

What Do We Want Our MPs To Be?



Paul Goodman

Edited by Robert McIlveen



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Executive Summary

MPs have rarely been held in lower esteem than they are now, after the expenses scandal. Public anger at MPs' use of taxpayers' money has coalesced many grievances into a single, all-encompassing rage against our elected representatives. What should we do about it?

It may seem brave to argue, as Paul Goodman does in this report, that MPs should be *more* independent and *less* scrutinised by officialdom than they are now. But he makes a compelling case, taking us right back to the fundamental question of what we want our MPs to be and do. He offers us a choice: should MPs be elected representatives, free to use their time and judgement as they see fit and not wholly dependent on the taxpayer's money? Or should we continue down the road to professional politicians, answerable only to their whips, party machines and anonymous quangos, solely reliant on the taxpayer for their income?

Deciding on the role of an MP is far more important than the details of how they are remunerated. This report argues very strongly for seeing MPs as elected representatives, not professional politicians – and then judges the expenses, pay and benefits suitable to that argument. If we want high-calibre, independent-minded MPs capable of holding the government to account, it follows that we should not hound outside interests out of the Commons.

The election of 2010 may turn out to be a watershed in British politics. It saw 233 new MPs elected – the biggest turnover since 1945, driven by both the large number of seats changing party but also the expenses scandal leading to an unprecedented number of MPs retiring. This new influx represents a point at which professionalisation may irretrievably engulf the Commons, with Whips running rampant among novices. Or it may represent the clean break needed to avert the enfeeblement of Parliament as a new generation of MPs with a mandate for change assert themselves. This report urges the latter.

The expenses scandal is the jumping off point for this argument. Scandals have largely been the cause of previous reforms to MPs' pay, expenses and conditions, but the difference this time is that it has been a crisis of *public* money – unlike bribery scandals in the 1970s and 1990s, which were scandals of *private* money and influence. This reflects the changing relationship between private and public money available to MPs. As Paul puts it:

“the period between 1985 and the implementation of Nolan was probably a golden age for MPs' bank balances, if access to both private and public money is the measure. During these years, access to private money was more or less unrestrained and access to public money was easing greatly, as the Fees Office presided over more generous housing and resettlement grants”.

After the implementation of the Nolan recommendations, private money has been withdrawing steadily from the Commons, to be replaced by greater taxpayer

largesse. The idea that being an MP is a job – not, as generations had seen it, as an elected representative of the people – has become the dominant view of what MPs should be, leading us to the point where we have a taxpayer-funded political class which answers to whips and party leaders alone, and has no outside interests. MPs now cost over £250,000 each per year – counting in salary, pension, staffing and so on. These costs have risen from £123 million in 1990-91 to £404 million in 2008-09 – roughly double in real terms. Yet there is little evidence that the growth in the cost of Parliamentarians has been matched by a growth in quality.

Outside interests have been interwoven with the fury of the expenses scandal, yet they are a very different matter. The link between the transition from private to public money and the changes in how the role of an MP is perceived are crucial to appreciate:

“more taxpayer funding and less private money for MPs has an irresistible logic, once it’s accepted that being an MP is a job. But a difficulty follows. If being an MP is a job, what on earth are over a hundred MPs doing moonlighting as Ministers, in Departments or on the Treasury bench?”

Changes in MPs’ behaviour have not been limited to their financial arrangements. They are now sitting less in the chamber than ever before – 2008-09 saw 139 days at an average of 7.3 hours a day, down from 244 days at 8.5 hours a day in 1979/80. They are spending a surprisingly low proportion of their time – just 14% – in the chamber, and another 14% sitting on select committees.

This has been matched with an upsurge in displacement activity – All-Party Groups, Early Day Motions and mountains of constituency work that MPs should not be doing. There are a huge number of All-Party Groups, some of which are very worthwhile – Paul cites many of the health groups as particularly influential, and some of the foreign affairs groups as a useful source of expertise. But is there really a need for an All-Party Group on shopping as well as one on shops? Or for a group on table tennis?

Beyond All-Party Groups is the “parliamentary graffiti” of Early Day Motions. The number of these has increased enormously, from 197 in 1950-01 to 2727 in 2007-08. Of these 2727, only 2 were actually debated.

MPs are doing more constituency work than before too: in a Hansard Society survey of MPs elected in 2005, 49% of their time was spent on dealing with constituency issues. While this is a part of an MP’s role, there is a risk in, as Paul puts it, MPs being transformed “from elected representatives into social workers.” Much of this work relates to issues outside MPs’ competences, for example being matters for local government.

The management of Parliament has also changed for the worse. Guillotining of debates, and more recently the use of programming to limit debating time has led to lots of under-scrutinised legislation being passed.

All of this ties into the transition we have seen from MPs as elected representatives to professional politicians. This transition is caused by the change in MPs’ sources of income – private money has largely withdrawn from the Commons while taxpayer funding has increased. MPs therefore only have one avenue for advancement in their careers – the greasy pole of a government ministry.

MPs with outside interests do not rely solely upon the Executive for income or meaning in their careers. MPs who are entirely reliant on taxpayer finance have

fewer options: they can be professional backbenchers, devoting themselves to local issues and earnestly working on behalf of their constituents; they can aim to become ministers; or they can focus on select committees. The power of the Executive's patronage combined with the ruthlessness of the whips has come to dominate the Parliament of professional politicians far more than was the case when it was an assembly of elected representatives.

Yet all is not lost. The huge turnover of MPs at the recent election and the demand to "do something" about expenses and pay presents an opportunity to sit back and think deeply about what we want our MPs to be.

Paul offers us four options for how our MPs should be paid. Which one we choose has huge implications for what they would be and do:

- The Famine Option: Little private money and little public money.
- The Fatcat Option: Lots of private money and lots of public money.
- The Political Class Option: Little private money and adequate public money.
- The Back to the Future Option: Adequate private money and little public money.

Let's look first at the Famine Option. To be true to itself, it would mean a ban on private interests and no public salaries at all. Such a solution really would make the Commons a refuge for what the Speaker has called "the independently wealthy (by inheritance or through earnings), the institutionally wedded (backed financially by, for instance, the trade union movement) and the ideologically welded (those so committed to a particular position on the political spectrum or so passionate about certain policy positions, that they would enter Parliament regardless of the terms and conditions)".

The "Fatcat Option" would be catastrophic – perhaps the only way to reduce the standing of Parliament in the eyes of the people represented there. Going back to the "golden age" of MPs' income maximisation hardly seems to be a way forward to better MPs or a healthier democracy.

The Political Class option is where we are headed now. For a nightmare vision of the logical conclusion of this, read the note to MPs from 2018's Chief Whip as imagined by Paul, which is presented in sections throughout the report. MPs toil under a vast bureaucracy to monitor them as they *do their job*, which has morphed into "over-promoted social work" (and which social workers would probably be better at). They must report their hours to a faceless quango which judges them acceptable or not, and must heed the whips at all times, for all decisions they make. IPSA may not yet be the monster it has become in this scenario, but the drift to MPs being more answerable to quangos than the electorate is worrying.

“Going back to the “golden age” of MPs’ income maximisation hardly seems to be a way forward to better MPs or a healthier democracy”

Paul argues that the Back to the Future Option is the only palatable answer. If we want our MPs to be independent-minded, to hold the government to account, to represent their constituents to Parliament and to bring a wealth of experience and talent to national politics, they must have independence from the Executive, and answer to their electors at the ballot box. Outside interests, once entirely normal for MPs, do not logically make MPs worse representatives – where they enable more expertise, outside knowledge and more professionally diverse MPs

they are a wholly positive thing. Trading the right to outside interests for less public money would leave us with more independent-minded MPs and a weaker Executive vis-à-vis Parliament, leading to better scrutiny of Government and better quality MPs.

Alongside the hacking back of MPs' outside interests, slashing their expenses and pay is on the agenda of a vengeful press and hostile public. But these would have massive drawbacks. Slashing MPs' salaries would not simply empower the rich; it would halt the decline in public school and Oxbridge representation among other generally welcome trends in representation. In 1979, 73% of Conservative MPs were privately educated; by 2005, the figure had fallen to 60%. The Oxbridge figures have fallen for both main parties. And just as the pressures on outside earnings must account for the fall in the percentage of Commons barristers – 14% in 1951, 6% in 2005 – so taxpayer salaries must account for the startling rise in the proportion of “political organisers” (professional politicians in the making) from 3% to 14% during the same period. Contrary to legend, the number of company directors has increased (though the number of those engaged in “other business” has halved), and that of journalists has stayed steady.

When it comes to expenses the logic is similar. While no-one should tolerate the milking of the expenses system for large sums of mortgage interest or smaller but more memorable household improvements or entertainment, MPs will incur significant expenses while performing their duties. The curtailment of the payment of household costs smacked of panic rather than fairness. So all necessary costs should be covered: but necessary means necessary, and the consequent arrangements should be, to borrow a phrase that Michael Howard once applied to prisons, “decent but austere”.

Recommendations

Restoring MPs as elected representatives of their constituents to Parliament is vital for the health of our democracy. The expenses scandal is only one part of the degradation of politics that has accompanied the growth in a political class remote from its electorate and feeble in the face of the Executive. It is, however, the jumping off point for going further down the road to a Parliament full of MPs scared of the whips, infantilised by quangos which oversee their every action and addicted to pointless, frenetic activity for its own sake while failing to hold the Executive to account.

So how to take us back to the future? First, MPs should be answerable to their electorates only – not the Executive, not the whips, not IPSA (the Independent Parliamentary Standards Authority). If constituents think an MP is spending too much time on outside interests, the ballot box is the right place to hold them to account.

When it comes to MPs' pay, expenses and pensions, we should hold back the advancing roar of taxpayer largesse. Salaries should be increased only in line with inflation, and even reduced in the long run. Similarly, pensions should be reformed to be comparable to other senior public sector workers at least, while resettlement grants should be curtailed considerably. In this report, Paul proposes a trade-off that would produce better, more independent MPs: restrain public money and the growth of a political class in exchange for more independent-minded MPs with the freedom to earn privately.



HOUSE OF COMMONS
LONDON SW1A 0AA

CONFIDENTIAL

OFFICE OF THE CHIEF WHIP

Guidance note to new colleagues.

June 1 2018

Dear Colleague,

Welcome!

I enclose a note to assist you during your first few weeks in the Commons. It sums up the main themes of my presentation to you earlier today. For convenience, I summarise them in 25 points.

1) It is essential that colleagues complete and send copies of their **Weekly Timesheets** to the Independent Parliamentary Standards Authority (IPSA) on time under the terms of the Members of Parliament (Reform) Act of 2013.

Weekly Timesheets should be sent weekly to IPSA by 18.00 each Friday, regardless of whether or not the Commons is sitting. Colleagues are strongly advised to keep copies of **Weekly Timesheets** and proof of despatch. Special arrangements are in place if Christmas Day happens to fall on a Friday. (Please see pages 11 and 188 of the Purple Book for the relevant details.) (Please see also the **Code of Conduct**.)

2) **Weekly Timesheets** are broken down into the following working categories: Constituency Correspondence, Constituency Cases, Constituency Meetings, Meeting Constituents, Other Constituency Business, Select Committee Meetings, Other Select Committee Business, Bill Standing Committee Sessions, Tabling Questions, Other Meetings, Research, Office Administration, Outside Interests (until the ban on outside interests comes into place in six months time on December 1), and Chamber.

3) Colleagues are strongly advised to study the relevant pages of the Purple Book for details of the definition of each category. They are also advised to study the **Code of Conduct**. It may be helpful for this note to repeat some of the main details in the Purple Book -

- Constituency correspondence includes, for example, answering e-mails, letters and cards generated by lobby groups but sent by constituents. (Please see page 578 of the Purple Book.) Your staff will be of particular assistance to you in this duty. But please see point 8 below.
- Constituency cases covers working on "constituency cases of an especially complex nature" (Purple Book, page 602) involving - for example - benefit claims, care home place applications,

visa application appeals, constituents held abroad, and so on. Your staff will be of particular assistance to you in this duty. But please see point 8 below.

- Constituency Meetings are any meetings about constituency business that take place with non-constituents during **Working Hours**. This category would cover, for example, a meeting with a Minister about a local by-pass extension. (Please see page 635 of the Purple Book.)
- Meeting Constituents is any meeting with constituents during **Working Hours**, whether this meeting takes place at Westminster or in the constituency. (If a meeting with a Minister about a local by-pass extension, as above, involved meeting constituents, the meeting could appropriately be entered in **Weekly Timesheets** under Constituency Meetings or Meeting Constituents. When in doubt, remember the *Golden Rule* - please see point 24 below. Please also see page 702 of the Purple Book.)
- Other Constituency Work would include, for example, studying a representation from a local council, voluntary group, charity, school, etc. (Please see page 755 of the Purple Book.)
- Other Select Committee Business is all Select Committee-related business which takes place during **Working Hours** but outside the formal meeting hours of the relevant Select Committee. (Please see page 823 of the Purple Book.)
- Other Meetings is any meeting taking place during **Working Hours** which relates to colleagues' Parliamentary duties other than Constituency Meetings or Meeting Constituents. (If a meeting with a Minister about a local by-pass extension, as above, involved meeting constituents and another Member of Parliament (with or without his constituents) the meeting could appropriately be entered in **Weekly Timesheets** under Constituency Meetings, Meeting Constituents, or Other Meetings. When in doubt, remember the *Golden Rule* - please see point 24 below. Please see page 902 of the Purple Book.)
- Research is research into any matter connected with your Parliamentary duties. This does not cover research undertaken for Party purposes - for example, as a Minister or Shadow Minister. Please see point 12 below. (Please also see page 977 of the Purple Book.)
- Office Administration is any matter connected with the administration of your office. Time spent reading this note, for example, could appropriately be entered in **Weekly Timesheets** under Office Administration. (It could also be entered as Research. If in doubt, remember the *Golden Rule* - please see point 24 below. Please also see page 1049 of the Purple Book.)
- Outside interests is any work done during **Working Hours** which is unconnected with your Parliamentary duties. (Please see page 1477 of the Purple Book.) Outside Interests will become illegal under the terms of the Members of Parliament (Reform) Act from December 1 of this year. Colleagues may also wish to bear in mind the advice in relation to outside interests contained in point 17 below.
- Chamber is of course time spent in the Chamber of the House of Commons. (Please note that the Purple Book permits other working categories to be undertaken while present in the Chamber. Please also see page 2839 of the Purple Book. If in doubt, remember the Golden Rule - please see point 24 below.)

