

Written evidence submitted by Philip Dunne MP

I write to submit my views as part of the consultation into The Review of the Code of Conduct for Members of the House of Commons.

I recognise a need to change the system, which has a number of serious flaws, and so welcome the opportunity afforded by the current consultation. I agree with most of the recommendations made by the Committee, and with the proposed amendments in the Conservative Party 1922 Committee submission.

I would, however, also like to highlight some areas of concern within the proposals put forward in the consultation document.

Additional principle of 'Respect'

Paragraph 33 outlines the proposal to add an additional principle of 'Respect' to the seven Principles of Public Life (commonly known as the Nolan Principles).

The clause itself recognises that respect and courtesy are already included within the Parliamentary Behaviour Code, and I am not convinced that the proposed additional principle would engender a material or beneficial change. Paragraph 35 explains that the new principle would stand apart from the seven principles already in place, and would not form an 'eighth' principle, so the change would not place Respect on an equal footing with other principles in any case. I am also concerned that the principle of Respect is not sufficiently defined, and as such may have the unintended consequence of constraining the important principle of Parliamentary Privilege, under which Members are able to speak freely in the Chamber.

Option for the Speaker to refer matters

Paragraph 79 sets out scenarios in which the Speaker may refer matters of conduct in the Chamber, in Committee or elsewhere in proceedings, to the Commissioner. As a Select Committee Chair, I have seen no evidence that such a mechanism is required in Select Committee proceedings, nor have I seen evidence that this is required by the Speaker. I believe that ceding responsibility for conduct in the Chamber and in Committee away from the Speaker would undermine the authority of the Speaker.

Benefits to members

Paragraph 169 invites comments on Members being banned from participating in proceedings where any benefit may be conferred, rather than the current position of exclusive benefit. This proposal may appear innocuous, but could be construed as so far reaching as to exclude Members from their duty to constituents, to raise properly issues in debate, and should not be taken forward. For example, it would be of detriment to those representing rural constituencies with farming interests, of which I declare my own in the Register, not to be able to discuss farming policy changes affecting our constituents.

Outside interests

Paragraph 179 recommends a system banning Members from providing paid parliamentary advice, consultancy, or strategy services, which I accept, but am concerned that this should be achieved by using the same wording as introduced into the House of Lords.

The introduction of this new definition to the House of Lords has led to the loss of experienced and qualified experts from parliamentary discourse. Some peers, including senior former judges, have felt

compelled to step down from the Lords due to minor outside interests, diminishing expertise in the House. I would urge the Committee to consider the recent experience of resignations from the House of Lords before confirming that their wording should also be applied, without full understanding of its implications, to Members in the Commons.

The revised system should not disincentivise people who would be an asset to the Commons from applying in the first place, nor encourage those with experience of their field to leave. Equally, any new rules should not reduce the likelihood of those with professional experience seeking to enter the House.

Conduct of inquiries and right to appeal

Regarding paragraph 200, I am concerned by an apparent conflict existing under present Standing Orders 149 and 150, which appear to give the Commissioner the formal role of investigator of complaints, and advisor to the Committee on Standards on the Commissioner's own recommendations. This issue should be assessed by the independent inquiry into appeal mechanisms for conduct of inquiries into Members, whose recommendations should also be subject to comment by Members.

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