

# HOUSE OF LORD APPOINTMENTS COMMISSION

Minutes of the Second Meeting, 26 June 2000

## Present:

Lord Stevenson (Chair)  
Baroness Dean  
Lord Dholakia  
Dame Deirdre Hine  
Lord Hurd  
Felicity Huston  
Angela Sarkis

Judith Simpson (Cabinet Office)  
Jonathan Tross (Cabinet Office)  
Jim Barron (Secretariat)  
Mary Grafton (Secretariat)

## Introduction

Lord Stevenson introduced Mary Grafton. Although she would not be joining the Secretariat formally until 24 July, she would, whenever possible, attend meetings before then.

2. Lord Stevenson reported that he had had useful meetings with Lords Strathclyde, Rodgers and Craig. He was due to see Baroness Jay and Mr Kennedy later in the week. He had written to the Chief Whips in the House of Lords to arrange meetings but had yet to make contact with Ministers in the Devolved Administrations. He was due to speak to meetings of the Cross-bench peers on 6 July and the Liberal Democrats peers on 13 July. He was expecting a invitation from the Conservative peers and would be pleased to speak to Labour peers on a similar basis.

## Timing perspectives (Paper 1)

3. The Commission concluded that it was very difficult to predict when it might produce its first list of recommended nominees because it was impossible to know how many people might apply and therefore what the workload would be. Although it might be possible to draft a "job description" which encouraged only a modest number of people to apply, the likelihood was that the Commission would be faced with a deluge of nominations. A list at the New Year seemed unlikely, particularly as the names would have to be with No.10 a month before then, but might be possible. A list in March was achievable. A list any later might get caught up in a General Election campaign.

4. The Commission agreed that Lord Stevenson should open discussions with No.10 suggesting that the peers list should be separated from the Honours list in principle. He should also explain that the Commission did not yet know the precise timing of its first list; it would be by the end of March but might be earlier. Any

public announcement should be cautious on timing. Lord Stevenson would discuss the issue with the Cross-benchers on 6 July.

### **Honours Scrutiny (Paper 2)**

5. The Committee agreed the following broad approach:

- i. there needed to be close liaison with the PHSC to ensure that the Committee and the Commission did not develop widely different systems;
- ii. the informal contacts which the PHSC currently appeared to have with the Chief Whips and Government departments were unlikely to be good enough for the future, though there was a risk that a more transparent system might affect the quality of the information available through it;
- iii. in relation to the appointment of political peers, the primary check currently is and should remain financial probity but the Commission must reserve the right to question the appointment for other reasons. The onus for making sure that a particular appointment did not attract criticism should lie with the Party. If the Commission's scrutiny were to reveal critical information, the Commission's task was to prompt the Party to think again or to point out the potential difficulty to the Prime Minister. The Commission might want to give clearer guidance to the Parties on what it would be looking for.

6. In terms of the detail in the paper, the Commission decided;

- i. its task was to determine unsuitability rather than suitability. It would, though, take suitability into account when drawing up its list of recommendations for Cross-bench peers;
- ii. its objective in relation to the first three tests - on national security, adherence to the law and the payment of taxes/receipt of benefits would be, within the Data Protection Act and any protocols the Departments might wish to introduce, to continue the current system;
- iii. as with the nominations process itself, it would be very important that reasons were not made publicly available why the unsuitability of particular individuals had been brought into focus. This raised the question of whether and legal advice was needed on this;
- iv. the test that the public might expect there to be no question of impropriety in the nominee's professional or business life was too stringent as the criticism or concern might be unfounded. The Commission needed to be mindful of any impropriety. It was, though, difficult to know how to determine this. Although there were concerns about the idea, the Commission might have to give further thought to the question of whether or not consultants should be used to take

soundings about Party nominations and the shortlist of nominees. However, a decision on this could wait until the Commission had further information about the present system and could determine whether or not it was sufficient. In any event, consideration should be given to a newspaper cuttings search forming part of the standard check.

7. The Commission also noted that:

- i. the PHSC had recently introduced another test: "Was the individual living in the United Kingdom and thus able to make a contribution to the work of the House?"
- ii. for political nominees, the Commission would have to rely on a certificate from the Chief Whip declaring that there had been no corruption or undue influence brought to bear in relation to the recommendation. The certificate would also contain details of any political donation.