4) **Working Hours** consist of a 48 hour working week - following the recent European Court of Human Rights judgement, which itself followed Britain ending its opt-out from the 48 hour week.

5) The Whips' Office is in a position to issue informal advice to colleagues about how **Weekly Timesheets** can appropriately be completed. Counselling sessions with Lee Smith, Whip for Career Development and Pastoral Care (formerly the Hon Fortescue Ashley Ffoukes-Smyth Bt) can be arranged for this purpose through his diary secretary Amelia Smyth (formerly Mel Smith) on extension 007. Please note that such advice in no way represents instruction - please see page 3366 of the Purple Book.

(Please also see page 4588 of the Purple Book, which recommends **Working Hours** of seven hours over a five day period during the average working week, regardless of whether or not the Commons is sitting, or three hours on a Saturday and one on a Sunday during the average working week with the requisite adjustment made to the five day period.)

(Please also see the **Code of Conduct**.)

6) Colleagues will of course seek to ensure that Weekly Timesheets are completed not only appropriately but also accurately.

(Colleagues may wish to reflect upon the case of the former colleague who during the last Parliament was correctly registered as being present at a Select Committee meeting by attending its opening business but, having left the meeting shortly afterwards, later registered its three hour duration on his weekly timesheet under Select Committee Meetings - and was shown to have been absent an hour after the publication of the relevant timesheet when mobile phone-filmed video evidence of who had been present at the relevant Select Committee meeting and at what time was published on the "MP Watch" website.

Colleagues will be pleased to hear that this former colleague is now recovering rapidly from his deselection as Party constituency candidate by his local Party branch following instruction under Party Rules from Party Headquarters after the hostile local constituency-wide Facebook and Twitter campaign which immediately followed publication.

Colleagues may also wish to note that this campaign was probably unnecessary, since this former colleague would presumably not have been re-adopted as Party constituency candidate under the compulsory constituency Open Primary procedure for sitting MPs adopted by the Party three years ago.)

- (Please also see point 7 below.)
- (If in doubt, remember the *Golden Rule* - please see point 24 below.)
- (Please also see page 6017 of the Purple Book.)
- (Please also see the **Code of Conduct**.)

7) Please note that when the Party is in Government colleagues who are appointed Ministers are advised to follow the recommended IPSA maximum **Working Hours** of 24 hours a week. The Whips' Office is in a position to issue informal advice to colleagues about how **Weekly Timesheets** can appropriately be completed. Counselling sessions with Lee Smith are available as above - please see point 5. Please note that such advice in no way represents instruction - please see page 3366 of the Purple Book.

(Colleagues may also wish to note that the last five by-elections which have taken place under the terms set out in the Ministers' By-Election Act 2015 have seen all five Ministers successfully returned, although there have previously been only 25 other successful Ministers returned to the Commons in over 150 by-elections since the Act was introduced.)

8) Colleagues may also wish to reflect in the context of point 3 above upon the fact that their staff are no longer employed by them but by the House authorities, and are required "neither to be members nor supporters of any political party" under the terms of the Members of Parliament (Reform) Act.

Colleagues are therefore referred again to point 6 above ("Colleagues will of course seek to ensure that timesheets are completed not only appropriately but also accurately").

(Colleagues may also wish to note the fourteen complaints upheld by IPSA made against former colleagues by former staff members in relation to the inaccurate completion of **Weekly Timesheets**, leading in twelve cases to de-selection as Party constituency candidate, and in one to unsuccessful attempted re-adoption as Party constituency candidate under the compulsory constituency Open Primary procedure for sitting MPs adopted by the Party in 2013.)

(Please also see the **Code of Conduct**.)

9) The Chamber's sitting hours daily are now 9.30-12.30, and 13.30-17.30.

10) It is no longer necessary for colleagues to attend speeches by other MPs - including the opening and closing speeches. However, colleagues are sometimes recommended to attend the Chamber during the speeches of other colleagues.

(If in doubt, remember the *Golden Rule* - please see point 24 below.)

11) Colleagues may wish to reflect upon the fact that although the number of hours for which the Chamber sits has been reduced since the introduction of **Weekly Timesheets** and **Working Hours**, the amount of legislation has increased. As most colleagues are aware, the Party is now in Government and our consistent view is that Parliamentary scrutiny has thereby been much improved.

12) All Party business - for example, attendance at the weekly meeting of the 1932 Committee, or at Party back-bench committee meetings, or at meetings at Party headquarters - takes place by definition outside **Working Hours**, and must thus not be entered on **weekly timesheets**.

(Please see page 9744 of the Purple Book.)

(Please also see the Code of Conduct.)

13) However, please note that when the Party is in Opposition colleagues who are appointed Ministers are advised to follow the recommended IPSA maximum **Working Hours** of 40 hours a week. The Whips' Office is in a position to issue informal advice to colleagues about how **Weekly Timesheets** can appropriately be completed. Counselling sessions with Lee Smith are available as above - please see point five. Please note that such advice in no way represents instruction - please see page 3366 of the Purple Book.

(Please also see the Code of Conduct.)

14) Colleagues will find that although Party business generally takes place before 17.30, and has been somewhat truncated since the introduction of Working Hours, it none the less has the effect of pushing **Working Hours** considerably beyond 17.30, as reflected in the completed details of published **Weekly Timesheets**.

15) Colleagues are advised that although IPSA has received 13,876 complaints to date from members of the public in relation to Members of Parliament working for less than 48 hours, it has yet to receive a complaint from a member of the public in relation to Members of Parliament working for more than 48 hours. (It has also received 866,093 complaints in relation to the **Code of Conduct**.)

Colleagues are therefore further advised that opportunities to discuss the relationship between **Working Hours** and the hours that they work are available during Counselling Sessions with Lee Smith, which are available as above - please see point five. Please note that such advice in no way represents instruction - please see page 3366 of the Purple Book.

(Please also see the Code of Conduct.)

16) Bodies other than IPSA of special interest to colleagues in undertaking their Parliamentary duties are as follows: the Commissioner for Parliamentary Investigations, the Speakers Committee on IPSA, the Parliamentary Commissioner for Standards, the Senior Salaries Review Body, the Standards and Privileges Committee, the Committee on Standards in Public Life, the Members' Allowances Committee, the Modernisation of the House of Commons Select Committee and the Reform of the House of Commons Select Committee.

(The relationship between these bodies is necessarily complex, and colleagues will wish to study the relevant pages of the Purple Book. However, it may be helpful for colleagues in this context for their attention to be drawn to pages, 11895, 12874, 15999, 17893, 18640, 19654, 21755, 22334, 23975, 23976, 23977, 23978, 25900, 27978, 31975, 33065, 38362, 39867, 45933, 47835, 48733, 52977, and 70763.)

(Please also see the **Code of Conduct**.)

17) Colleagues will wish to bear in mind the Party's view on outside interests. Counselling sessions in relation to such interests are available to those few colleagues who may not necessarily yet fully have assimilated the Party's view, and are available from my Whips Office colleague Dirk Macbeth. Mr Macbeth is regularly available in the lobbies (please see point 21) and no appointment is necessary.

(Colleagues with outside interests may also wish to note that relatively large sums paid to them for relatively few hours work will be reflected in media coverage by commentary outlining the rate per hour, and that relatively large sums paid to them for a relatively considerable number of hours work will be reflected in media coverage by commentary outlining the number of their **Working Hours** devoted to matters other than their Parliamentary duties.)

18) Expenses cover board in the Lord Lewis of Sark Memorial Hall, and second-class travel (when available). (Please see page 100,102 of the Purple Book.) Colleagues are reminded that the Audit Commission conducts regular spot checks on their expenses.

Counselling sessions with Lee Smith in relation to colleagues' finances are available as above - please see point five. Please note that such advice in no way represents instruction - please see page 4630 of the Purple Book.

(Please also see the **Code of Conduct**.)

(Please also note: Mr Smith is not a qualified financial adviser, and anything that he may say in no way constitutes advice.)

19) Colleagues are advised that the Inland Revenue takes a special interest in their tax returns, and the Audit Commission is a special interest in their expenses. They are also reminded that there is no *de minimis* declaration rule in relation to gifts. Counselling Sessions with Lee Smith are available as above - please see point five. Please note that such advice in no way represents instruction - please see page 4630 of the Purple Book.

(Please also see the **Code of Conduct**.)

(Please also note: Mr Smith is not a qualified accountant, and anything that he may say in no way constitutes advice.)

20) Copies of *Recall Ballots, Open Primaries and How To Survive Them* by Basil "Baz" Bentley MP are available from the Whips Office (£99.99). Sadly, neither the Party Leader nor Mr Bentley will be available to sign copies next Monday in the Whips Office. Mr Bentley now has urgent business in his constituency and the Party Leader has been forced to cancel his appearance due to diary pressures.

21) The lobbies (please see point 17) are the spaces outside the Chamber and behind the Government and Opposition benches where the voting machines are now situated.

(Please see enclosed map for details - X marks the spot!)

(Any colleagues experiencing difficulty while using the voting machines will wish to remember the Golden Rule - please see point 24 below.)

22) Colleagues who may during the course of the Parliament, and following the termination of severance packages available to former colleagues, consider seriously the possibility of standing down before the next general election are strongly advised to contact my office **AT ONCE** on extension 666.

23) Colleagues are strongly advised to study the relevant pages of the Purple Book, and may wish to note that such study could appropriately be entered in **Weekly Timesheets** under Research.

24) The *Golden Rule* is: when in doubt, always consult your Whip.

25) Nothing in this guidance constitutes definitive advice (with the exception of point 24 above). Please note that such advice in no way represents instruction - please see page 3366 of the Purple Book.

(Please also see the **Code of Conduct**.)

Yours aye!

Chantelle Murgatroyd,
Chief Whip

Part One

From Elected
Representatives...

1

Interests

There are two views of what MPs should be. The first is that they should be elected representatives, free to work and earn outside the House of Commons. The second is that they should be professional politicians, who aren't so free – and are, therefore, paid entirely by the taxpayer.

Those paid entirely by the taxpayer are dependent on the taxpayer. Professional politicians are no different. They are, therefore, bound to degenerate into members of a political class separate and distinct from those who elect them. They should be lay people, as it were, like those who vote for them – not a priestly caste. Ms Murgatroyd's letter, which is at the start of this report, is in one sense a bit of fun, but in another very serious: the logical end-point of a professionalisation process which has been gathering speed for a century.

MPs have always been unpopular – and are more so today than ever. But the system that sustained them – Parliamentary government – has been viable since at least the 1660s. It is now threatened: public contempt is eating away at the foundations of the Commons. If it continues to grow, it's questionable whether Parliamentary government will survive and flourish, at least in its form to date.

There is only one way to restore the foundations – namely, to decide that MPs shouldn't be professional politicians in the first place, and that they should, therefore, be elected representatives. This report tries to make the case for why and how this should be done. The best way of beginning to do so is to explore the idea of interests.

The role of interests

Until recently, an MP was defined, so to speak, by having outside interests: indeed, it was his life outside rather than inside the Commons that made him what he was. Being an MP wasn't a job (let alone a paid one). It was a vocation, a calling – like (to bring the glamorous notion of vocation down to earth) being a local councillor, for example. It was public service.

If he was a Conservative, he broadly represented the interests of capital; if Labour, the interests of labour. It goes almost without saying that within these two great ocean currents, which at the quietest of times jostled surreptitiously and at the stormiest clashed furiously, other ebbs and flows of water swirled – in other words, other interests were at work within the two largest ones. There was a landowning interest, an agricultural interest, a small business interest, a ship-building interest, and so on.

These interests weren't only economic in nature, of course. Think of the Unionist interest – a force in the Commons when it first voted to pay MPs, and still one today. Or – by extension – of local interests. Any legislature to which members are directly elected from local constituencies will see such interests represented strongly.

Local representatives gathered at Westminster before elections took place at all – long before the clashes between labour and capital were represented in the Commons by the Labour and Conservative parties. And they met to represent interests: as early at the Middle Ages, commoners sought discreetly to bargain with the King: if he heard their petitions, they'd approve his taxes. Today's expenses-ravaged Parliament is the direct descendant of those gatherings at the King's Palace of Westminster.

So the present-day Parliament wasn't *planned*. It's seen deliberate change, of course – Magna Carta, Bill of Rights, Great Reform Act, and so on – but no solemn assembly of bewigged rationalists ever gathered together purposefully to construct it. Today's Commons isn't a deliberate design, like an architect's plan. Rather, it's the latest branch of a family tree. And like all family trees over time, it's essentially an accident.

Like family trees, too, it's continuous. It isn't fanciful to see both today's MPs and their medieval ancestors as being – when they gather together – a great echo-chamber of national conversation. Conversation is a civilised and peaceful notion. But it can be a substitute for conflict – a means, as it is in the Commons, whereby the clash of interests is dramatised and thereby resolved.

This is no exaggeration. After all, remember what happened when that national conversation broke down – when the Monarch refused to hear petitions and the Commons to grant taxation. The English Civil War took place. By circumstance, luck and – if you believe in it – providence, such conflict has not been repeated. But its memories linger. At each state opening of Parliament, the door of the Commons is slammed shut in the face of Black Rod, the Monarch's envoy. In the Members' cloakroom, ribbons are provided in which MPs may hang their swords.

So although the Commons has no planned purpose, it has had, at least to date, a reason for existing – namely, to resolve the clash of interests.

Legitimate interests or corrupt practice?

But interests must be funded. Someone has to pay for them to be represented. It follows that they can be corrupted – and are bound sometimes to be seen as corrupted by those who don't share them. A question therefore follows for Parliament: how can a legitimate interest be distinguished from a corrupt practice?

The Commons has been trying to define the difference for over three hundred years. A resolution declaring the bribery of MPs to be a "high crime and misdemeanour" was passed as early as 1695. Another prohibiting advocacy for fee or reward (aimed specifically at lawyers) was carried in 1858. In 1947, a motion was passed banning MPs from entering contracts or agreements which restricted their freedom to act and speak, or which required them to act as a representative of outside bodies.

The Establishment of the Register of Members' Interests

In 1975 the spirit of the modern age and the restriction of private interests were enshrined in the then new idea of the Register of Member's Interests, agreed upon by a Commons resolution.

