn't solve the problem, but it would be a big help if every MP at least had to say, "This week I have spent x amount of time in Parliament and I have spent x amount of time on constituency work." That would not stop people disappearing for three years, but at least the public would know.

On job descriptions, at the moment there is confusion not just about what an MP's job is but about whether it is really a job as such at all. Is the salary a salary or an allowance? There is huge confusion there, and that is really problematic. Incidentally, if you want MPs' salaries to carry on going up, I imagine that would be a lot easier for the public—I don't profess to speak for the public—to take if it was deemed to be an actual salary for an actual job and that was what the pay rises were for, rather than some hobby.

- Q76 **Miss Burton:** May I quickly come back? One of the things that came out of the outreach session in Birmingham was about when MPs are sworn in. Should something be added about the public or the citizens that they are going to be serving? Should they swear by that as well, rather than just swearing to the monarch and her heirs and so on? What are your opinions on that?

Matt Chorley: Speaking personally, I think most people know when they elect their MP that the MP is supposed to be there to serve them. The big problem with going down the road of job descriptions is that you could not create a job description that could fit us five sitting here. We are all journalists, but we have different employment structures and different working hours. Is spending 10 hours at your desk more useful than doing a better job in—all that sort of stuff. You will end up creating a monster if you go down that road.

- Q77 **Miss Burton:** What about something being stated in the code of conduct, then, about swearing in?

Chris Hope: Just saying basic stuff like "I'll always put the voters first" is a good thing. I note that you recently changed your code to say that a Member "who undertakes outside employment must ensure that it does not conflict with his or her responsibilities under the Code". Well, obviously. But the fact that it has to be written out for MPs is appalling. Should it not be obvious that the voters come first all the time? Anything else is additional to that. I am surprised that you need to say that at all in your new code.



Q78 Sir Paul Beresford: May I correct you on that? It's not the voters, it's constituents. Not everybody votes and not everyone is on the register. Some of our more difficult problems are people who are not on the register: children, for example. Every MP has a different constituency and a different way of tackling things. I have been an MP for two constituencies. At one of them, my surgeries were packed, and at the other one, people write in. They want me to write. One of the classic examples along that line was Nick Ridley, who never had a surgery at all, ever. None of you are old enough to know Nick Ridley. He used to go to his constituents and probably had a cup of tea at every constituency inquiry and so on, but that was his way of doing it. Eric Forth had some interesting approaches too, but no one could say that he was not an effective MP. So there are different ways and different courses for different constituencies.

Chris Hope: It's all time, though, with constituents, isn't it?

Sir Paul Beresford: That is why it is going to be exceptionally difficult, in the point you are making, about a job description.

Dr Rose: Not only that, because I agree with your point. I know as a lecturer it is very easy for people to say, "How much work do you do? How much time are you actually in a classroom?" It is also, "How long did that take to prepare?" If you have a student with a critical issue, dealing with one student might take up eight hours in a week. Yes, I have got hundreds, but if there is one critical issue, that comes first. That is difficult. I worry that a greater amount of transparency—for example, how many hours you were actually sat in Parliament—might obscure what the public wants to know, which is, "How hard are they working?" But you are not going to be able to get to that. The public have a view about ethics and integrity in terms of MPs specifically, and that is fine. It is a relatively cohesive view in some ways and that is good, but it is not nuanced. So they have a view of, "Is it good? Is it bad? Where are we on that?" In that sense, how would knowing that my MP spent four hours in Parliament this week help? I don't know if it would. I worry about the idea of having a job description, and even the idea of transparency in terms of number of hours broken down.

Martin Williams: But do you not think that at the very least people have a right to know that, even if it does not necessarily help them?

Chair: I am going to move this on. Just to say this: if you can draw up a job description for a MP for the Scottish Highlands, urban Rotherham and east London, would you let me have a look at it? We've been looking at that for donkey's years.

Q79 Mr Rader: We have ranged quite widely on what you can and can't do in terms of drawing up some of the expectations. We are obviously consulting and hearing your helpful evidence on the basis of looking at how the code might be changed. Are there any other points that you would wish to draw to our attention relating to areas that might not be in the code that should be? Or are there things that need to be more clearly



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stated?