8. The Commission invited the Secretariat/Cabinet Office to hold a ground-clearing meeting with the new secretary to the PHSC, Gay Catto, as soon as possible.

### Cross-benchers

#### Overall approach (Paper 3)

9. The Commission discussed the paper and concluded:

- i. the Commission should adopt the broad thrust set out in the paper. Its task should be to look for excellence and outstanding achievement and then consider the socio/demographic and skills gaps, and attempt to match the two;
- ii. the Commission needed to have a view of what the priority issues facing the House over the next five years were likely to be and in the light of those, where the House might be light in terms of skills and experience;
- iii. care would need to be taken over the precise words used as these could be interpreted in different ways, for example, "maintaining the dignity of the House" did not mean keeping the status quo but recognising the things the House did well and seeking to re-enforce them. Similarly, the ability to work "harmoniously" and be "comfortable" in the House did not mean that appointees should be conformist but that they had the skills to contribute effectively to the work of the House, challenge constructively and not be over-awed;
- iv. the Commission was looking for people who were still at the top of their profession, which would include people who were active in a number of areas following their formal retirement from one career. The aim would be to look for people with continuing experience. The

objective should be to look for people in the age range 50-65 rather than 58-70.

10. The Commission invited the Cabinet Office to present a short paper on the possible gaps in the skills and experience of the House. It would be useful to talk to the retired Clerks of the House about areas of expertise. Peers tended to contribute to debates in areas about which they had some expertise but it was also important to recognise that individual peers might reflect a particular approach to an issue or have experience some years out of date.

#### Process/methodology (Paper 4)

11. The Commission discussed the paper. The assumption that "honorary" peers would be identified by means other than nomination (3.ii) was no longer valid. As the first criterion in the selection process was to appoint people of excellence and outstanding achievement, the "honorary/semi-automatic" peers should pass this test. In practice, the issue was not as great as had been first thought because there were only six such peerages - Secretary to the Cabinet, Chief to the Defence staff, Private Secretary to HM Queen, the Archbishops of Canterbury and York, and Governor of the Bank of England - and only one of these was likely to come before the Commission in the next year or so.

12. In terms of the conclusions set out in the paper, the Commission agreed:

- i. in principle to follow a fully open nominations process;
- ii. in principle to follow the Code of Practice of the Commissioner for Public Appointments while articulating her principles in a way which was more relevant to it. The Commission did not wish to avail itself of the Commissioner's offer to kite-mark the process;
- iii. to approach the Prime Minister suggesting that he allowed it some flexibility over the initial number of appointments. The objective would be to seek agreement for the appointment of up to (say) 20 - 25 peers, if there were sufficient nominees of quality to justify it, without entering a formal commitment to find that number. An increase of 10/15 in the number of the Cross-bench peers would be significant;
- iv. to follow the nominations process set out in the paper, although it wished to give further thought to whether or not "interviews" should be held;
- v. it was clear the Commission could not rely solely on the Internet but needed to strike a balance between using that and more traditional media when communicating with the public;
- vi. search consultants (or a call centre) might be used to help with the administration of the process, for example, sending out information packs but they should not play a part in the selection process. Experience suggested that if search consultants were used draw up a longlist, a close watch needed to be kept over the selection criteria as

this tended to drift. In terms of search, consultants tended to have established lists of people whom they approached. The Commission should aim to go beyond this and look to other organisations itself;

- vii. there was no need to decide now about which of the two models of the selection process should be adopted following the initial round of appointments; much would depend on what the Commission learnt from experience; and
- viii. the issue of timing had been covered earlier in the meeting.

### **Miscellaneous**

13. The Commission decided to defer the items of business relating to handling of conflicts of interest, Judith Simpson's "tricky issues" and the relationship to the Wakeham recommendations to a subsequent meeting.

14. The Commission agreed:

- i. the Office address would be 35 Great George Street (the Secretariat would work up designs for the Commission's letterhead);
- ii. the Secretariat should prepare a paper on the pros and cons of consulting with the public on part or all of the Commission's processes over the Summer;
- iii. there was a need for professional media support, which could act as a buffer between the Commission and the Press. The Secretariat should explore the options. In the meantime any press enquiries should be referred to Jim Barron; and
- iv. the Secretariat would produce a paper on how the Commission could use the Internet.

3 July 2000