The story of how the register came into being helps to demonstrate how accident and circumstance shape events. Just as Parliament isn't the product of first principles, so the register wasn't the design of disinterested thought. It came about after a bribery scandal. John Poulson, an architect and property developer, had bribed councillors in the North of England. Three MPs, one of whom was the Home Secretary, Reginald Maudling, had been caught up in the scandal. There was a media brouhaha – not the first, not the last.

So it came about that in June 1975, a motion to approve the register was put before the Commons. The House was effectively being asked to agree that new rules – in the form of a compulsory register of interests that could be read by anyone – would help to separate legitimate interests from corrupt practices.

The motion was carried. In its aftermath, only one MP refused to comply with the new register – Enoch Powell. He explained why he would refuse to do so and why, in his view, the register was a “concatenation of absurdities” during the debate on the motion. The proposal was, he said, “ineffective and degrading” – the heart of his argument:

“It is of course, and always has been from time immemorial, a matter of honour in this House that in our own discretion and on our own responsibility we declare, where it is fit that it should be declared, any interest which might be sought to bear upon the advice which we are giving or the part which we are taking in proceedings. That cannot, and the Committee's report recognises this fact, be other than a matter of honour, and no arrangement which we make can alter that.”

He moved towards a close as follows –

“Sir, I do not think that the most venomous of my enemies could or would accuse me of having ever been failing in my respect for the House. Indeed, if I have been at fault, it is in having been an extremist in my idolatry of the House. I might say in the words of the Psalmist: ‘The zeal of thy house hath eaten me up’. Yet I have to tell the House candidly that I shall not consider it right to comply with this order of the House if such an order is made. I say that, because I consider it to be an unlawful order and an unconstitutional act on the part of the House, which cannot and should not be binding upon its Members.”¹

Although the Select Committee on Members' Interests repeatedly recommended that disciplinary action be taken against Powell, this advice was not taken by the Commons.

1 Enoch Powell's speech on Members' Interests 12 June 1975, HC Deb 12 June 1975 vol 893 cc735-801

The register tightens

By the mid-1990s, the reach and punch of the media had continued to grow and that of politicians to decline. The press was far less deferential and more assertive than in the days of the Poulson scandal. John Major's Conservative Government was lurching from one woe to the next. These developments came together to form the secretion called "sleaze".

The 1975 declaration rules had been tightened a little in 1992 following a report by the Select Committee on Members' Interests. It recommended that the rules regarding what interests should be registered under which headings should be clarified to ensure consistency amongst MPs. To this end a new and more detailed registration form was drawn up. For example, MPs were required to include a brief indication of the business of any company with which they were associated. They were also required to register membership of Lloyd's, shareholdings with a nominal value above £25,000 and to declare any financial interest in any Early Day Motion they sponsored.

Drastic change came only two years later, as sleaze came to dominate. A newspaper "cash for questions" enquiry had snared several MPs. Another report claimed that two Ministers had taken money to ask questions from a lobbying company when backbenchers. Mohammed Fayed, the Egyptian owner of Harrods, had already made accusations against them. A Gallup poll found that two-thirds of voters believed that the Conservatives gave the impression of being "sleazy and disreputable". The Government was unable to close down "the story". Major sought a means of doing so. He was also, according to an aide, "deeply outraged that he was being associated with this, and the damage it was doing".

Major set up an enquiry into standards in public life under the chairmanship of Lord Nolan, a Lord of Appeal. But his decision helped to open the story up rather than shut it down. Nolan announced that his committee would sit in public. (Major had indicated that it would do so in private.) It worked, in the words of the former Prime Minister's biographer, Anthony Seldon, with a "missionary enthusiasm".

Nolan's report sparked fury, at least among MPs. Major was forced to propose shuffling its Parliamentary elements off to a committee of the House. Conservative backbenchers endorsed this plan and attacked the report in the debate that followed its publication. A young Conservative MP, Alan Duncan, "badgered Lord Nolan as he made his way towards the House to listen to the debate, reportedly saying: 'You are about to obliterate the professional classes' representation in the House of Commons. It is a very, very dangerous game.'"²

The MPs' Committee eventually rejected Nolan's recommendation that MPs reveal payments for providing Parliamentary services for outsiders. Major – torn between a pro-Nolan public and his anti-Nolan backbenchers – supported the committee. According to Seldon, the Prime Minister's early enthusiasm for Nolan had waned, as he contemplated not only the short-term difficulties which the judge had caused him (an illustration of the law of unexpected consequences) but the long-term implications for Parliament –

*"Major had convinced himself that forcing MPs to declare their income was an intrusion too far into their lives. He did not favour a House comprising only full-time professional politicians who lacked working contact with a world outside Westminster."*³

² Seldon, A (1998) *Major: A Political Life*

³ Ibid.

The matter went to the floor of the Commons. Twenty-three Conservatives supported Nolan. The Government lost the vote. The final package introduced a Code of Conduct, the Parliamentary Commissioner for Standards, full disclosure of consultancy and trade union agreements and payments, a ban on paid advocacy, the lodging by MPs of employment agreements relating to work undertaken because of their role as MPs and more detailed rules on declaring interests set out in the introduction to the Register.

However, although MPs were required to name all their outside employers and directorships, they weren't required to list the number of hours they worked on such activities.

There have been further changes since Nolan, including declaration of sponsorship of an MP or constituency above £1000, a new threshold of 1% of parliamentary salary below which interests are not registerable, a new threshold for declaration of shareholdings, declaration of family members employed and extending misuse of allowances provisions to Commons services and facilities.

The expenses scandal: In the name of God, publish!

Drawing lessons from recent events is ropery history, and the expenses crisis is a very recent event. Its fall-out continues as I write. But it's impossible to trace the scandal without listing a few sober facts. Since it erupted, and at the time of writing, 65 sitting MPs have announced that they will leave the Commons at the next election: 132 will leave altogether – the largest voluntary departure on record. Roughly half the House of Commons has been asked to pay back some expenses. Three MPs and one peer are to be prosecuted for fraud – raising questions about the extent of that ancient doctrine, Parliamentary privilege.

Measured in media coverage, resignations, prosecutions, and even short-term consequences alone – let alone public reaction – the expenses eruption must register as perhaps the greatest and certainly the loudest Parliamentary scandal in history. The Parliament of 2005-10 may yet achieve the distinction of being described by historians even more unfavourably than the Rump Parliament of 1648-1653. And although drawing lessons from recent events is indeed poor history, it may be worth taking the risk of drawing one conclusion: that the expenses crisis was the bastard love child of freedom of information, on the one hand and, on the other, a Commons of which no-one was in charge.

The main narrative events were as follows. Key provisions of the Freedom of Information (FOI) Act 2000 – which eventually unlocked the cupboards, so to speak, in which the records of MPs' expenses were stored – came into force in 2005. Requests for the disclosure of expenses were swiftly made. Alarmed MPs voted by 96 to 22 in May 2007 to exempt themselves from the Act under a specially-introduced Private Member's Bill. Their gambit evoked media and public turbulence, and the bill was withdrawn prior to Second Reading in the Lords: no peer was prepared to sponsor it.

In February 2008 the Information Commissioner considered the FOI requests, and ruled that the expenses details of a few senior MPs should be revealed. The House of Commons Commission appealed against the judgement to the High Court, which in May 2008 ruled in favour of detailed disclosure. This took place later that month. The publication of similar expenses details for all MPs was promised during the autumn, but later postponed until the summer of 2009: getting the data into a publishable form was apparently difficult.

If the media and public reaction to the earlier bid by MPs' to escape from the Freedom of Information Act was a thunderstorm – and the legal proceedings which followed the gathering of even darker clouds – the year 2009 invites description on a biblical scale: earthquake, wind and fire. In January, Harriet Harman, Leader of the House of Commons, tabled a motion to exempt MPs' expenses from being disclosed. Labour MPs were placed on a three-line whip to support it.

Public and media opposition raged. As backbench Labour MPs rebelled and the Opposition parties manoeuvred, the Government was forced to drop the proposals. In May 2009, The Daily Telegraph began the publication of unexpurgated MPs' expenses records. They revealed what had been, in effect, a safe of public money with the door left ajar. A few MPs had looted the contents; nearly all had drawn from it; all were thereby tainted. MPs blamed the Fees Office (occasionally on the record) for careless management of the safe. Fees Office staff blamed MPs (usually on the record) for demanding that they open it. In the light of the revelations, the publication of MPs' expense was brought forward to June. The official records were heavily redacted – again provoking media and public scorn.

During April 2009, as the crisis gathered to a head, the Commons voted through new provisions in relation to MPs' outside interests – which came into effect in July of that year. These compelled the registration of the exact nature of all outside work including the number of hours worked and the amount earned and identifying the person or organisation paying, subject to legal or professional duties of privacy.

The Independent Parliamentary Standards Authority

IPSA was established in the wake of the expenses scandal to provide outside scrutiny of MPs' expenses and allowances. It declares that

"We have produced new rules governing MPs' expenses which will represent a clean break from the past and will be fair, workable and transparent. We want to contribute to restoring the public's confidence in Parliament, provide good value for money for the taxpayer and enable MPs to do the work they are elected to do."

The Kelly Review of expenses brought forward 60 recommendations, which have shaped IPSA's new rules for MPs' expenses.⁴ MPs will now be restricted to employing only one "connected person" (spouse, civil partner, family member or someone with a business relationship), as well as restricting second home payments to rent, and that only for MPs defined as being outside London. Travel costs are limited to "anytime standard open" tickets, effectively a ban on first class walk-up tickets.

IPSA aimed to create a scheme which is "fair, workable and transparent". Perhaps the most important of these is transparency, the lack of which was largely to blame for the way in which the scandal erupted. IPSA defines transparency as

*"that the public is entitled to know not only what those remunerated from the public purse are paid, but the details of their reimbursements for the expenses they incur in doing their job."*⁵

That IPSA is founded on the basis that being an MP is a job is a cause for grave concern.

⁴ Committee on Standards in Public Life (2009) *MPs' allowances and Expenses* pp13-21

⁵ IPSA www.parliamentarystandards.org.uk

From interests unchecked to interests constrained

Let's step back from the drama, which has taken us from medieval petitions to modern moats, and review where we've got to.

We've seen how from the earliest days of the Commons MPs represented interests. We've also seen how the representation of those interests has been gradually circumscribed – gathering pace from the 1975 Register to the post-expenses scandal purge. We've seen in particular how restrictions on MPs' outside interests have invariably come about as a rushed response to political events, not from the unhurried consideration of first principles.

The time has now come to look at the other side of the coin. We need now to look at the rise of the MP as professional politician, dependent on the taxpayer. After all, there is a link between that rise and the expenses crisis: for unlike its Nolan and Poulson predecessors, it was a crisis of public and not private money. If there had been no taxpayer-funded expenses, it wouldn't have happened.

But the payment of expenses to MPs began relatively late in the day. The payment of salaries took place much earlier. So let's start there – during the days when MPs first began to draw wages from the public purse.

2

Pay

The Commons was sitting during the August of 1911 – it would of course be extremely unusual for it to do so in that month today – when no less a figure than the Chancellor of the Exchequer himself, Lloyd George, rose to introduce a motion to pay salaries to MPs of £400 a year – worth some £32,000 today.

The House of Commons was changing, as it always is. The 1906 general election had brought a new generation of Liberal MPs into Parliament. Lloyd George’s revolutionary “People’s Budget” three years later had provoked a constitutional crisis, and two general elections in 1910.

By 1911, many of those Liberal MPs had lost their seats. But they were the shape of things to come. Just as the radicalism of the 1906-1910 Liberal Government prefigured that of the Labour Party, so the relative poverty of the 1906 Liberal intake anticipated the relative poverty of later Labour intakes.

The word “relative” must be stressed. Many members of that 1906 intake were prosperous provincial businessmen. They weren’t the later trade union-sponsored Labour MPs who would trudge during the witching hours – as the late Bill Deedes used to remind colleagues on the *Daily Telegraph* when I worked there – from Westminster back to their digs near King’s Cross after the Commons had ceased sitting.

But they were a stage in the journey from the age of Lord Melbourne to the age of Lord Mandleson. Lloyd George wanted to help those who were left, and perhaps had an eye, too – who knows? – to the further future, and an age when MPs would become professional politicians rather than elected representatives.

The 1911 debate: “Unsuccessful journalists, needy barristers, jacks of all trades and masters of none.”

In 1911, Lloyd George secured MPs’ assent for their own payment. John Bercow, the present Speaker, summarised the debate on the motion in a recent Hansard Society Lecture.⁶ Lloyd George’s first appeal was that MPs had been paid locally in history and payment was thus a return to tradition; this was not held as convincing. He then moved onto an entirely unconvincing appeal to a manifesto mandate, from a single mention of payment made by the Prime Minister, Mr Asquith. Finally he made an appeal to the growing workload of MPs. As Bercow describes it

“The motion passed comfortably in the end perhaps because of self-interest but more because the opposition to it was less than entirely coherent. Some

⁶ ‘The Reform Challenge: Perspectives on Parliament: Past Present and Future’ Hansard Society 2010,

insisted that it was wrong in principle for a Member of Parliament to be paid while others asserted that the sum of money on offer - £400 per annum - was far too low to attract the calibre of parliamentarian that was wanted. At least one leading figure made both of these, seemingly incompatible, statements in the same speech. I cannot today resist quoting from one of those opponents, George Sandys, MP for Wells:

“Who is this new system going to attract?’, Mr Sandys asked, ‘It is highly probable that it will attract the class from whom the professional politicians are usually recruited in other countries, namely, unsuccessful barristers, needy journalists, and the jack-of-all-trades and masters of none whom we find so largely represented in other legislatures.’”

Note the echo of present-day debates on MPs’ pay and allowances: the claims of heavier workloads; the under-tow of self-interest; the Ministerial economies with the truth.

From £32,000 to £64,766

Between 1911 and 1964, MPs pay increased in bumps and starts: there was no mechanism for independent review. In 1964, the Lawrence Committee was appointed to review pay for MPs and Ministers. And like free love, Woodstock or flower power, they seem to have been stirred by the optimistic spirit of the times – by a sense that professional politicians would be better ones.