Matt Chorley: The Press Gallery does not have a view on what should or should not be in it.

Martin Williams: I would come back to the points listed in my written evidence. In terms of what is not there in the code: I am sure that not everybody will agree with this, but it would be helpful to firm up what is actually banned. It would be good to stretch out the financial interests that need to be declared, and it would be good to introduce a ban on MPs speaking in debates—or at least voting in debates—where they have relevant financial interests. It would be good to make it illegal for MPs to not declare financial interests, as it is in the Welsh Assembly. A lot of MPs would make sure that they had got all their interests declared if they knew that would be breaking the law if they did not do so.

Q80 **Mr Rader:** Thank you. You have given us some thoughts in your paper. Could I press you on that, Jonathan?

Dr Rose: Yes. I have mentioned this before: I would like to see it starting with a clear statement for everyone, particularly for MPs, about why integrity matters. I am not going to say that people need an introduction about why integrity matters, but there could be a very clear statement that connected it to the role that public confidence plays in the entire system. It is absolutely crucial that people can assume good faith, and that the code of practice is there to help people to go to MPs with that assumption of good faith. To be honest, I think that would be a good thing.

Another good thing, as has been mentioned before, would be a positive affirmation of adherence to the code ahead of time. I think that is a very good idea. We know, in general, that when people sign things they take them more seriously—even more so when they sign it at the top right from the get go. Public affirmations in court seem to work, to say, “I will tell the truth here.” Could something very simple like that not be added?

Chris Hope: On Sir Kevin’s point, about how to define what an MP does in Scotland or east London or Norfolk, for example, I think if each MP set out how they will serve their constituents at the start of their time as an MP and was quite clear about it on their website, taking into account distance travelled and so on, that would almost hold them to their own higher standard when they start being an MP. Adding a quite small line to the oath that says, “I will put the voters first at all times”, is not a bad idea. I think holding MPs to account between elections is a good idea; others may not agree. I think that would be a good way of trying to give people the right to hold them to account.

Q81 **Mr Rader:** Could I be accused of misinterpreting an earlier comment, in which you suggested that things should be almost—these are my words, not yours—taken as read, but that there should be an expectation of folk understanding? Is Jonathan’s concept of a broad introduction therefore sufficient, or do you actually then need a series of other things underneath that set out a code? You were saying we should have a clear



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statement of what is required.

Dr Rose: From my point of view, people are very good at knowing the kinds of thing they should and should not be doing. The problem with having extremely specific rules is that that says, "Hold on, maybe there is an area where I could get away with something here." In general, we all know—maybe no one here has read the Theft Act, but I am certain that you are not going to steal from me. That is not because you have read the Theft Act and you know the specific elements, and are maybe sat there thinking, "Hold on, under section 2(1)(A), maybe I am not dishonest in this circumstance". If I know I can trust someone, and if they want to act with integrity, they will, irrespective of the specifics of the law.

Yes, we probably need a backstop, but we probably already have one in different areas. It says in the code to abide by the Bribery Act. That seems to be a perfectly good piece of legislation. You could note the pieces of legislation that are particularly important, but I don't see the need to have an extremely detailed breakdown.

Q82 **Dr Midha:** Briefly, to pick up on Sir Peter's and Walter's questions to you about declarations of interest and to seek your views: there seems to be a consensus on the importance of declaring all interests. Is that sufficient? Have you been aware of MPs declaring interests in the Register, but nevertheless making statements in the Chamber and so on and feeling, "Well, I've declared it; it is for others to decide whether this interest is necessarily in conflict with what I am about to say"? Should the MP actually be a bit more reflective and think, "Yes, I know I have put it in the Register, but that is not sufficient; I am not going to contribute to this debate" and so on?

Chris Hope: Yes. MPs say, "I am a director of this company and I am going to comment on a wind farm issue." When it is such close proximity it allows them to weigh up the question of whether it is okay. The Speaker can be asked to step in and rule a question out of order, but declaring, almost in parenthesis, before commenting in the Chamber is pretty acceptable, I think.

Q83 **Sir Paul Beresford:** It is interesting that, in the House of Lords, we like people who are known for their expertise to speak on the issues. They often would have had a financial interest, so it was of benefit.

