

## Written evidence submitted by Unlock Democracy

### 1. About Unlock Democracy

Unlock Democracy believes in a vibrant, inclusive democracy that puts power in the hands of the people. It campaigns on a wide range of democracy-related matters including transparency and accountability of government, electoral reform, greater devolution, deliberative democracy and a written constitution.

### 2. Why we're submitting evidence

In recent years trust in politics has plummeted and rule breaking by MPs has been a big driver of that loss of confidence. A questionable working culture and archaic working practices have added to concerns. Meanwhile the power of the Executive has grown at the expense of Parliament, reducing Parliament's ability to hold the government to account.

Unlock Democracy wants to work with the Committee to reverse this decline.

### 3. What topic(s) do you think the Modernisation Committee should prioritise and how do they link to one or more of the strategic aims set out in the Leader's memorandum?

We have set out below several topics which we hope the Modernisation Committee will prioritise, listed under each of the Committee's three strategic aims.

#### Driving up standards - Second Jobs

3.1 The integrity of MPs is called into question when MPs take on second, third or more jobs because of the conflicts of interest that might arise and concerns about their ability to fulfil their primary role as an MP. Recent polling found that nearly 7 out of 10 people believe MPs, with a few exceptions, should not have second jobs.

The Committee on Standards in Public Life addressed this in 2018 with the following recommendation: "The Code of Conduct for MPs should be updated to state that any outside activity undertaken by an MP, whether remunerated or unremunerated, should be within reasonable limits and should not prevent them from carrying out their range of duties."

The Modernisation Committee could consider whether it is practical to set an expectation that MPs' earnings from second jobs and the time spent on them should be limited to a certain amount/length of time. The Committee could also assess whether these limits would be effective at providing the Parliamentary Commissioner for Standards with criteria against which, should they choose to, they could review an MP's activities and confirm whether they were satisfying their job description (a topic mentioned later).

As part of this topic, the Committee could consider what level of outside activity would allow MPs to maintain professional qualifications, pursue speaking and writing engagements where appropriate, and continue additional employment in the service of the public (e.g. medical employment) whilst continuing to fulfil their constituency and Westminster responsibilities.

*Topic - setting a ceiling on MPs' earnings from second jobs and the time spent on second jobs*

#### Driving up standards - Gifts and Hospitality

3.2 It is clear from the public's interest in 'Freebiegate' that they are not satisfied with the current revised rules on gifts and hospitality.

The Modernisation Committee could consider the impact of setting a smaller cap on every gift and every hospitality event for MPs and Ministers.

***Topic - implementing tighter limits on the value of gifts and hospitality MPs and Ministers can receive***

#### **Driving up standards - Sanctions on MPs' behaviour**

3.3 The absence of a job description for MPs means that the Parliamentary Commissioner cannot rule on whether an MP is fulfilling their duties as an MP. This has left the Parliamentary Commissioner unable to investigate cases of MPs widely believed to have been neglecting their responsibilities to their constituents.

The Modernisation Committee could assess the impact of a job description for MPs and any knock-on effect.

***Topic - review the impact a job description for MPs would have on improving standards and how would the MPs Code of Conduct and the Recall of MPs Act 2015 need to be amended to reflect an MP's job description. Consider also who would have responsibility for writing the job description.***

#### **Driving up standards - Advisory Committee on Business Appointments**

3.4 ACOBA can only advise former Ministers on how they should approach their post-government work. They have no powers of enforcement and no basis in law. This means that they cannot discipline former Ministers.

The reform of ACOBA is relevant to the question of driving up standards for MPs as it affects former Ministers who have returned to the backbenches.

A strengthened ACOBA is a matter the Modernisation Committee could consider.

***Topic - a strengthened ACOBA***

- ***Consider the case for requiring Ministers to sign a legal deed of undertaking on their post-Government jobs.***
- ***Establish what legal powers ACOBA might need to enforce this legal undertaking***
- ***Assess the merits of the Chair of ACOBA making regular reports to Parliament and enhancing its existing levels of transparency as to its decisions and operation.***

#### **Driving up standards - Ministerial code**

3.5 Unlock Democracy recognises that the Ministerial code may be outside the scope of this review. However, the lack of enforcement of the Ministerial code by past governments had a major impact on the public perception of standards in Westminster. If it is within the Modernisation Committee's scope, the following topics, relevant to driving up standards - could be considered.