Table 1: Who decides MPs’ pay

1964	Lawrence Committee recommends significantly higher salaries for ministers, and an increase for MPs from £1,500 to £3,250
1971	Top Salaries Review Body (TSRB) was charged with reviewing MPs salaries. However, the final decision rested with MPs themselves.
1983	MPs voted to link their salaries to those of senior civil servants.
1996	Senior Salaries Review Body (SSRB), which had replaced the TSRB, recommended that MPs pay be set at £43,000 and that an automatic review mechanism be introduced for MPs’ and Ministers’ pay.
1997-2007	Pay increased in line with senior civil servants except in 2001 and 2007 when the SSRB recommended additional increases
2008	The House of Commons agreed to a Government motion that MPs’ pay should be independent of the House – with MPs no longer voting on their own pay.
2009	The Independent Parliamentary Standards Authority (IPSA) took charge of MPs’ pay under the terms of the Parliamentary Standards Act.

MPs invariably want to increase their pay. However, they have been torn by two contradictory instincts while trying to do so. The first has inclined them to keep control of their own salaries, and vote for rises when possible. The second has impelled them to avoid the blame for doing so. Prime Ministers, in the meanwhile, have been inevitably resistant to higher pay for MPs. Not unreasonably, they’ve feared headlines roughly along the lines of: “Greedy MPs pig out on your money”.

Linking MPs' salaries to those of senior civil servants – but with the Commons taking the final decision – wasn't a tidy solution to these tensions, but it was an explicable one, given the motives I describe. SSRB recommendations and civil service linkage were, in one sense, a device that let MPs off the hook. "Nothing to do with me, guv," they could write (in effect) to constituents. "I was just voting to do what an independent body recommended."

A combination of increasing press hostility to MPs and, perhaps, the gathering cloud of the expenses saga drove the Commons' 2009 decision to take MPs pay out of their own hands. Similar considerations were responsible for a salary freeze in 1993, and a five year delay in the original linkage between MPs' salaries and those of senior civil servants. John Major and Margaret Thatcher could be no less nervous of the media than Gordon Brown.

3

Expenses and Pensions

At the time of the Lawrence Committee, MPs' allowances were sufficient to cover the costs of a secretary. They were also entitled to make free telephone calls in London and use free postage for official correspondence. They could travel first class. It can be as hard to pursue the twisting, turning trail of allowances introduced since then as to follow changes in the tax credit system.

Table 2: The evolution of MPs' expenses

	Introduced	Description
Petty Cash		Until 2009, MPs were allowed to claim £200 a month of petty cash without receipts. In 2009, the sum claimable without a receipt was reduced to £25.
Travel		MPs are entitled to first class travel between their main home (which can be either in their constituency or elsewhere) and the Palace of Westminster. The 2009 Kelly Report suggested that MPs travel second class in some circumstances. Members' staff, spouses and some family members are entitled to claim up to 30 first class journeys per year. IPSA has capped the cost of a journey as that of a "anytime standard open" ticket.
Office Costs Allowance	1969	Covered office costs (of course), including the employment of secretaries and researchers. It was originally set at £500 a year. By 2001, it had reached £52,750 a year.
Additional Costs Allowance	1972	Designed to cover the cost of non-London MPs staying either in London or their constituency. It was originally set at a maximum of £750 a year. This allowance originally covered rent only. In 1985, MPs were permitted to claim the costs of mortgage interest against it. By 2009, it covered food costs to a maximum of £400 a year and cleaning costs to a maximum of £200 a year, plus utility bills and other household costs.
Staffing Cost Allowance and Incidental Expenses Allowance	2001	Replaced the Office Costs Allowance
Communications Allowance	2007	Introduced "for the specific purpose of communicating proactively with your constituents". It was originally set at £10,000, and has risen slightly to now be worth £10,400.

	Introduced	Description
Administrative and Office Expenditure Allowance	2009	Replaced the Staffing Cost Allowance and Incidental Expenses Allowance in 2009. By 2009/2010, MPs' office allowance costs had risen to £126,205 a year (excluding the provision of computer services).
Personal Additional Accommodation Expenditure Allowance	2009	Replaced the Additional Cost Allowance in 2009. It scrapped claims for other household costs (such as furniture, household goods, capital improvements, gardening, cleaning and stamp duty) and replaced the food allowance with a flat rate of £25 per night.

Most MPs' expenses are not taxable. Lord Wakeham recently provided an ingenious justification for this state of affairs, which rested on the disparity between wealthy MPs and their less well-off colleagues.

"In my judgment, the Inland Revenue would run a mile if it were asked to tax the expenses here because that would represent a redistribution from the less well-off Members of the House to the better-off Members, who would be able to claim a loss because their substantial London residences did not cover the costs of the expenses."

Pensions

MPs' pensions were first introduced in 1964 following the recommendations of the Lawrence Committee. Both the contributions and the benefits were fixed in money terms.

Table 3: The evolution of MPs' pensions

1964	Lawrence Committee recommends establishment of a pension for MPs
1971	Final Salary Scheme accruing at 1/60th of each year of service
1983	Accrual rate raised to 1/50th of salary
1984-7	MPs' contributions raised from 6% to 9% of salary
1992	MPs' contributions lowered back to 6% of salary
2002	Accrual rate raised to 1/40th, and MPs' contributions raised back to 9% of salary
2008	MPs' contributions raised to 10% of salary
2009	MPs' contributions raised to 11.9% of salary

The Commons' 2002 decision to raise the accrual rate to 1/40th of salary is an indication of the generosity of the scheme. (In 70% of defined benefit schemes, members accrue pension benefits at 1/60th of salary.) It is claimed that as MPs tend to enter the Commons during their late thirties and early forties, have broken career patterns, they should enjoy defined benefit schemes on the same basis as public sector employees, and contribute a high percentage of their salaries to the scheme – nearly 12%.

These claims are questionable. If MPs are elected representatives rather than professional politicians, the comparison between them and public sector workers breaks down. It then becomes hard to see why MPs should retain a defined benefit

scheme while those employed in the private sector have been moving increasingly to defined contribution or money purchase schemes.

Furthermore, the scheme is open-handed even if one accepts that MPs are essentially public sector workers. The Government Actuary assessed the Exchequer's cost of the benefits accruing in the scheme at 23% of payroll in 2008. In 2007, the SSRB recommended that this contribution should be limited to 20% of payroll. Changes to teachers' and NHS final salary schemes have capped employer contributions at 14% of payroll. The average employer contribution to defined benefits schemes is 15% of payroll.⁷

Resettlement Grant

A resettlement grant for MPs was introduced in 1971. It was originally paid only to those MPs who lost their seats at elections – which explains why Willie Hamilton, a Labour MP who retired from his constituency in 1987, stood in the general election of that year in a safe Conservative seat. In 1991, the rules governing payment were changed to allow all retiring MPs to claim the resettlement grant. MPs who leave office at a general election are entitled to between half and all their annual salary depending on their age and length of service (i.e: £32,383 and £64,766 respectively). The first £30,000 of the resettlement grant is tax free.

The Kelly Report recommended that after the coming election the value of the grant should be somewhat reduced, that MPs who stand down voluntarily should receive eight weeks pay only, and that the Commons should consider removing or reducing the resettlement grant if the MP in question has abused the expenses system or the code of conduct.

Staff

In 1997-98, MPs employed 1753 staff between them. By 2009-10, this had risen to 2700 staff – an increase of some 50%, and an average of four per MP (though many staff are part-time). Around two thirds are based in constituencies.⁸ The maximum allowance for staff in 2009-10 was £103,812, and the allowance itself is increased each year by inflation.

To professional politicians from elected representatives

MPs now cost over £250,000 each per year – counting in salary, pension, staffing and so on. In real terms, these costs have doubled since 1991. Total expenditure on the Commons and Lords has risen from £123 million in 1990-91 to £404 million in 2008-09.⁹

There has been a “steady, long, withdrawing roar” of private interests from the Commons – mirrored by a steady, long, *advancing* roar of taxpayer finance for MPs. Obviously, there are no records pre-dating the 1975 introduction of the register to help prove the case. But there is more recent evidence. In 1982, 69% of MPs had extra-Parliamentary remuneration, mostly in the form of additional occupations. By 2008, this figure had fallen to 41%. If fees from journalism, speeches or TV appearances were excluded, that total would drop to 33%.¹⁰ The Kelly Report

7 Review of Parliamentary Pensions Consultation Document, Review Body on Senior Salaries, July 2009

8 Parliamentary Trends: Statistics about Parliament, House of Commons Library Research Paper, August 2009; 'Employment of Members Staff by the House', House of Commons Commission October 2009

9 Parliamentary Trends: Statistics about Parliament, House of Commons Library Research Paper, August 2009, Pages 52-53

10 Professor Michael Rush's submission to the Committee on Standards in Public Life, June 2009

suggested that the proportion of MPs who now do no outside work at all has reached 54%.¹¹

If taxpayers and private money were plotted as lines on a graph (the first moving up, the second moving down) the two lines would probably have met at some point during the 1980s and 1990s, perhaps when mortgage interest was deemed claimable in 1985. Indeed, the period between 1985 and the implementation of Nolan was probably a golden age for MPs' bank balances, if access to both private and public money is the measure. During these years, access to private money was more or less unrestrained and access to public money was easing greatly, as the Fees Office presided over more generous housing and resettlement grants.

As was noted earlier, the expenses crisis, unlike its Nolan and Poulson predecessors, was a crisis of public and not private money: if there'd been no taxpayer-funded expenses, there'd have been no expenses crisis. Post-scandal, we are now promised that new restrictions on public money will help cleanse the stables. Whether this turns out to be so or not, what's certain – for reasons to which we'll return later – is that there are now, in effect, greater restrictions on private money. If present trends continue, private interests will gradually but remorselessly be squeezed out of the Commons, which raises the question: if it's no longer to represent the clash of interests, what's the point of it – especially if the taxpayer is footing the bill?

The Liberal businessmen who followed Lloyd George through the lobbies to support salaries for MPs; or the earlier generation of rural Conservatives who heckled Gladstone during his speech on Disraeli's 1852 budget; or the self-confident Labour Cabinet Members of the 1960s, or those medieval Commoners trudging to the King's Court of Parliament to present their petitions – in short, almost any generation of MPs before perhaps the mid-1990s – would have been either hostile to or simply baffled by the concept of an MP as a professional politician. But there are more such MPs now than ever before. And there look to be more still in the near future.

“ If present trends continue, private interests will gradually but remorselessly be squeezed out of the Commons, which raises the question: if it's no longer to represent the clash of interests, what's the point of it – especially if the taxpayer is footing the bill? ”

11 Committee on Standards in Public Life (2009) *MPs' allowances and Expenses*, p85

Part Two

...To Professional Politicians

4

What MPs Do

So enough, for the moment, of what MPs were – and are becoming. What effect has change had on what they do? This poses the further question of what they should be doing in the first place. The traditional answer divides into three parts. It holds that they should debate, consider bills, and hold the Executive to account. All these are means of representing their constituents – as their medieval predecessors did by presenting petitions (which MPs still sometimes do). And the one tends to flow into the other – a backbench speech on a Government bill, for example, is part of debate, part of consideration, and scrutiny of the Executive all at once.

The first two functions are essentially exclusive to the Commons Chamber. Committee consideration of a bill, of course, isn't usually held there: it tends to take place in a separate room with a specially-selected committee. But such consideration is basically an extension of what the Chamber does. So one way to start measuring what MPs should do is to ask: how effective are they at considering legislation? How often are they in the Chamber to do this, or to debate, and hold the Executive to account?

In the absence of Ms Murgatroyd's timesheets, evidence is hard to come by. But a Hansard Society survey of the work patterns of MPs elected in 2005 found that they spent just 14% of their time in the Chamber, and 14% in committees.¹² Not all this committee time, of course, will have been bill committee time; some of it will have been Select Committee time. But even if it had been Select Committee time, these MPs would have been spending less than a third of their time fulfilling what to date has been seen as their main function. So what's been going on?

The answer lies in the rest of the survey answers. 22% is listed simply as "other". In some cases, much if not all of this "other" will be outside interests. As I'll continue to try to demonstrate, time spent on such interests enriches the Commons rather than impoverishes it, and there's a case for saying that 22% is lower than the ideal figure.

This leaves 49%. Where has it gone? On "constituency work". MPs from earlier intakes, who arrived in the Commons when constituency demands were less, are unlikely to replicate this figure. But they will have been affected by the trend which it points to – the upheaval which in recent years has transformed what MPs do with their time.

“A Hansard Society survey of the work patterns of MPs elected in 2005 found that they spent just 14% of their time in the Chamber, and 14% in committees”

12 Hansard Society survey 2006 quoted in the First report of the Modernisation Select Committee, June 2007

From rationing to eBay

According to Vernon Bogdanor, Professor of Government at Oxford University, MPs did hardly any constituency work 60 years ago.¹³ During the 1950s and 1960s, MPs received about 12 to 15 letters a week. By 1970, this had risen to between 27 and 75 letters a week. By 2007, they were receiving 300 letters a week (excluding e-mails). Perhaps MPs are not being transformed so much from elected representatives into professional politicians as from elected representatives into social workers.

Much of this correspondence, if MPs themselves are to be believed, seems increasingly to be raising matters beyond their reach or outside their competence: planning, court cases, disputes between neighbours. But whether so or not, what is responsible for its dizzying increase? There is no single, simple answer – and a paucity of reliable information. But three broad factors seem to be at work.

First, elections have become more volatile, with the growth of the Liberal Democrats in particular and minor parties more generally. In 1950, the two major parties held 98% of all constituencies – 612 out of 625 seats, excluding Northern Ireland. By 2005, this was down to 86% – 553 out of 646. Turnout figures for both elections respectively were 84% and 61%. Fewer safe seats, and less safe seats, are the cause of the second factor: MPs' changing behaviour.

As constituencies became more volatile, MPs minded them more carefully. Constituency surgeries came in as early as the 1950s, perhaps before. MPs' websites and e-mail bulletins arrived some 50 years later. Between those two periods (and since), MPs have worked harder in their constituencies – opening events, visiting schools, meeting residents' groups, attending community events, and now undertaking "social action". They have been granted taxpayers' money – a special "communications allowance" was established in 2007 – to trumpet their activities locally. Labour's changes to the Parliamentary timetable since 1997, which are considered later, have assisted this trend. MPs are sometimes able to arrive in Parliament from their constituencies late on Mondays and leave for them again after Prime Minister's Questions on Wednesdays.