Chris Hope: They declare, don't they?

Q84 **Mr Jinman:** To pick up on the point that was made there, one of the points when you are writing codes is that you have "musts" and "shoulds"—"shoulds" being a good idea and "musts" being something you must do. You made the point just then, Chris, which I thought was quite interesting: this idea that MPs should put before the electorate, "This is what I will be doing." Is that going to be a "must" or a "should", because the moment you move it from "should" to "must", it is potentially a breach of a code? With any rule you are looking at, you have always got to think is it a "should" do it, as best behaviour, or a "must" do it? Because that immediately becomes a potential breach.



Chris Hope: You can do it as comply or explain, like City codes are with board members. I would say it should be a "must". If you are not going to say how you are going to serve your constituents at the start of a term in Parliament, that is a breach. It is also not very hard: "to our thoughts, we'll give you the answer". I think it is a must, yes, but others may not agree.

Q85 **Miss Burton:** Back to social media and the point that I made that we were out and about but we did not really see it. I want you to think about the responsibility of the press in this. How can the public be engaged in the issue of standards of conduct for MPs?

Martin Williams: Sorry to sound like a broken record but I would come back to transparency. The press are very good at picking up on stories that are interesting or relevant to them, whether that is national press, *Private Eye* or local media. The big problem is that a lot of the time we just don't know what is going on. All this stuff about social media: I absolutely agree with all the points being made that there should be more presence on Twitter and all that. Absolutely, that would be great.

The key thing, if you want to engage the public with this stuff, is transparency. The same goes if you are talking about job descriptions and all that stuff. It is a good idea, I think, but the thing that really needs addressing is that people and journalists need to be able to find out what their MPs are up to, whether that is their financial interests or how much time they are spending in Parliament, whatever it is. People need access.

Matt Chorley: One of the points I would make, which is a challenge for the industry generally, is the decline of regional and local papers. There is a big problem. We have seen it in the Press Gallery. There are far fewer journalists based here who work for regional or local papers.

They play an important role both in reporting the day-to-day, humdrum, "MP opens fête" type stories but also in holding MPs to account if they don't turn up to that local meeting. Local papers are actually much better at doing that than a spreadsheet would be. If somebody comes and says, "I've written 10 letters to my MP and not had a reply," that is a much stronger way of holding them to account.

The problem is that those local papers are disappearing, or they have fewer staff who are able to commit the time and resources to doing that. I don't know what the answer is; I just think that is a challenge for MPs to communicate what they are doing and for constituents, the voters, to feel that their Member of Parliament is being held to account.

Chris Hope: On the use of social media, it is hard to make a complaint to Ms Hudson. You have to write a letter; you can't do it by email or Twitter, certainly. If you read through how you would make a complaint to the Commissioner, there are hurdles there that deliberately make it harder to make a complaint. "Tweet in any issues you have and we'll have a look at it", but then you are inviting complaints. There might be issues with



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vexatious constituents, I understand that, but the door could be opened wider for the public to make complaints about MPs.

Tony Grew: I have nothing to add to that.

- Q86 **Mr Grieve:** You have seen the suggested amendments to the code. Do you think those are going to be helpful as redrafting for people outside the House to understand what the standards are for MPs?

Chris Hope: They're okay. I haven't got a copy in front of me but, from memory, they seem okay. The requirement not to be rude to constituents was interesting. That was watered down, amusingly, I think after receiving complaints from MPs. I think that should be an understood issue.

There are areas, as has been expressed in this hearing, that are missing. Going back to the Straw/Rifkind case, which has put a spotlight on your work, it seems to go towards addressing the issue of using this place to make money for yourselves personally by saying it mustn't conflict. Whether that is enough, I don't know. If you go back to the Ofcom ruling against the Standards Commissioner ruling, that difference, to me, is why it is not connecting with what the public expect of MPs. If it goes towards the smell test—what Ofcom found and you guys didn't—it's a good thing.

- Q87 **Mrs Burgess:** I want to concentrate specifically on the Nolan principles. In the submission, there are some changes to that. Do you think that all the Nolan principles are applicable to MPs, and are there any alternatives or additions to the principles that you think might be appropriate?