*Topics - improved independence and transparency for the Independent Adviser, and a beefed-up Ministerial code. The following measures could be considered as part of these topics*

- *Subjecting the appointment of the Independent Adviser on Ministerial Standards to an enhanced version of the current process for significant public appointments.*
- *Enhancing the transparency of the decision-making process which could include: the Independent Adviser on Ministerial Standards publishing their advice to the PM, where relevant always recommending a sanction, and the Prime Minister providing public justification for ignoring any sanctions the Independent Adviser on Ministerial Standards recommends.*
- *Reviewing the Independent Adviser on Ministerial Standards' resources to confirm they are not constrained from a funding viewpoint and can work effectively over the long term.*
- *Placing the Ministerial Code on a statutory footing, including a legal requirement for the Prime Minister to publish a Ministerial Code and appoint an Independent Adviser within a determined timescale*
- *Setting out in the Ministerial Code a wider range of sanctions for breaching the code and describing the circumstances in which they might be applied*
- *Requiring Ministers to commit publicly to the Code on taking office.*
- *Extending the Ministerial Code to include more guidance and regulations on the use of digital technology, like social media, on government business.*

**Driving up standards, and Improving culture and working practices  
- tackle lying in Parliament and beyond**

3.6 Rules that allow politicians to lie, but bar those lies from being challenged or require a complex process to be followed to ensure the record is corrected, have no place in a modern Parliament, particularly if restoring trust is a priority. The Modernisation Committee could consider what simple process for recommending the enforcement of corrections could be established.

More complicated is how to improve general political discourse. This issue is outside the remit of the Modernisation Committee, but the Committee could consider one option for tackling this concern.

***Topic - tackling lying in politics***

- *Consider granting the Parliamentary Commissioner for Standards powers to recommend sanctions for MPs and Ministers who fail to correct the record*
- *Examine the role a commission, with a remit to cover politicians, political parties, the media and social media, could play in improving political discourse in the UK*

**Driving up standards - harmonisation of House of Commons  
and House of Lords standards**

3.7 To avoid confusion, improve public understanding and roll out best practice from across both Houses it is important that, as far as possible, reporting requirements, disciplinary proceedings and penalties for MPs, Ministers, and Peers are aligned. This would be a complex task, but the Modernisation Committee could consider its ramifications.

***Topic - Assess the problems associated with the alignment of the reporting requirements, proceedings and penalties across both Houses.***

**Improving culture and working practices - more flexibility for MPs**

3.8 The role of an MP is harder to manage for anyone with caring responsibilities or disabilities. This dramatically reduces the talent pool of people in politics. Ideas for expanding the backgrounds and life experiences of MPs should be considered.

There are a number of possible measures the Committee could analyse (such as modifying the working hours), but job-sharing is one obvious step.

***Topic - Is job-sharing for MPs a viable option (how would votes or expenses be managed for instance), and would it increase diversity, in its broadest sense, in the House of Commons?***

### **Reforming Parliamentary procedures**

3.9 Some of the next topics relating to parliamentary procedures which the Modernisation Committee could consider, although they might be deemed more relevant for the Procedure Committee, meet the intention set out in the memorandum to the Modernisation Committee to place 'a greater emphasis on members scrutinising government legislation going forwards'.

#### **Reforming Parliamentary procedures - Restoring parliamentary sovereignty**

The third of the Modernisation Committee's strategic aims is to make the House of Commons more effective. This will not happen if parliamentary business is directed and dominated by the Executive.

Restoring Parliament's sovereignty is a topic the Modernisation Committee could consider.

***Topic - How can Parliament's sovereignty be restored? The following measures could be considered as part of these topics:***

- ***Granting Parliament the power to approve the new Prime Minister***
- ***Establishing a House Business Committee which would include representatives of all the significant political parties, enabling Parliament to set its own agenda and timetable.***
- ***Giving the House of Commons powers to agree recess dates.***
- ***Ensuring Parliament can only be prorogued following approval of a resolution***
- ***Revising the Dissolution and Calling of Parliament Act 2022 to ensure the Prime Minister alone cannot decide when a General Election is called***

#### **Reforming Parliamentary procedures - Bolstering Select Committees' powers**

3.10 Select Committees are a key mechanism for scrutinising government, including legislation.

The Modernisation Committee could examine as a topic increasing the effectiveness of select committees.

***Topic - How to bolster the effectiveness of selection committees? In considering this topic, the following proposals could be assessed:***

- ***Granting select committees the power to hold confirmatory hearings for new Secretaries of State.***
- ***Electing all Committee Chairs***
- ***Requiring every Secretary of State to draw up and agree with the appropriate departmental select committee a statement of intent.***

#### **Reforming Parliamentary procedures - restoring MPs' roles as legislators and scrutineers of legislation**

3.11 The best practice for drafting legislation and enabling members to scrutinise government legislation starts with a Green Paper, followed by a White Paper, then a draft Bill considered by a joint committee or select committees in either House, and then a Bill and related secondary legislation with suitable time allocated for their debate. This approach (the Green and White paper phases) also has the notable benefit of allowing members of the public to comment on proposals before the emergence of a draft Bill. This best practice has been neglected by recent governments, with Brexit and Covid both playing their part in curtailing outside and parliamentary scrutiny of bills.