Third, the past 35 years or so have seen the rise of the national lobby groups. These have now been supplemented, in the age of Facebook and Twitter, by local campaigns. Such giants as Friends of the Earth have been joined by, say, the campaign to save Chuffnell Poges' local post office or Sin City Central's A & E Unit. The two main parties have facilities to help their MPs answer the sprawling range of enquiries which come their way (and keep them in line with Party policy at the same time): the Conservatives have the Parliamentary Resources Unit and Labour the Parliamentary Resource Centre. There is some evidence that the lobby groups are wising up to the standard answers from MPs that inevitably meet standard questions from constituents. Constituents may now ask MPs to ask a question on the floor of the House, rather than sign an Early Day Motion or write to the relevant Minister – or to add a few personal words to the standard question asking for a personal response.

And we are of course entering what David Cameron has called "the post-bureaucratic age". The expenses scandal was one of its early products. It was, as noted, the child of freedom of information. But even ten years ago, the anger set off by publication would have spread more slowly. There would have been no internet to amplify the original newspaper reports of the scandal, or to organise

¹³ Vernon Bogdanor quoted in *Guardian* 'Right, so what do you do all day?' 19th May 2009

local protests and campaigns on. Today, a constituent can unearth his MP's voting or speech record with the click of a mouse.

In short, the age of deference has long passed (if it ever existed). Constituents are no longer like post-war consumers, who had to take what was on offer during the age of rationing. Instead, they're modern consumers, who tap into eBay and zap to the shopping channels. If they don't like what mainstream politicians have to offer, they'll vote elsewhere – or not at all.

A Chamber that sits less and rises earlier

As MPs have spent less time in the Chamber, the Commons has spent less time sitting. During 1979-80, it sat for 244 days and 8.5 hours a day. By 1995-96, as the Major Government drew towards a close, this was down to 148 days, although the number of hours a day remained much the same. 1997-98 saw an upsurge in sitting hours as the new Blair Government arrived with lots of legislation: during that period, the House sat for 241 days, back almost to 1979 levels. By 2008-09, the figures had fallen to 139 days and 7.3 hours a day – the lowest figures since 1945, excluding exceptional sessions.¹⁴ Separate debates in Westminster Hall have taken place since 1999 – a development discussed later.

No single change to the Parliamentary timetable is responsible for this slow though uneven decline. (It should be noted that the Commons sits long hours by the standards of European legislatures, although this may in turn reflect Britain's relative centralisation of power at Westminster.) Rather, a number of devices have been used to bring it about – such as alterations to sitting hours, the programming of bills, Prime Ministers' Questions, and voting.

After the 1997 election there were new calls for "family friendly" hours. In 2003, the Commons voted to shift sitting hours to the morning on Tuesdays, Wednesdays and Thursdays – ending at 19.30 on Tuesdays and Wednesdays and 18.30 on Thursdays (thus allowing MPs an extra hour in which to reach their constituencies). In 2005, the Commons voted to return to sitting until 22.30 on Tuesdays, as it did already on Mondays: the decisive votes seem to have been those of older, male, Midlands or northern-based Labour MPs who, being unable to return to their constituencies on Tuesdays, believed that the House might as well return to its former hours on that day.

The roll of the guillotine

Just as more constituency work has helped to shorten sitting hours, so shorter sitting hours have in turn helped to curtail the consideration of legislation.

Until 1998, the Commons had two ways of timetabling bills – by agreement, or by guillotine. Before that year, agreement in modern times represented agreement between Government and Official Opposition. Guillotining represented disagreement – with the former imposing its will on the latter, and on the Commons as a whole, by whipping the guillotine motion through.

In 1979-80, seven guillotine motions were passed. The number remained low until the end of the decade, only reaching the same level in 1987-88 and peaking at 13 in 1988-89. This represented the high water line until 1998-99 when it hit 16. This was a result of two inventive and bloody-minded Conservative

¹⁴ House of Commons Sessional Returns and House of Commons Library Standard Note SN/SG/2226, House of Commons: hours sat and late sittings since 1979, 5 February 2010,

former Ministers, Eric Forth and David Maclean, who found ways of frustrating the will of the Government whips.

By 2008-09, the number of guillotine motions had fallen to one. At first glance, this suggests that the Government business managers backed off. Not so: they found another means of getting their way – programming motions.

Programming – guillotines by another name

Programming is guillotining in advance – in other words, it’s the allocation of time to a bill in advance of its proceedings, put if necessary to a vote at Second Reading. The Modernisation Select Committee – itself a Labour invention – recommended programming. The first programming motion was moved in 1998 in relation to the Scotland Bill – a major piece of constitutional legislation.

There was, perhaps surprisingly, some cross-party consensus when programming was introduced. It was argued that it would introduce greater certainty into the legislative process. This agreement broke down swiftly: since the 2000-01 session, most bills have seen programming motions, many driven through against the wishes of Opposition parties. In 1997-98, there were 18 of them. They reached a high-water mark of 83 in 2005-6, declining somewhat afterwards. (There were 36 in 2008/09.) By way of explanation, it should be noted that there has been a lighter legislative programme during recent years, and that the Conservatives have opposed rather less legislation outright.

“It was always very hard to see why programming would cause more scrutiny of bills rather than less: after all, if a bill is considered for fewer hours its contents are likely be scrutinised less rigorously than would otherwise be the case”

If support for programming from the Opposition front bench has broken down so too, it appears, has backing for programming from some backbenchers – as we will see later. It was always very hard to see why programming would cause more scrutiny of bills rather than less: after all, if a bill is considered for fewer hours its contents are likely be scrutinised less rigorously than would otherwise be the case.

Ministers would dispute this claim. They would appear to have had some support from evidence submitted to the Clerk of the House to the Procedure Committee in 2009. He wrote –

“By and large, there is no evidence that the programming of bills in Committee has resulted in lengthier sittings. In more recent sessions, Programming Sub-Committees have been less likely than in previous years to impose internal “knives” or deadlines by which certain parts of the Bill must be dealt with. The traditional and informal give-and-take between the usual channels has re-asserted itself with a degree of success; only one bill in the current Session has run into the buffers of the final deadline on the ‘out date’.”

However, he also noted –

“That is not to say of course that the Opposition parties would not have preferred to have had more time to debate the issues in Committee; only that they are often prepared in practice to acquiesce in the limits imposed ultimately by the majority in the House itself.”¹⁵

15 Memorandum submitted by the Clerk of the House to the Procedure Committee in June 2009 para 29

It may be that the Opposition parties are less dissatisfied with programming than they claim; alternatively, it may be that their MPs, distracted by other duties and business, are probing bills in committee less rigorously than they might. But certainly, programming has done nothing to help scrutiny in two key respects. First, Ministers have grown careless with amendments, introducing during one recent year no fewer than 5000 of them to their own legislation – which doesn't exactly boost confidence in its efficacy.¹⁶ Second, the volume of legislation has been steadily increasing. In 1993, there were 2640 pages of primary legislation. By 2000, the tally had risen to 3865 pages. By 2006, the total had reached 4609 pages – an increase of 75% in less than 15 years. Gordon Brown's finance bills alone have had a notorious effect on Tolley's tax guide, which consisted of 4998 pages in 1997 and 11,520 pages by 2009.¹⁷

Little wonder, then, that Professor Philip Cowley of the University of Nottingham told the Modernisation Committee in 2007 that:

“Programming is a good example of a good idea, brought forward initially with very good intentions, which has been corrupted. Of the changes introduced since 1997, I think it is the one which has been of least benefit to the House.”

The Committee hesitated to reach so uncompromising a conclusion, but said that there is a tension between the need to facilitate business and protecting the role of opposition parties:

“In using programming, there is a potential tension between facilitating business and protecting the rights of opposition parties. We recommend the operation of programming is kept under review.”¹⁸

That a committee of the legislature should be so mindful of the demands of the Executive is a striking demonstration of contemporary Commons culture – and of the very powers that the Committee was apparently so shy of confronting.

Deferred voting and carry over

The case for having less legislation is arguable. That for having better legislation is incontestable. Instead, we are getting more legislation – and legislation that's less well scrutinised.

Deferred voting is unlikely to raise the quality. A deferred vote is one that is postponed to a later date if called after 22.00. To point out that it breaks the link between attendance and voting is a statement of the obvious. And attendance can be as important in the Chamber as speaking, since it allows MPs, for example, to spot the strengths and weaknesses in a Minister's argument, and perhaps in consequence to change the way he votes. Attendance in the House is obviously greater at some times than others: for example, MPs tend still to turn up in reasonable numbers for the winding-up speeches on a Monday or Tuesday evening if there are votes to follow. Deferred voting is a threat to this link between attendance and voting – and thus a prop to the Executive.

Carry-over was introduced on an experimental basis in 2002 – and, demonstrating the truth of the saying that nothing is more permanent than the

¹⁶ Sir George Young speech to the Hansard Society, 18th March 2010

¹⁷ Memorandum submitted by the Clerk of the House to the Procedure Committee in June 2009 para 29

¹⁸ Modernisation of the House of Commons (2007-8) *scrutiny of the Draft Legislative Programme*, HC 81, evidence para 207

temporary, remains in place. It allows the Government to carry over bills whose progress through Parliament isn't complete from one session to the next. On paper, it allows for more scrutiny. In practice, it may well – but it also allows sloppiness in the drafting, programming and timetabling of legislation. For if a bill doesn't have to pass through Parliament in a session, it follows that Ministers will have less incentive to get the details right.

Displacement activity

A pattern emerges. Rising constituency work has taken MPs out of the Commons chamber. As it has become less central to what they do, its hours have been conflated with those during which other Parliamentary business takes place – for example, Select Committee meetings – thus creating “family friendly hours”. Consequently, it has become less effective at scrutinising legislation, as government seizes the opportunity to programme debate.

And, as it has done so, MPs have found new displacement activity to accompany the increased constituency work: indeed, the one is often the result of the other. There has been a huge rise in written Parliamentary questions to Ministers – from 32,843 in 1990-91 to 56,192 in 2008-09. (In many previous years the figure has been much higher – for example, 95,041 in 2005/6 and 73,357 in 2007-08).¹⁹ At first glance, this development has made for more effective scrutiny of the Executive. But it has been paralleled by an increase in less informative answers. The Procedure Select Committee complained that –

“There is widespread concern that many answers to WPQs are unsatisfactory. The Government has a duty to answer WPQs accurately and in full. It is unacceptable that some answers fall short of these standards, and the Government must reiterate these responsibilities both in guidance provided to officials and in the Ministerial Code.”²⁰

The decline of the written question as a means of extracting information from Ministers has been accompanied by the rise of the FOI request. This had apparently led to a striking result: namely, that voters are sometimes in a better position to gain information from Ministers than those that they send to Westminster to represent them. No wonder the Procedure Committee also wrote: “We are particularly concerned that, in some cases, information is refused under a WPQ but later granted through a Freedom of Information request.”²¹

All-Party Groups can be a form of displacement activity, too. There were well over three times as many in 2009 as in 1986. Some are effective, such as those on autism, lupus, childcare (Ministers tend to pay careful attention to the health-orientated groups). Some of the groups specialising in other countries are very useful – such as those on Iran and Syria – and allow MPs specialist access to real expertise. But do all of them really need to exist? Is it really essential, for example, that there be an all-party group on table tennis? Why is there both an all-party group for shopping and a separate one for shops?

But All-Party Groups become an essential part of the Parliamentary architecture when compared to Early Day Motions (EDMs) – “motions for an early day”, to be debated *mañana*; and, as we know, *mañana* usually never comes. During the 1950-51 session, there were 197 of them. By 2007-08, this had swollen to 2727, of

¹⁹ Parliamentary Trends: Statistics about Parliament 12 August 2009, page 13

²⁰ House of Commons Procedure Committee (2009-10) *Accountability to the House of Commons of Secretaries of State in the House of Lords* summary on <http://www.parliament.uk>

²¹ *Ibid*

which only two were actually debated. The driving cause of this hyper-inflationary increase has been the lobby groups – sponsoring EDMs of almost every conceivable kind, many of them health-related.

The consequent process is familiar to every backbench MP – even if he isn't a participant. The constituent sends in a card, by post or e-mail, asking the MP to add his name to the EDM in question; the MP sends back a promise to do so (which he usually though not invariably keeps). And everyone's happy: the constituent because the MP has done as requested, the MP because he's satisfied the constituent, and the lobby group workers concerned because they've helped to justify their salaries. However, it is fair – though harsh – to conclude that the process, like anything demolished by inflation, has been devalued. No wonder that EDMs are sometimes labelled "Parliamentary graffiti".

So has the power of the Executive grown?

Yes. We've seen how MPs have come to spend less time in the Chamber, how its hours have been elided with other Parliamentary business, how legislation is less well scrutinised as a result... and how displacement activity has increased. No other answer is possible. None the less, it must be qualified, for two main reasons.

There are more backbench rebellions.

In his evidence to the Modernisation Committee, Professor Cowley argued that because Government backbenchers were having fewer opportunities to speak to and vote on amendments during the Report Stage of bills – during which any backbencher can table an amendment – they were more reluctant to give Ministers the benefit of the doubt when other bills came forward for Second Reading. This is one of the consequences of programming, as indicated earlier.

But for whatever reason, there has certainly been an increase in backbench rebellions. Between 1945 and 1970 – for a full 25 years – the governments of the day were undefeated in the Commons. During the 1950s, there were two sessions in which not a single MP defied the whips.²² Party discipline began to weaken during the late 1960s and 1970s. These years are sometimes remembered as an age in which politicians, Labour and Conservative alike, were bigger figures than their successors. But the MPs of that era were less prone to prove their independence in the lobbies than today's.

Labour's first term after 1997 saw rebellions on welfare reform, student grants and loans, freedom of information and plans to privatise air traffic control. But this was a mere warm-up for the term that followed. The 2001-05 Parliament saw a higher rate of rebellion than in any other post-war Parliament to date – and more in absolute terms than in any but the longer Parliament of 1974-79. There were revolts in 21% of all votes.²³

But even this total has been eclipsed during the 2005-2010, which is still in session at the time of writing. 28% of all votes have seen Labour backbenchers refusing to follow the party line. Academy schools, anti-terror legislation, the renewal of Trident, Iraq, fire services, asylum, gambling, welfare reform (again), Gurkha pensions, housing, a third runway at Heathrow... on all these matters, Labour MPs have poured through the lobbies to oppose their front bench.