Dr Rose: I'll jump in briefly. The Nolan principles are okay, but they are probably slightly wrongly written, there are probably too many of them, and some of the headers don't match up with what is actually written there. The one about honesty always strikes me as particularly surprising, in that it doesn't require truth telling; it requires a declaration of interests. I'm not sure a member of the public would necessarily say, "Well, he lied, but at least he declared his interest while lying, so that's okay."

I think there are issues with that. As a set of overarching ideas, I think they are fine, and I think that approach is, in general, quite good. If the descriptors can match the words at the top, I think you will end up with something quite useful. I saw one of the suggestions about slightly reformulating them, but I don't know whether that would get in things like truth telling, which would be a useful addition.

- Q88 **Mrs Burgess:** Just on that point, in your earlier contribution you were talking about being simple and having something very straightforward. What would be your view about using the words "integrity", "honesty", "openness" and "selflessness", rather than trying to describe what it is?

Dr Rose: I think you could do that. The descriptors are not so bad—they are only one or two sentences long anyway. I think most people know what honesty actually is. That is why I have a problem with the descriptor beneath, because it takes us a long way away from what we mean when we say "honesty". That, in a sense, is where the problem comes in. Maybe



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you could drop it down to just having the seven or a reformulated five—whatever works.

Martin Williams: I agree with a lot of that, but I would add that this is a bit like rearranging the deckchairs on the Titanic. The precise wording of a set of principles that are written in some obscure document buried in Parliament's website really doesn't have a huge impact on the day-to-day, practical transparency and accountability of politics. I can't remember the exact wording, and I am sure there are some issues with it, but the problem is not that we need MPs to say, "I pledge an oath to blah, blah, blah"; we just need a system. There will always be people who find loopholes. There will always be dishonest people and people who are not necessarily dishonest but are lax in the way that they approach this stuff. So the question is not, what kind of pledge can we have MPs sign up to? It is, what can we do to enforce transparency and make sure these things are discovered when they should be and are ruled on?

Chris Hope: I think they are excellent, having read them again on the iPads here. I think they are really, really good, and every MP should be reminded of them. I had forgotten how full they are.

Q89 **Mrs Burgess:** Is that what should be on the back of the lanyards?

Chris Hope: I am a journalist of many years' standing, and I have forgotten them all—or a lot of them. I think they are terrific. Yes, I think they should be on the lanyards. That is my recommendation.

Q90 **Mrs Burgess:** One of the suggestions in the submission is to add courtesy. What sits behind that, as you will be aware, is that there is frequently abuse directed at MPs. I would be interested to know whether, in terms of courtesy, we should amend it to say something like, "Members are also expected to show appropriate courtesy to others."

Matt Chorley: You may well have done this, when you did your outreach thing, but most normal people—assuming that everyone in this room is not normal—would assume that a Member of Parliament would abide by that, but they would not know that that was called a Nolan principle. They would just assume that that was what somebody in a professional, important job was doing. I am not sure about adding courtesy to it or not. Ultimately, if an MP is very rude to a constituent and the media find out about it, everybody will find out about it and the MP will be shown to have been rude.

Q91 **Mrs Burgess:** What about vice versa?

Matt Chorley: The abuse—

Mrs Burgess: The abuse that some MPs receive.

Matt Chorley: I think that social media has become a big problem with that. I am not sure that you can get every constituent to sign up to a code of conduct agreeing to be nice to their MP. Sometimes perhaps they should not be, I don't know. It seems a tall order for even this Committee to regulate everything that somebody says to a politician.



Chris Hope: I know you had quite a strong definition of courtesy that has been watered down as you have gone through the process. I think that you should have stuck with the original one. I know that there were concerns from the 1922 Committee about this—that it will give a licence for people to be as rude as they like and you can't talk back to them. That is not it. People would expect you to talk back to rude constituents, so I think that you should go back to the original wording.

Q92 **Dr Midha:** I am interested in moving the discussion on to outside employment and am interested in your views on that. In previous sessions, we have heard an argument that MPs are constantly doing 100 hours a week. It is not just about sitting in the Chamber; they have got their constituency work, they are doing Select Committees and there is actually no time to do anything else. Conversely, if you do not allow the opportunity for MPs to do another role, you might lose the richness and diversity in the Chamber. Also, we have the professional individuals, whether they be doctors, dentists or lawyers, who, if they do not continue some element of practice, lose the opportunity to remain on their particular registers. I know that we have talked about how it is very difficult to define the role of an MP but, not putting that aside, do you have any views on whether MPs should just stick to their knitting?