Oversight of secondary legislation (SI) is poor, with SIs only subject to cursory and ineffectual review by Parliament. The Lords does have the ability to block SIs but this is seen as a controversial move.

Past governments have further exploited opportunities to escape scrutiny offered by secondary legislation by using skeleton bills, which give broad powers to Ministers or others to fill in this detail at a later stage.

Another particularly troubling aspect of legislative scrutiny is the use of so-called Henry VIII clauses to sidestep parliamentary scrutiny, by allowing amendments to this Primary Legislation by way of Secondary Legislation.

Greater public involvement in drafting bills and the restoration of MPs' roles as legislators and scrutineers of legislation could be a priority topic for the Modernisation Committee.

***Topics - public and parliamentary involvement in drafting and scrutinising legislation. It may be helpful for the Modernisation Committee to consider the following measures as part of these topics.***

- ***Determining what obstacles are in the way of the Government reintroducing the practice of issuing Green and White Papers and draft bills as the default for legislation and its impact (particularly on public engagement).***
- ***Assessing the merit of the Government and Parliament agreeing a Memorandum of Understanding (MoU) that sets out limits and principles on the use of secondary legislation, and requiring the Government - on the introduction of each Bill - to make a statement setting out how it has met the requirements of the MoU.***
- ***Enhancing the scrutiny, in both the House of Commons and House of Lords, of secondary legislation, by MPs, Peers and select committees***
- ***Reviewing the impact of introducing a category of critical, amendable Statutory Instruments.***
- ***Determining the practicability and implications of prohibiting Henry VIII clauses in primary legislation.***

#### **4. Why would the topic(s) benefit from the attention of the Modernisation Committee?**

We believe that the lack of trust in our politics is highly damaging for voter engagement, MPs and our democracy. A change of Government and the influx of hundreds of new MPs has had little effect on this. Polling conducted by Unlock Democracy in late November 2024 found that significantly more people think the new Government is doing worse than its predecessor when it comes to behaving ethically.

The Modernisation Committee represents a generational chance to effect change. It can send a signal that politicians are listening and acting on the public's rising concerns.

The topics we have put forward in our submission are topics Unlock Democracy, and other organisations, have researched. In exploring them, we have identified solutions, some of which are advocated by other individuals or organisations such as Lord Tyler and Sir Nick Harvey (whose proposals are set out in their book ‘Can Parliament Take Back Control’), the Institute for Government, the Committee on the Standards in Public Life, the Institute for Public Policy Research and the Governance Project. If implemented they would drive up standards in politics, improve the culture and working practices in Parliament and make the House of Commons more effective.

## **5. Are you aware of examples from other Parliaments relevant to the topic(s) which may be interesting for the Modernisation Committee to consider?**

On topic (3.2) *implementing tighter limits on the value of gifts and hospitality MPs and Ministers can receive*, the Modernisation Committee may want to consider the stricter rules that apply in the House of Representatives and the European Parliament.

House of Representatives on gifts

<https://budgetcounsel.com/laws-and-rules/%c2%a7375-house-rule-xxv-limitations-on-outside-earned-income-and-acceptance-of-gifts/>

European Parliament

[https://www.europarl.europa.eu/pdf/meps/201305\\_Code\\_of\\_conduct\\_EN.pdf](https://www.europarl.europa.eu/pdf/meps/201305_Code_of_conduct_EN.pdf)

On topic (3.8) *Is job-sharing for MPs a viable option*, the NI Assembly, the Scottish Parliament and Welsh Senedd have all considered job-sharing.

## **6. Is there any existing work relevant to the topic(s) which you think the Modernisation Committee can build on?**

We would point the Committee to the following -

Unlock Democracy’s Democratic Integrity White Paper:

[241113 - Democratic Integrity White Paper](#)

[The Constitution Unit research on Public Preferences for Integrity and Accountability in Politics](#)

[Compassion in Politics and 50:50 Parliament’s report: Reset: A blueprint for a 21st century Parliament](#)

[https://www.oecd.org/en/publications/building-trust-to-reinforce-democracy\\_b407f99c-en/full-report.html](https://www.oecd.org/en/publications/building-trust-to-reinforce-democracy_b407f99c-en/full-report.html)

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