²² Professor Cowley, Evidence to Modernisation Select Committee, 2007

²³ Professor Cowley, Evidence to Modernisation Select Committee 2007 and <http://www.revols.co.uk/>

They have, however, represented a relatively small number of Labour MPs: the top 20 rebels account for two-thirds of the rebellious votes cast. And the Government has only been defeated six times since 1997 – on all occasions since 2005, admittedly the greatest number for a party with a majority of more than 60 in the post-war era.

So what's been going on? The explanation could relate solely to Labour's internal balance. It may be, for example, that Labour's identifiable Parliamentary left grows stronger as it grows smaller – or more vocal, at any event, and less willing to tolerate what it regards as compromises with capitalism. There could, however, be wider trends at work. Professor Cowley cites a decline in the patronage available to the present Government. Perhaps some backbenchers are growing more responsive to the demands of their constituents – and the lobbies – and more resistant simply to voting the Party ticket. If so, the introduction of more open primaries would accentuate the development. At any rate, the rising number of rebellions should give pause for thought to those who argue that the Whips invariably get their own way.

And Select Committees have more powers

When are MPs most likely to gain media praise? Surely when issuing a report as members of a Select Committee. Try typing “MPs criticise...” into a search engine. Or, more demotically, “MPs slam...” Most of the items that come up as a result will concern Select Committees. The Committee in question has usually issued a report. It has criticised someone or something. And the coverage it has gained has been favourable. The Committee is the active hero of the show. The subject of the report – bankers, Ministers, quangos – is the passive villain.

Select Committees and their work sit easily with the mood of the times: serious, informed, detailed and consensual, with members of different political parties working together for the common good. Norman St John Stevas, a Conservative MP, set the foundations of the present system in place when Leader of the Commons in 1979. Robin Cook, his Labour successor, strengthened its architecture in 2002 – helping to set a new set of ten objectives, including scrutinising the policy, expenditure and administration of each Government department. Select Committees now have a formal role in vetting appointments to public bodies – though they have no veto.

Their numbers have grown. In 1979, there were 14 departmental committees with 148 members; there are now 19 committees with 238 members. The number of non-departmental committees (such as the Procedure and the Modernisation Committees) has grown from 12 to 34. Growth has been followed by staff and money. A Scrutiny Unit was set up to help Select Committees probe each department's finances. A media officer was appointed to help publicise the work of the committees in 2003. A fully-fledged Media and Communications Service followed a year later. All in all, Select Committees are a thriving business.

Furthermore, Select Committee Chairmen are now paid – receiving £14,366. However, this relatively small sum (compared, at least, to a Ministerial salary) is a reminder that Select Committees, for all their increase in powers, don't yet provide an alternative career structure in the Commons. And against the growth in the influence of Select Committees must be weighed their variable quality.

Some, such as the Treasury Select Committee, have established a reputation for hard work and forensic scrutiny. Others, who shall remain nameless, have not.

Influential people, bodies and commissions – Parliament First, the Wright Commission, the Conservative Party’s Democracy Task Force and now the Speaker – are pressing to make Select Committees more independent. Some want not only to see Select Committee Chairmen directly elected rather than nominated by the Whips, but Select Committee members elected, too, by fellow MPs of their own Party. The first reform at least seems likely to happen – which would see a further check on the power of the Executive.

Westminster Hall, free votes, Private Members’ Bills and pre-legislative scrutiny.

Some point to the counter-trends described above – more frequent rebellions, more confident Select Committees – to make the case that the power of the Executive has not increased overall. But, as we’ve seen, these developments must be set against the decline of the Chamber as a check on Ministers – and there’s little further evidence to support the view that the Legislature has as much control of the Executive as it ever did.

However, it can certainly be claimed that the new debating forum of Westminster Hall – opened up in 1999, though technically part of the main Chamber – has created new opportunities to hold Ministers to account and enable Select Committee Reports to be debated. And there is no proof of a fall in the number of free votes – though since the Whips issue their requests privately, firm evidence is hard to come by.

Nor is there any sign that the pace of pre-legislative scrutiny – the examination of draft bills by Select and Joint Committees – has been stepped up: 20 bills were examined in this way during 2002-03 and 2003-04, but the number has since fallen off sharply. In any event, pre-legislative and legislative scrutiny are different animals: although an alert Minister may withdraw clauses of a draft bill which have been criticised by a Joint or Select Committee, and present improved versions in the eventual bill, there is no substitute for the broad examination of the principles of a bill at Second Reading and for the detailed tabling of amendments by backbenchers at Report Stage.

Prime Minister’s Questions

The best-known procedure in the Commons – the Prime Minister’s answering of questions – provides, if the question of Ministers’ accountability to the Chamber is raised, a case either way. Until 1997, the custom was for the Prime Minister to field questions from MPs twice a week – once on Tuesday afternoons at 15.15, and once on Thursday afternoons at the same time.

After Tony Blair became Prime Minister, the practice was “modernised”. The two 15-minute sessions of PMQs (at they’re known) were welded together for half an hour, and shifted to Wednesdays at mid-day. The modernising theory was that PMQs had become the prisoner of the Opposition front benches – that, by the time the two main Opposition party leaders had finished their questions (and the Prime Minister had finished answering them), little opportunity was left for

backbenchers. A full half-hour session, it was said, would free the session from the front benches, liberate backbenchers and – because of its greater length – relax the atmosphere, replacing jeers, heckles, and appeals from the Speaker for order with an ambience of sober enquiry.

By and large, this hasn't happened. The Conservative and Liberal Democrat leaders have been allowed to double the number of questions that they ask, thus reducing possible backbench opportunities. This has had the effect of stretching out the catcalls and interruptions over most of the half hour. It's evident from watching proceedings that the Whips on all sides haven't been shy of planting questions.

Furthermore, the movement of PMQs to Wednesdays has had the effect of truncating the Parliamentary week. There is, if no important Wednesday or Thursday votes are due, nothing to prevent MPs from far-flung (and not so far-flung) constituencies from departing Westminster as soon as the main theatre of the week has finished. Finally, at least one recent Prime Minister, Margaret Thatcher, has said that having to account to Parliament twice a week – rather than once only – helped to keep her on her toes, and to scrutinise her Ministerial colleagues, and what they were up to in their Departments, more carefully than she might otherwise have done.

The innovation under Labour of twice yearly Prime Ministerial appearances before the Liaison Committee is welcome, but it's hard to hold that it represents a significant increase in accountability to Parliament.

The Executive's future

We have observed the fall of the MP as elected representative, and his rise as professional politician, dependent on the taxpayer – and how the representation of interests has been curtailed. We have also seen how increasing constituency work has taken MPs out of the Commons chamber; how it has therefore become less central to what they do, and how its hours have been conflated with those during which other Parliamentary business takes place – and, in recent years, have shortened.

We have noted that although in two important respects checks on the Executive have grown, its waxing powers have outpaced them – as more legislation receives less scrutiny. Perhaps the most telling evidence of this growth is its size. Consider, for example, the growth in the number of unpaid members of the Executive – Parliamentary Private Secretaries. This has risen from 40 in 1983 to a peak of 58 in 2001: during that year, no fewer than 146 MPs were part of the payroll vote.

The question, then – not least for MPs themselves – is: should the Executive be cut down to size and, if so, how? One answer – perhaps shocking, but worth floating (just to see it spelt out) – is that it shouldn't: that the Government of the day, and thus the Executive, should invariably get its way, treating the Commons much as it does the Lords: namely, as a body lacking the legitimacy to halt legislation. This would ultimately allow the Prime Minister to treat the House in much the same way that Charles I tried to treat its predecessor. Such constitutional imbalance would once have spurred Civil War. One can't help wondering if today's voters, many of whom see MPs as possessing no legitimacy whatsoever, would lift so much as a little finger in protest – at least at first.

Another response is that the Executive is being cut down to size anyway, by more frequent backbench rebellions and more powerful Select Committees. It can also be ventured that the electoral and cultural forces which have propelled MPs out of the Chamber and into their offices will grow in pace and scale – that the expenses scandal will spur constituents to clamour for a more independent, responsive, accountable and individually-tailored service. It would follow that MPs would grow more independent, if the political parties conclude that candidates selected by local primaries fare better at the polls. Until fairly recently, MPs felt the tug of only one major gravitational force – that of the patronage-wielding Whips. It could be that they are in transition to experiencing the equivalent pull of another – that of their consumer-minded, technology-savvy constituents. A healthy balance might thus be achieved, as MPs weighed local demands against national needs, and voted accordingly.

The first answer is surely repugnant – as well as, if accepted, a threat to Parliamentary government and our liberal, democratic assumptions. The second, though better, is complacent. Good outcomes usually have to be worked for. They don't simply happen. We've learnt to count our spoons when politicians say: "things can only get better".

There must be a third answer. Should the Executive be cut down to size? Yes. How? To this we must now turn.

Part Three

And Back Again?

5

Professional Politicians or Elected Representatives

Well, there's actually a fourth answer, too. But let's stick with the third for the moment. It's that MPs should become professional politicians, who aren't free to work and earn outside the Commons. I have been disparaging and condemnatory about the idea of the MP as professional politicians – writing that they are bound to degenerate into members of a political class separate and distinct from those who elect them, and that the emergence of a separate political class is eating away at the foundations of the Commons.

But there is a case for professional politicians. It is clear-cut, reasonable in its own terms, in line with the spirit of the age, has an easy presentability – and can therefore persuade. And there is certainly a way in which professional politicians could cut the Executive down to size.

The case is simple. Being an MP is a job. After all, jobs are paid, and since MPs are paid by the taxpayer, it follows that being an MP is indeed a job. MPs work for their taxpaying constituents. It follows that they shouldn't work – “moonlight” is the usual term – for anyone else. All outside interests should therefore be banned or at least severely curtailed. IPSA enshrines this view, declaring its role to be that to “reimburse MPs for the costs they necessarily incur in properly doing the job of a legislator in the 21st Century.”²⁴

Some of those who believe that being an MP is a job and that MPs should be paid also believe that MPs should be paid better. Most MPs appear also to believe that MPs should be paid better (while not necessarily believing that being an MP is a job). The House of Commons Commission wrote to the SSRB during the expenses scandal to suggest a £15,000 rise – bringing MPs' salaries closer to those of headmasters, GPs, and senior council officers, as recommended by a series of reports.

Unsurprisingly, given the timing, that representation got nowhere. But more taxpayer funding and less private money for MPs has an irresistible logic, once it's accepted that being an MP is a job. But a difficulty follows. If being an MP is a job, what on earth are over a hundred MPs doing moonlighting as Ministers, in Departments or on the Treasury bench? To toil in the Department of Transport as an Under-Secretary of State has no more to do with representing Chuffnell Poges than, say, writing a report for Policy Exchange.

It will no doubt be argued that being a Minister has public benefit. But so does writing pamphlets, or buying gilts in the City, or extracting teeth as a dentist, or planning a campaign for a charity, or manufacturing protective clothing, or prescribing pills as a doctor, or making a case in a court of law: all these activities allow present, real-life

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experience to flow back to the floor of the Commons, from which they would otherwise be absent, and hence into the stream of decision making – the same stream that Ministers try to order. The only consistent solution to the conundrum, and ensuring that being an MP really is a job, is to remove the Executive from Parliament altogether along with outside interests. MPs would thus become legislators alone. Ministers would be appointed by the Prime Minister of the day. They would be confirmed in place and remain answerable to Commons committees – which, ultimately, could fire them. In the absence of Ministers from Parliament, Select Committees would take their rightful place in the sun. Being Chairman of a Select Committee would no longer be a career path; it would be the only career path of any significance. The Commons would become a House of Representatives. The Lords would become a Senate. The British settlement would be transformed into the American way.

The American way has much to be said for it. Making it happen here – a written constitution, the formal separation of powers, Executive-appointed Ministers – would detonate a constitutional earthquake. This is not the place to examine whether or not the Parliamentary landscape would look more durable after the wreckage had settled than before. But the American way and professional politicians would certainly mean politicians wholly dependent on the taxpayer.

Optimists will differ. They will say that in such a settlement people will make money first and enter Parliament later – thus arriving independent of the Whips, who in any event would have no Ministerial patronage to dangle. Optimists are often right, but not necessarily in this instance. Should the Commons risk becoming the repository of the rich, as Congress can be in the USA? Is the pork-barrel politics of which Americans often complain so much better than what we have here? If Conservatives can be romantic to the point of sentimentality about Britain's past, can't radicals be dewy-eyed in the same way about America's present? In the long term, are not professional politicians, in the British context, likely to become pipers following the tune of those who pay them? In other words, won't they be drawn towards identifying with the quarter or so of the working population which draws its income wholly from the state – teachers, local government officials, public sector workers.

Regardless of answers, the Commons as a public sector monopoly would be an unsettling development for the private, wealth-creating sector – and for all thoughtful voters. It would certainly end the ideal of the Commons as the forum in which the clash of interests is resolved by elected representatives who, being free to work and earn outside it, are essentially citizen legislators. And if the Commons doesn't exist to resolve the clash of interests, what's the point of it – especially if the taxpayer is footing the bill?

Elected representatives

The case for elected representatives has already been made – simply by telling in brief the story of how the Commons evolved and what it means. But to recap briefly: politics in Britain involves resolving the clash of interests. These interests are often local and private. The Commons is the place in which the clash between such interests (or any interests) and others is dramatised and thereby resolved.

In the model of the MP as elected representative lies the fourth answer to the question that closed the last part of this report – namely, how should the Executive be cut down to size? That answer, in a sentence, is – by MPs being less reliant on taxpayers' money and IPSA's approval.

After all, elected representatives, free to work and earn outside the Commons, would be essentially independent of the Executive. They would be dependent neither on Ministerial salaries (as professional politicians often are under any constitutional settlement which joins Executive and Legislature together) nor on the taxpayer (as professional politicians are under almost any constitutional settlement at all).

Most of them might well, of course, be consumed by hope of Ministerial office: perhaps this is inevitable under our Parliamentary system in the present day. But by the laws of numbers and fortune some of them – even most of them – don't achieve it. And those who become Ministers are never Ministers forever: age, inability, bad luck, timing or Prime Ministerial caprice defeat them. Sooner or later, they return to the backbenches, at best to distil their experience for the benefit of their colleagues, at worst to heap their resentments on to the Chamber floor. There are always fewer MPs off the Ministerial payroll than on it. This is a natural, healthy check on the Executive. There should be more.