Matt Chorley: It is not for us to say what MPs should and should not be doing. I think that we have covered how difficult it would be to try to nail down what 650 people are doing with their time. I think that the system, as it works in this moment—difficult though the Register of Members' Financial Interests is, when people do notice that it has been updated it is quickly picked up on as to who has spent a lot of hours in an outside job or who has earned a lot of money giving speeches. As far as how the rules are currently, and the way that they are declared, that seems to be working. There is a debate that people can have about whether being an MP is a full-time job, but you can be in the Cabinet and running a big Department, or be Prime Minister and be a constituency MP, so there is slack in the system there somewhere. The system, as it currently stands, with people declaring that they have an outside job, seems to be working.

Martin Williams: I would just like to respond to the idea that we need to allow MPs to have outside jobs in order to retain licences. Although there may be a point there, I believe that for a barrister to retain their licence they have to do one and a half days' work a year. There are MPs in Parliament now who work around 80-plus days as barristers. Even if we need to make sure that people can retain their licences—I understand that argument—what is happening at the moment is not people retaining their licences; what is happening at the moment is people working two jobs.

I would also say that this is a job. MPs think that this is a salaried job that they can expect pay rises for, but in any other job—I am sorry—you would lose your licence. If you move from being a dentist to being a barrister—maybe that is a bad example.

Sir Paul Beresford: That is certainly a very difficult example.



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Martin Williams: If you move from being a barrister to being, I don't know, a full-time journalist, you are probably not going to be able to retain your licence. That is the cruel reality of working life.

- Q93 **Dr Midha:** If an MP was able to demonstrate that they had the capacity to be able to deliver the MP's role—in whatever way we define it—and be a barrister, contributing x number of days, should we not allow them to get on with it?

Chris Hope: They can demonstrate that because you have not defined what it is yet, have you? So it suits you very well. If you are going to take this big pay rise to £74,000 a year, which is three times the average income, you have got to start moving a bit on second jobs. The fact that Transparency International can do a report showing that 73 MPs were paid £3.4 million last year for roles outside of their job as MPs shows that it is still interesting and it seems to offend some people. I think you need to address that.

Martin's point is right: keep your hand in and do 1.5 days a year. But I think a solicitor should be reining it in—or at least you should have to explain why you are doing all these extra hours which are not the job that constituents think you are doing.

- Q94 **Mr Grieve:** The current transparency that we have should enable that to happen. If a Member of Parliament is a barrister and he is doing 80 days' worth of work a year, that all appears transparently—including the hours worked and when and the money earned—anybody can ask them a question and say, "I don't want you as my Member of Parliament. You are doing far too many other things."

Chris Hope: And that happens.

Mr Grieve: I do not know whether it happens. It may be happening or it may not, but that is very much putting the ball in the public's court and saying, "If you don't like this, you should take it up."

Chris Hope: Okay. In that case, make it easier for us, using spreadsheets, to ascertain numbers and figures and work it out. If 40% of the Register is wrong, as you say, Martin, then that should be corrected—

Martin Williams: I meant 40%—

Chris Hope: —where it is wrong. It should not be wrong. If that is the case.

Martin Williams: At the moment the way MPs declare things is varied: different MPs will declare things in different ways. So in many cases it is possible to work out that over a certain period, which may not necessarily be a parliamentary year, an MP may have worked a certain number of days or hours, but you cannot pinpoint that to say, "Ah, I see: that is why they missed this Committee meeting" or "That's why they missed this vote—because they were working." There is no way for the public to know.



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If they have worked 20 days doing something, maybe that was when Parliament was in recess, and maybe the public do not have any problem with that, but, if it was during a crucial vote, maybe they do, and there is no way for them to find out.

- Q95 **Tommy Sheppard:** Would any of you take a position that says there should be a complete prohibition on external employment by MPs? Converse to that, would any of you take a position whereby there should be no regulation whatever of outside employment save for a requirement to declare it?

Martin Williams: Sorry, what was the second point?

Tommy Sheppard: That there should be no regulation whatever: MPs should be free to work 100 hours a week for someone else if they want.

Matt Chorley: I am going to take a third position and say that the Press Gallery does not take a position. The rules are the rules—

Tommy Sheppard: I guess most of you would take a middle position, which is that there should be some regulation.

Matt Chorley: If you decide that MPs should declare and it is found that an MP has not declared, or if they have declared that they are doing an awful lot of work, we as journalists will report on that.

Tommy Sheppard: So provided that it is declared, that is fine.

Matt Chorley: If the rules currently are that an MP has to declare it and they either have not or they have declared lots of work that we find interesting and think our readers will find interesting, we will report on it.

Tommy Sheppard: Is that satisfactory?

Matt Chorley: I think you end up going back to the problem with drawing up a job description for MPs. Actually, transparency—the weird PDF with the yellow boxes probably is not the most transparent thing in the world, so making that slightly more accessible to journalists but also to voters to see what their MP is up to ultimately is more effective, I think, than a slightly convoluted job description.

- Q96 **Tommy Sheppard:** I can give you a “for instance” which is the case in the Scottish Parliament, not the Westminster one. Do you think it is right that elected Members should enter into an employment contract with someone else that requires them to be absent from Parliament at a time when they are meant to be there?

Chris Hope: No.

Matt Chorley: I think that is up to the rules and up to voters.

Tommy Sheppard: But under our current rules, that’s fine.

Chris Hope: It’s insane.



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Martin Williams: It's completely insane, but what I think is more insane is the ability to take money from another source. When it comes to making a complaint about an MP, a lot of the problems come down to what is relevant. There was one case in which I reported a particular MP to the Commissioner who was paid a handsome salary as the non-executive director of a lobbying company that was on the official register of lobbying companies. He had not declared that during speeches and debates on issues relevant to that lobbying company; they were about urban development. That was rejected by the Commissioner as not relevant because his position was non-executive, and therefore he obviously would not have the interests of that company in mind.

To me, that is someone's judgment versus my judgment or the public's judgment. I accept that that may be someone's legitimate position, but why shouldn't we be able to know that someone is being paid a handsome salary by a lobbying company while they are talking on the issue? I think an answer to this would be that if MPs want to go off and do other work, why not say—I have heard MPs suggest this themselves—"Look, if you want to go off and do other work, fine, but you can't be paid for it. You can't sign away stuff on a contract, and you can't actually benefit financially from it. If being a barrister interests you so much and really connects you with the public, then fine, do that, but don't get two salaries." I wonder how many people would continue with the two jobs were it not for the money.

- Q97 **Dr Midha:** To follow that, do you feel that the answer is ultimately the public, in that they do not get voted back to Parliament, or do you feel that there is a need to develop some sort of appraisal system to check on an annual basis that an individual is—

Martin Williams: Yes—well, both. Obviously the problem with just relying on the public is the fact that many MPs are in safe seats, and it probably won't make a difference even if a lot of the constituents are outraged. So there needs to be both. There needs to be an audit of the Register of Members' Financial Interests, and there needs to be an audit of what is said in Parliament. There are vast numbers of cases of MPs not declaring interests, whether by declaration in Parliament or by registration in the register of interests. I find it staggering that no one actually checks this stuff, apart from crazed journalists like myself and a handful of MPs looking to get ammunition on their rivals. Why is no one checking?

- Q98 **Sir Paul Beresford:** You raised a side point that I have thought about. We have focused on money, but if we had a debate on replacing our nuclear submarines and one of the main speakers was an ardent unpaid worker for and member of CND, they would not have to declare it. What bothers me on that are the practicalities. If we expanded that, I might have to put down that I was a member of the Mole Valley Butterfly Club, and so on; we could have a book that is absolutely cluttered. But there is a difficulty if someone has a definite unpaid interest, is actively working on it and is not declaring it—



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Chris Hope: It is an obligation, isn't it? You are not obligated to the Mole Valley Butterfly Club, but you might be to a company that—

Q99 **Sir Paul Beresford:** Well, if I were working with them on something around the butterfly, I might be, if there were a debate.