“How should the Executive be cut down to size? That answer, in a sentence, is – by MPs being less reliant on taxpayers' money and IPSA's approval”

Objectors will stubbornly make the case for the MP as public employee – for professional politicians, and sometimes for the separation of powers and radical constitutional reform. They also have telling questions with which to probe the citizen legislator ideal. Is it really being proposed (they ask) that all taxpayer funding be taken away from MPs? If so, wouldn't the Commons become a playground for the rich – far more than a chamber of professional politicians would? And if so, what about the support that even the most grudging cynic, surely, would concede to MPs – an office and perhaps a secretary each? If MPs are to be in the pocket of private interests, won't one form of corruption replace another? They may no longer plunder the taxpayer, but won't they be the tool of capital? In short, won't sleaze return to haunt the corridors of Westminster?

These are powerful questions – and, by implication, searing criticisms. They would hold were all taxpayer support to be withdrawn from MPs. But this is not what is being proposed here – though a streamlining of taxpayer support is certainly part of the mix. There are more subtle, though simple, ways of reversing the professionalisation process. It is now time to spell them out.

Follow the money

To go back for a moment to money, there are essentially four possible forms of financial arrangements for MPs:

- The Famine Option: Little private money and little public money.
- The Fatcat Option: Lots of private money and lots of public money.
- The Political Class Option: Little private money and adequate public money.
- The Back to the Future Option: Adequate private money and little public money.

Let's look first at the Famine Option. To be true to itself, it would mean a ban on private interests and no public salaries at all. Such a solution really would make the Commons a refuge for what the Speaker has called “the independently wealthy

(by inheritance or through earnings), the institutionally wedded (backed financially by, for instance, the trade union movement) and the ideologically welded (those so committed to a particular position on the political spectrum or so passionate about certain policy positions, that they would enter Parliament regardless of the terms and conditions).²⁵

It would also be likely to swing the doors of the Chamber wide to corruption. A House of poor MPs would be a House of even needier (or greedier) MPs. And the larger the number of even needier MPs, the larger the number – human nature being as it is – of corruptible MPs. This option must be dismissed.

Turning to the Fatcat option, we do even worse. It would combine a higher salary of perhaps £80,000 – as the House of Commons Commission recently suggested – with the expenses system that pertained until the recent reforms. It is a cliché to write that “public opinion would be outraged”, but this would none the less be the case. And although public opinion isn’t always right, it would be in this instance. A Fatcat Commons would offer the unique possibility of arrangements worse than those recently in place – allowing corruption to rampage unchecked while MPs plundered the taxpayer at the same time. This option must be dismissed.

Thirdly, the political class option should be dismissed for all the reasons discussed previously – that politicians should not become a “priestly caste” remote from the electorate and reliant solely on public largesse, which they would therefore have a significant vested interest in preserving.

We are left with the Back to the Future solution. Its main features would include relaxing the register of interests while not increasing MPs’ pay above inflation – and in the long term, reducing it. Allowances should remain as they are with the addition of start-up costs. The MPs’ pensions scheme should be closed to new entrants, and the resettlement grant reformed as per Sir Christopher Kelly’s suggestions. Office costs should be left as they are, changing with inflation.

Back to the Future of MPs

If being an MP is a job, the recent further tightening-up of the Register of Members’ Interests make sense. Under this assumption, MPs’ time is the voters’. Any time not spent on their work must therefore be registered – and not only time but money – so they know what their employees are up to.

Some hold that the recent changes will actually do little, if anything, to speed up the professionalisation process whereby MPs become wholly dependent on the taxpayer. Kelly, they say, has approved outside interests in his report (they were not obviously within its scope) and Sir Ian Kennedy, head of the Independent Parliamentary Standards Authority, may well take the same view. However, a close reading of Kelly’s words on the matter suggests that, without ever quite having said so, he is, at the very least, willing to concede professionalisation:

“MPs should remain free to undertake some paid activity outside the House of Commons, provided it is kept within reasonable limits and there is transparency about the nature of the activity and the amount of time spent on it.”²⁶

²⁵ John Bercow’s speech to the Oxford Union, 5 February 2010 <http://news.parliament.uk/2010/02/speaker-addresses-oxford-union-society/>

²⁶ Committee on Standards in Public Life (2009) *MPs’ allowances and Expenses*, Recommendation 34

“Reasonable limits” suggests for MPs to obtain more private than public money would be unreasonable – indicating that Kelly has himself ticked, however covertly, either the first or third option outlined above: it would seem that he wants MPs to earn little private money, though he would perhaps be prepared to allow them lots of public money. All in all, the recent changes seem likely to speed up the professionalisation process. The media has had a field day with the new register rules as applied to outside earnings. If Cyrus Ritz MP registers £10,000 from Greed Incorporated, and claims that he earned it in an hour, the headline is: “MP rakes in £167 a minute”. If he claims that he earned it over five days, the headline is: “MP takes week off to line pockets.”

Combative spirits, taking their cue from the likes of Frank Field or Ann Widdecombe, will robustly defend their earnings, doggedly and truthfully proclaiming that being an MP isn’t a job. It is of course unlikely, in current conditions, that this view will make immediate headway. As we’ve seen, outside interests are already being squeezed out of the Commons. With the new rules in place, opposition Parliamentary candidates will scour the register for the entries of sitting MPs, and waste little time gleefully publicising what they find in the local media. So the squeezing of interests looks to continue. There is already anecdotal rumour of candidates, in the wake of the expenses scandal, seeking to avert the wrath of their future constituents by pledging not only to restrict their expenses but cull their interests.

All this points towards Ms Murgatroyd’s letter earlier in the report, in which the MPs of the future have literally no time to call their own (unless or until the Courts and the regulators intervene). The only way of avoiding this outcome – the triumph of the idea of the professional politician – is to set the conditions whereby the whole ratchet can be thrown into reverse.

This can be achieved simply by deciding that being an MP isn’t a job, after all: that MPs should be elected representatives rather than professional politicians; that they should be lay people, like the people who vote for them – not a priestly caste; public servants in much the same way that, say, local councillors are (or at least as local councillors were until fairly recently); that what they do is public service – a vocation, a calling. If being an MP isn’t a job, it follows that MPs’ time is in significant ways their own (though they will have to account for their use of it at the ballot box) – and therefore that the present requirement to register time as well as money should be abandoned.

What should replace it? Should the Register perhaps, if the post-expenses scandal changes are dropped, return to the *status quo ante* – the post-Nolan settlement? Thinking more radically, do we need a Register at all? After all, the logic of Enoch Powell’s 1975 oration is in a sense indisputable: one can’t force those who aren’t honest to be honest by regulation. Its application would entail scrapping the Register entirely, and the Code of Conduct with it. But logic isn’t everything. And it certainly isn’t politics – which in part is the mutable art of the possible. It is impossible to sail altogether against the gale of prevailing opinion – to suggest that MPs should not only be able to earn privately, but to make no written declaration at all with regard to their work, relying instead on a verbal one casually muttered or mumbled to a three-quarter empty Chamber. But it may be possible to tack round the wind.

As Ms Murgatroyd’s note demonstrates, far too many official bodies and committees are concerned with the work of MPs – no fewer than eight, by her count. Of these no fewer than five are less than five years old.

Table 4: Public Bodies overseeing MPs by date of establishment

The Senior Salaries Review Body	The Review Body on Top Salaries (TSRB) May 1971; renamed the Review Body on Senior Salaries (SSRB) July 1993
The Committee on Standards in Public Life	1994
The Parliamentary Commissioner for Standards	1995
The Standards and Privileges Committee	13th July 2005
The Modernisation Select Committee	13th July 2005
Committee on Members' Allowances	9th Feb 2009
Reform of the House of Commons Committee	20th July 2009
The Independent Parliamentary Standards Authority (IPSA)	21st July 2009
The Commissioner for Parliamentary Investigations	21st July 2009
The Speakers Committee on IPSA	21st July 2009

There is, unsurprisingly, duplication in these arrangements – not to mention cost: over £7 million to date, and counting. That there should be one Commissioner (Commissioner for Parliamentary Investigations) to investigate the failure to register financial interests and another (Parliamentary Commissioner for Standards) to investigate allegations of paid advocacy defies good sense. It would be orderly to merge the latter with the former, and to replace the permanent Committee on Standards in Public Life with a body that meets as and when necessary. The Standards and Privileges Committee would continue to police the Code of Conduct.

Doing so would make redundant much of the Nolan architecture. Would this be so bad? A bar on paid advocacy, backed up by a Commissioner for Standards, sounds reasonable. But is it? During the pre-Nolan era, MPs would rise to their feet in the Chamber to remind the House that they were a consultant to a police representative body, or a private health firm, or a professional association. There was much wrong with this system. MPs were able to sign up to work for public relations firms with lengthy lists of clients. It wasn't always clear who had an interest in what.

But in some ways this system worked. It allowed bodies of knowledge and expertise to be shared with the Chamber that are not always available today. MPs were able to see through those of their colleagues who possessed neither – to discern which of their colleagues were speaking without conviction and without convincing. As Powell put it –

“A sufficient number of hon. Members know very well quite enough about the background of their colleagues in this House to judge what motives and what credibility may attach to the contributions which we make to debate. This is a place where, whatever we may individually think, we walk about as naked and as visible as if we were under some kind of imaginary X-rays.”

There is no reason why either they or voters should be less discriminating today.

To make a choice is often to pick the lesser of two evils. So it is in this case. If it is essential – as it is – to allow MPs once again to become elected representatives, the decline in the percentage of their income drawn from private sources must be reversed. On balance, it would be best generally to return to the 1975 register conditions, as revised in 1992, with some exceptions: for example, MPs should continue to be required to declare sponsorship. Financial details should of course be updated to take into account, say, the real value of shareholdings today.

If we agree that the position of MP is one of elected representative rather than a job, the logic of the register changes significantly. The original reasons for its introduction – to counter the potential for severe conflicts of interest and bribery – remain valid and should be retained. However, the monitoring of outside interests should be limited to ensuring only that they are legitimate.

Less detail on the register – for the reasons outlined – would be offset by greater public curiosity. There was no internet in 1975 – no Facebook, no Twitter, no bloggers, no investigative journalism on-line, conducted by citizens. Those who dislike outside interests today either in principle or practice would have, were the Register simplified, a capacity to hold their MPs to account which didn't exist 35 years ago. This is as it should be.

Pay

The decline in the percentage of MPs' income drawn from private sources should be reversed not only by encouraging them to earn more private money as citizen legislators, but also by preventing them from gaining a large uplift in their salaries – and perhaps, in the long term, by scaling back present levels. Such change would help to halt and perhaps reverse the rise of the political class.

Keeping MPs' salaries at roughly present levels by pegging them to inflation is not a swift means of making MPs once again elected representatives rather than professional politicians. The quickest means of doing so would be to scrap MPs' salaries at the same time as the register. But, as noted earlier, logic isn't everything. And before diving into the arguments about MPs' pay, it must be confessed at the outset that the whole business of paying them in the first place is a challenge to the laws of logic. Although being an MP isn't a job, it undoubtedly requires work. That work should surely be remunerated in some way. Finding the right level of remuneration has been, in one sense at least, like tracking down the Holy Grail: both are equally elusive.

As previously explained, there has been no shortage of attempts to do so. Various learned bodies have compared MPs' pay to that of other public sector workers – headmasters, GPs, senior Council officers – and usually recommended an increase. But there is something intangible and elusive about being an MP that makes such comparisons somehow miss the point. How does one weigh what an MP should be paid? What monetary value is to be placed on voting to bring down a Government weighed against answering a constituent's letter, or lobbying a Minister compared to voting for or against war, or running an advice bureau, or helping to compose a Select Committee Report? Such questions only provoke answers that in turn provoke more questions.

The wisest course, then, is not to ask them – and to settle, broadly, for what we have – balancing fewer restrictions on outside earnings with salary at present levels, allowing for inflation. This would leave most MPs dissatisfied. Some compare their pay, not unreasonably in many cases, to that of business people, lawyers, doctors, and so forth. Some might say together that if you pay peanuts you get monkeys.

But £65,000 is not peanuts. And MPs are not monkeys (most of them, anyway). They are in the top three per cent in terms of income. £65,000 is over two and a half times average annual earnings. It may be true that MPs are underpaid: as we've seen, trying to pin down how much they should be paid is like trying to pin the tail on the donkey. But when they declare that they're paid too little, they are usually revealing nothing so much as their expectations and assumptions.

There is another reason to keep the present salary in place. It was noted earlier that there are searing criticisms to be made of the citizen legislator ideal. One powerful question is: wouldn't the Commons become a playground for the rich – or, as the Speaker put it, “the independently wealthy, the institutionally wedded, and the ideologically welded?” This is the outcome over which John Major fretted and of which Alan Duncan warned.

It must be admitted that greater taxpayer support has, in particular, helped to make possible the significant increase in the number of women MPs, whose earning power in the labour market, before entering Parliament, would have been less than that of men. In 1964, there were 29 women MPs. By 1979, this number had fallen to 19, reflecting the smaller number of women on the Conservative benches. By 1992 it had reached 60; 1997 saw a leap to 120. By 2005, it had touched 128 – a record of 20% of all MPs. The 2010 election saw the election of 142 women, a new high of 21.8%.

Slashing MPs' salaries would not simply empower the rich; it would halt the decline in public school and Oxbridge representation and undo much of the work by all parties to broaden their candidate selections beyond their traditional pools of talent. In 1979, 73% of Conservative MPs were privately educated; by 2005, the figure had fallen to 60%. The Oxbridge figures have fallen for both main parties. And just as the pressures on outside earnings must account for the fall in the percentage of Commons barristers – 14% in 1951, 6% in 2005 – so taxpayer salaries must account for the startling rise in the proportion of “political organisers” (professional politicians in the making) from 3% to 14% during the same period. Contrary to legend, the number of company directors has increased (though the number of those engaged in “other business” has halved), and that of journalists has not.²⁷

The direction of travel should be clear. During the short to medium term, no real increase in MPs' salaries should be traded off for a less constrictive Register – setting the conditions whereby the ratchet that is transforming MPs from elected representatives to professional politicians can be thrown into reverse. In the longer term, if such a revision did indeed take place, there could be room for a reduction in MPs' salaries. But the arguments against making the Commons a playground for the rich – and for rich men at that – would still apply, and would have to be given due weight.