Chris Hope: I am sure you would want to say that in Parliament, wouldn't you, because you are there to serve your constituents? You may not want to say that you are paid by BAE Systems to bid for nuclear submarines or whatever.

Q100 **Sir Paul Beresford:** What I am really getting at is that you could have a fanatical interest that you do not have to declare.

Martin Williams: There is a "miscellaneous" category, but I have tried to test that with the Parliamentary Commissioner, and it appears that there is absolutely no enforcement of what is relevant within that miscellaneous category. Perhaps a stricter definition of what should be declared in the "miscellaneous" category would be useful.

Q101 **Sir Paul Beresford:** But to come back to your point, the moment we make strict definitions, there are ways around them.

Dr Rose: Yes, and there ultimately always must be a miscellaneous category, because there has got to be somewhere to put something that does not fit anywhere else. It might be a problem if too much is going in it, of course, from a procedural perspective, but there has to be a miscellaneous category.

Sir Paul Beresford: And I don't belong to the Mole Valley Butterfly Club, for the record.

Martin Williams: I think one obvious change would be to make sure that everything—any company directorship, charity trusteeship—is declared, whether that is in the directorship category or in miscellaneous, wherever it is, that it is there somewhere. At the moment, they are not. As you say, whether it is charity trusteeships or unpaid positions or not-for-profit companies, none of them have to be declared, even though they do have to be declared to Companies House and all the rest of it. To me, that does not really make sense.

Q102 **Sir Peter Rubin:** A very brief question, specifically and only to Matt as chair of the Press Gallery, when you think of the press stories that have brought Parliament into disrepute, would you say that the outside interests of MPs have been the majority or minority of those stories?

Matt Chorley: Obviously, there was a period when expenses were a particular interest, which was not brought about by the transparency of the House. Probably more recently, conflicts of interest are, in a way, the easiest to come by, given the—albeit limited—transparency, the Register of Members' Financial Interests is there.

One of the issues that journalists find all the time is that, unfortunately, MPs who are up to no good do not always fit terribly well into the categories laid down in the code of conduct. It is difficult to say—all the



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stories that become big stories tend to be quite varied and difficult to categorise and it is hard to pin down whether it is a breach.

Q103 Mr Chope: Surely if we banned outside interests, it would probably be to the benefit, ultimately, of the Government and the Executive, because it would mean people would still be able to work for the Government, but if they were sacked by the Government, they would not be able to work for anybody else. They would not even be able to have a paid-for article in a national newspaper. It would also be pretty tough on people in marginal seats, because they have got an issue as to what is going to happen at the next general election. We have got examples in the House of people who are nurses and in order to retain their nursing qualification, they need to be able to carry on working.

If someone can work as a Minister and get paid extra for doing that—and I know from experience, it is much more difficult to do a full constituency week if you are also a Minister—why can't people choose how to spend the other time outside their parliamentary responsibilities and have a second job if they want it? Are we not in danger of the unintended consequences of giving even more power to the Executive?

Martin Williams: You said that if they are sacked by the Government, they will not be paid. They will be paid because they have got a salary as an MP. That is their job.

Q104 Mr Chope: But it means that they will be more dependent upon the additional salary they got from Government.

Martin Williams: No, it won't because £75,000 is a huge salary.

Q105 Mr Chope: But at the moment, if you are a Cabinet Minister, you are getting a lot more than that. So if you have an issue of conscience, are you then going to resign your position as a Cabinet Minister in the knowledge that it will not actually be hurting your own family because you will be able to go and make up that additional income outside? Or are you going to put yourself in a position where you are beholden to the Prime Minister, because if you don't toe the line, you are going to take a cut in salary?

Martin Williams: Frankly, the idea that £75,000 is going to really damage someone's—

Q106 Mr Chope: Okay, but that's an argument for saying that all Government Ministers should be paid £75,000 and nothing more.

Q107 Chair: This is a matter for IPSA and not a matter for MPs.

Chris Hope: On the issue of banning second jobs—

Q108 Chair: You must go and talk to them. It is about second jobs. When I chaired the Select Committee on Health, I had a GP on the Committee who brought massive amounts of experience. He lost his job at the next election. I tell you something, I would not have wanted to be his first patient if he hadn't kept some work up in the five years he was on the Select Committee on Health.

Chris Hope: But it is your obligation. Mr Sheppard raised it earlier—

Chair: I am going to go back to Mr Sheppard now, Chris, as we have to move on because of time.

Q109 **Tommy Sheppard:** Changing the subject, sadly, but there is a suggestion that the code should be changed to include an obligation to uphold the interests of the United Kingdom as a whole. Do any of you find that problematic? Might it lead to vexatious complaints against people from parties whose objective is to seek independence for part of the United Kingdom from the rest of it?

Chris Hope: I can only assume that that is a drafting error, Mr Sheppard, because it must be a problem for your party to do anything to uphold the UK as a whole. Is that right?

Tommy Sheppard: Say again?

Chris Hope: It must be hard for SNP MPs to agree to uphold anything on behalf of the UK. Previously it said “the country”, didn’t it? Now it says “the United Kingdom”.

Q110 **Tommy Sheppard:** Yes. There was a degree of ambiguity with the term “country” which I think was useful.

Chris Hope: But that helped you, maybe, in your work in Parliament. It may be harder for SNP MPs now. I don’t mind going back to “the country”, if that is the suggestion, or “the nation”. I don’t think that there is a problem there. As long as you are here serving your constituents and serving Parliament, it is a slight nuance, but it could be a problem for you and your party.

Martin Williams: Personally, I do not see an issue between wanting the best for the UK and also wanting independence for a part of it, if that is the SNP’s position. I do not see why that is necessarily an issue. At the moment, SNP MPs do work for the Parliament of the United Kingdom. Maybe there will be a time when they do not—when there is independence. I do not see that there is necessarily a contradiction there.

Matt Chorley: I think it just highlights the problem that once you start trying to write down what the job of an MP is, it gets very complicated.

Q111 **Mr Jinman:** In previous evidence, the comment was made to us that the Nolan principles are not issues of personal character but relate to the responsibilities of public office. There remains the question of how far the code of conduct should apply to an MP’s private life and how far private can be separated from public. How can the rule about “action which would cause significant damage to the reputation and integrity of the House of Commons” be enforced? Where and how should that bar be set?

Chris Hope: It’s a hard one, isn’t it? The code has no bearing on the private lives of MPs—that’s the point, isn’t it? To what degree should it have a bearing on them? Well, there is the court of public opinion. I’m not sure what to say. Matthew?



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Matt Chorley: Obviously as a Press Gallery we do not take a view.

Chris Hope: What is your personal view as editor of Red Box?

Matt Chorley: The way in which MPs are judged or not judged does not happen in a vacuum, with just the adjudication against the code. There will be stories about MPs' private lives. To some extent, as Chris said, the court of public opinion will rule on that, whether or not the Commissioner decides it falls inside or outside her remit. From the point of view of journalists reporting on politicians' private lives, quite often the reason they are being reported on is that there is some overlap with their public role: a conflict of interest, saying one thing in public and another in private—that sort of thing.

Chris Hope: There are lots of things we don't report about you guys, because there is no public interest. It is true. You may be surprised, but not everything that happens that we hear about is reported. When an affair or something else is happening, if there are no actual questions about misuse of public money, that often means it will not get in the paper. That is probably appropriate. I think the code should probably be about public money and there should be a degree of democracy in there, but it is a difficult question.

Q112 **Mr Jinman:** Jonathan, do you have a view from the academic side?

Dr Rose: In a sense, I can see the advantage of having a code of conduct that stretches across both public and private life, because if someone has integrity we hope that they have it in every aspect of their life and that it carries over. I suppose it is difficult in situations where people would not feel that it violated a personal code of ethics to do something in private, because it is their private life, and so they would be quite happy doing it, but they would not necessarily be very happy with it being judged by the same standards as their public life. I have a lot of sympathy for that view. I think there are certain things that people can entirely legitimately do in their private life that have no bearing on their public role, so they therefore probably should not come under the remit of a code of conduct.

Chair: I thank you all for coming along this morning. I also thank you for the role you play in overseeing this Committee from time to time. While it personally hurts now and again, you are actually doing a job on behalf of people out there—our constituents and others—and I am certainly grateful that that job is done.