Expenses

It's sometimes believed that the recent scaling-back of MPs' expenses was entirely the work of Kelly. This isn't so. The replacement of the Additional Cost Allowance by the Personal Additional Accommodation Expenditure Allowance – which brought with it the scrapping of claims for furniture, household goods, capital improvement, gardening, cleaning and stamp duty – was brought about by the House of Commons Commission in April 2009 – six months or so before Kelly reported. Kelly has suggested that MPs should no longer be able to claim for mortgage interest rather than rent.

He also indicated that they shouldn't be able to employ their spouses, or other family members. Given that some MPs employed their staff before marrying them, it would be unreasonable either to demand that they divorce them before continuing to employ them, or that they sack them in order to stay married. But there is a more profound point at stake here. If MPs are indeed elected represen-

27 House of Commons Library: UK Election Statistics 1914-2004, July 2004, page 26 and Parliamentary Trends: Statistics about Parliament 12 August 2009

tatives, they should surely be able to employ whoever they wish. IPSA have recognised this in both allowing one “connected person” to be employed and by applying it only to new appointments.

The point of expenses is to cover costs. If an MP requires two homes – one in the constituency, one in London – then costs incurred for the second home should be covered. It was essential, in the wake of the expenses scandal, to prune MPs’ expenses severely. But there is a distinction between pruning and uprooting. The curtailment of the payment of household costs smacked of panic rather than fairness. So all necessary costs should be covered: but necessary means necessary, and the consequent arrangements should be, to borrow a phrase that Michael Howard once applied to prisons, “decent but austere”.

It is sometimes said that all MPs’ main homes should be in their constituencies, and their second homes – those for which they can legitimately claim expenses – be based in London. New tower-block accommodation in the capital for MPs has been suggested, cheered loudly by the very same people who later, doubtless, would boo lustily when the bill for such an extravagance was leaked, were it ever embarked upon.

The case for an MP’s main home being deemed to be in the constituency seems hard to contest on paper, but it is less persuasive in practice – especially if the MP concerned is an elected representative rather than a professional politician. Lady Thatcher’s main home wasn’t in Finchley, nor was Tony Blair’s in Sedgefield. Were they therefore less effective local MPs than other contemporaries who lived “in the patch”? Is a rule which compels MPs to live in their constituencies more or less likely to aid their possible transformation into social workers (not to mention professional politicians)? In any event, there is usually an exception to every rule.

MPs have always been able to claim for first-class travel. This has recently become controversial, yet is defensible. MPs can either travel first, and be sure that they’ll have the facilities to work, or travel second, and not be sure. If constituents want their cases dealt with more swiftly, the former option is the better of the two.

The main features of the expenses budget should cover rent only for housing for MPs whose constituency lies outside the M25; council tax, utility bills, security and contents insurance for those homes; cleaning of up to £25 a week; £25 a night subsistence allowance in hotels only, claimable against receipts; first class travel; and a one-off furnishings grant at the start of each Parliament – with all items to be returned to the state when the MP leaves the Commons.

Pensions

If MPs are to be elected representatives rather than professional politicians, there is a case for them receiving no pensions from the public purse at all. However, as noted earlier, although being an MP isn’t a job, it undoubtedly requires work, and that work should surely be remunerated. If it should be remunerated, it follows that it should also be pensioned.

But if finding the right level of remuneration for MPs has been like tracking down the Holy Grail, finding the right pensions arrangements for them looks little easier. The most likely present outcome at the time of writing is that legislation will be passed to close the present scheme to new entrants during the next Parliament – a measure that would come into effect, therefore, in the next Parliament. New MPs in

the Parliament after the next election would be put on defined contribution or money purchase arrangements. The present scheme seems viable – in the sense that there is no reason to close it which arises from the kind of crisis that has devastated private sector defined benefit schemes. And shutting one public sector scheme completely would presumably raise questions about others.

None the less, if the scheme is to continue for present MPs, including the recent new intake, its terms must be closely scrutinised. If MPs are to have a scheme like other public sector schemes, then its employer contributions should be capped in much the same way – presumably at 14% of payroll. Kelly suggested increasing the contribution required by MPs by about £60 a month. MPs would then have to raise their own contributions significantly to maintain the scheme's value.

Resettlement grants

The Kelly Report recommendations – that the value of the grant should be somewhat reduced, that MPs who stand down voluntarily should receive eight weeks pay only, and that the Commons should consider removing or reducing the resettlement grant if the MP in question has abused the expenses system – are sensible. IPSA has declared that this is beyond its remit.

Staff

As noted earlier, the number of MPs' staff has increased by 50% during the past ten years. It will be claimed that this rise is inevitable: that one constituency doesn't necessarily have the same requirements as another (for example, inner city seats tend to generate more correspondence than rural ones); that Parliament must respond to the rise in consumer demand by employing more staff, and that the volume of correspondence from lobby groups, together with more activity outside the Chamber at Westminster, makes the increase unavoidable.

But if MPs are not permanently to be diverted from their duties in the Chamber, expectations of what they can achieve in relation to correspondence must be lowered. This has become essential. There is admittedly a lack of definitive research into the ever-shifting nature of MPs' correspondence. However, it is impossible to turn a deaf ear to the noisy if anecdotal rumour of a growing number of complaints that are beyond the reach of MPs or outside their competence – planning, court cases, disputes between neighbours. In the age of the internet and e-mail, MPs, fearful of losing their seats, will sit at the computers or in their offices writing or dictating replies *ad infinitum* if given the means to do so.

If restoring the balance between the Chamber and correspondence is vital, it follows that a choice must be made in relation to the staff budget. It should either be kept at the same level, allowing for inflation – in order to allow MPs to divert the most extraneous representations to their staff. Or each MP should be allocated a set number of staff – the equivalent, say, of a full-time secretary and a full-time researcher – in order to pressure MPs to junk unnecessary office activity. To take the latter route is risky: MPs might respond by spending less time in the Chamber rather than otherwise. But dramatic action might, just, produce a culture change – one that would result in MPs politely reminding constituents that local planning applications, for example, are the responsibility of local authorities – if accompanied by a localist policy drive elsewhere.

6

The Clash of Interests

We have seen the trajectory of MPs' evolution from elected representatives to professional politicians...and perhaps back again. We've observed the fall of the MP as elected representative, and his rise as professional politician, dependent on the taxpayer – and how the representation of interests has been curtailed.

We've also seen how increasing constituency work has taken MPs out of the Commons chamber; how it has therefore become less central to what they do, and how its hours have been conflated with those during which other Parliamentary business takes place – and, in recent years, have shortened.

We've noted that although in two important respects checks on the Executive have grown, its waxing powers have outpaced them – as more legislation receives less scrutiny.

And, finally, we've traced a way of cutting the Executive down to size – by trading off no real increase in MPs' salaries for a less confining Register – setting the conditions whereby the ratchet that is transforming MPs from elected representatives to professional politicians can be thrown into reverse, and the foundations of the Commons restored.

This tour from the age of Lloyd George to that of Sir Christopher Kelly – via £400 a year, Powell, Nolan, the Freedom of Information Act, the expenses scandal, Kelly and Kennedy themselves, constituency correspondence, Chamber attendance, guillotines, programming, backbench rebellions, Select Committees, pensions, attendance allowances and staff budgets – has been necessarily rapid and therefore partial.

The election of 233 new MPs in 2010 represents both a risk and an opportunity. If these scandal-free parliamentary virgins turn the tide of professionalisation, and restore the status of MPs as citizen legislators rather than professional politicians, they could be the golden generation that restores Parliament to its proper standing – and the kind of future presented in Chantelle's alternative note which closes this report. Conversely, should they let the waters overwhelm them we are on course for the nightmare which opens it.

Delving into every nook and cranny in the Commons and in constituencies – asking, for example, whether MPs should be able to make payments for services to local political parties; examining the requirements that those parties are now expected to meet, or probing the Register now that no *de minimis* rule applies to gifts (it reveals that Anne Widdecombe, for example, has declared the gift of a cuddly reindeer worth £15 after speaking to Castle Point Conservatives, and Jo Swinson, a Liberal Democrat MP, the gift of a 35p pencil after speaking to the Bishopriggs Girlguiding Centenary Celebrations) would require a tome, not a

short report – which, in any event, should not degenerate into a mere list of possible reforms floated by eminent bodies, even those as commendable as Parliament First, the Wright Commission, and the Conservative Party’s Democracy Task Force.

So instead of concluding with a roll call of reforms, let’s do so by describing the two main consequences which hopefully would follow the reverse ratchet set out here. First, such changes would allow the Legislature to seize back control of its proceedings from the Executive. Elected representatives, free to work and earn outside the Commons, would be less reliant on the taxpayer – and, therefore, on the taxpayer-financed patronage at the Whips’ disposal. They would be more likely to grab control of the business of the Chamber, by ensuring that the independent Business Committee, free of Executive control, is maintained, than the Party leaderships are to permanently give such power away. Once a Business Committee

“Once those Ministers are before the House, their statements can be questioned, their legislation probed, their plans subjected to death by persistence and even boredom”

controls the timetable, it controls time. Once it controls time, it can, if it wills, order Ministers before the House whenever it wishes. Once those Ministers are before the House, their statements can be questioned, their legislation probed, their plans subjected to death by persistence and even boredom. Again, other favoured reforms are

more likely to come about in a House dominated by MPs who are no longer dependent on the taxpayer – such as the election of Select Committee Chairmen and members by secret ballot, more time for private members’ business, limiting the Royal Prerogative, a larger number of free votes in committees – than they are because the Executive, mindful always of getting its legislation through Parliament as swiftly as possible, condescends to drop a few crumbs from its groaning table.

There is merit in some of the ideas swirling around think-tanks about more popular participation in Parliament – petitions that allow voters to table bills; petitions that can be debated; the introduction of a power of recall (with a bar set high enough to deter frivolous applications). But they are, on the whole, complementary to the Commons restoring self-government, not a substitute for it. They are filling a hole that MPs have dug for themselves – a legitimacy gap. Were the Legislature itself to shrug off the Executive off whenever it wills, voters wouldn’t look so often in the mirror, and ask if they should shoulder the work themselves.

The icing on the cake of popular reforms is Open Primaries – candidate selection by local voters, not Party members. This is a matter for the Parties themselves, not the Commons. They would be wise not to impose a universal model. Open Primaries are more likely than previous arrangements to produce local champions – village Hampdens who will doggedly speak up for the prosperous commuters of Chuffnell Poges or the huddled masses of Sin City Central. But local champions don’t always make efficient Ministers. And even a Commons from which professional politicians have been escorted via St Stephen’s Entrance will need efficient Ministers. Too much sugar can spoil the digestion.

So the first main consequence of the reverse ratchet could be a freer, more independent and busy Chamber. By extension, the second could be less displacement activity outside it. A more frequently crowded Chamber would mean either

more delegation by MPs of routine correspondence to staff or, better still, to the local authorities and bodies to which it should have been addressed in the first place. It would be likely to sit later – “family-friendly hours” have already retreated from their high watermark – and thus, in turn, allow for larger attendances at Select Committee meetings and bill committee considerations. The vast volume of Early Day Motions would probably reduce, at least somewhat, as would the proliferation of All-Party Groups. The expenses regime would in some ways be returned to the pre-1985 norm, before the fateful decision was made to allow claims for mortgage interest. The cost of MPs’ pensions to the public would be scaled back. MPs would continue in essentials to be self-governing – with the Committee for Standards and Privileges in place – since no body can ultimately discipline those elected by the voters other than those voters themselves.

As previously noted, many MPs, perhaps most, want to achieve Ministerial office as members of the Executive. There’s nothing wrong with this in itself. But it may be that the tantalising vision of following in the footsteps of Pitt, Peel, Disraeli, Churchill and Thatcher is so alluring, under current cultural conditions, that it will continue to lure MPs from their humdrum duties as legislators – however independent they are made from the taxpayer. If so, this prospectus will be useless. Pamphleteers are often unwilling to face up to their own fallibility. They believe that their ideas offer a route map from the slough of despond to the celestial city. My sights are set a little lower. But I am unwilling to give up hope just yet.

Cutting the Executive down to size, some say, is not enough. They go further. MPs, they say, are now irrelevant altogether: a fusty anachronism, together with their mouldy customs and arcane diction, shortly to vanish altogether – as the Speaker’s costume appears to be doing, bit by bit, starting from the wig and working downwards. Technology will sweep them aside into the dustbin of history (the sort of mixed metaphor that is rightly the property of MPs). All will be done by internet-enabled instant referendum. I am not so sure. The internet has had an effect, to put it mildly, on the books market – but books are still there, and in some ways there are more of them than ever. If politics is not a shouted “Yes” or “No” to a take-it-or-leave-it proposition – an exchange of battlecries across a bloodied field – it is something else: the huddled murmur of conversation, by turn dull, enchanting, querulous, lively, exasperated and always frail. Which is where we came in – with conversation as the alternative to war, as the clash of interests is resolved, and with the Commons as that conversation’s echo-chamber.

This view is admittedly romantic. It may be none the worse for that. There is a place for romance in politics – even, perhaps, in the House of Commons. It will be arduous work to persuade voters that the centrepiece of putting Parliament right is to have less regulation, not more, and a shorter Register of Interests, not a longer one – even though they would be, under such a dispensation, while not exactly sovereign, all-powerful still, with the ferocious power of the new technology at their disposal to help tear down the mighty from their thrones. But what other means is there which stands a chance of reversing the rise of the professional politicians – and making MPs elected representatives again?



HOUSE OF COMMONS
LONDON SW1A 0AA



OFFICE OF THE CHIEF WHIP

Guidance note to new colleagues.

June 1 2018

Dear Colleague,

Welcome!

I enclose a note to assist you during your first few weeks in the Commons. It sums up the main themes of my presentation to you earlier today. For convenience, I summarise them in three points.

- 1) Get an office and staff as quickly as possible.
- 2) Be in the Chamber as often as you can.
- 3) Enjoy representing your constituents!

Yours aye,

Chantelle Murgatroyd,
Chief Whip

P.S: When in doubt, remember the Golden Rule: always consult your whip...
...but also remember: in the end, it's your decision.

After all, that's why you came here.



MPs have rarely been held in lower esteem than they are now, after the expenses scandal. Public anger at MPs' use of taxpayers' money has coalesced many grievances into a single, all-encompassing rage against our elected representatives. What should we do about it? In this report, Paul Goodman asks a fundamental question: what do we want our MPs to be? He argues passionately that MPs should be elected representatives, not professional politicians, tracing the trajectory towards a professional political class and plotting an alternative route towards a better, more independent and assertive House of Commons.

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