

**HOUSE OF LORDS APPOINTMENTS COMMISSION**

**MINUTES OF THE 34<sup>TH</sup> MEETING HELD ON 16<sup>TH</sup> JANUARY 2006**

Present: Lord Stevenson (Chairman)  
Lord Hurd  
Lord Dholakia  
Mrs Felicity Huston  
Baroness Dean  
Mrs Angela Sarkis

Mr Peter Fish – Treasury Solicitors  
[REDACTED] – Treasury Solicitors

Mr Jim Barron – Secretariat  
Ms Geraldine Alexander – Secretariat  
Mrs Paula Adshead – Secretariat  
Miss Louise Blundell – Secretariat

**Apologies**

1. There were no apologies.

**Minutes of the last meeting**

2. The Chairman explained that the focus of the meeting was to be the scrutiny of the party-political list. The minutes of the 31<sup>st</sup>, 32<sup>nd</sup> and 33<sup>rd</sup> meetings of the Commission therefore would be tabled at its next meeting.

**Chairman's update**

3. The Independent Members' posts had not been advertised in December. It was possible that the Commission would be approached about its remaining in post for a further period; it was not clear, however, how long this might be. The Chairman reminded the other members that he had raised this matter with the Government in September and was surprised that no action had been taken so far.

**Counsel's advice**

4. [REDACTED] On the issue of whether or not nominees should be given the opportunity to make representations, the Commission believed that it was acting in a reasonable and fair manner in its consideration of nominees and that providing an opportunity for representation

would not add to this. Its role was to reach a judgement on the credibility of the individuals on the list to sit in the House of Lords; it was not to pass judgement on the rights and wrongs of the events which had given rise to the controversy, where the views of the individuals concerned would have been matters to consider. It was also aware that it should not alter its practices in the middle of the process. (In relation to this point and the secretariat's conversations with [REDACTED] and [REDACTED], the communication had been to establish the facts of events that in one case had taken place some 20 years ago; it was not to allow him the opportunity to make representations.)

5. The Commission also considered the issue of whether or not it should provide nominees with the reasons for its recommendations. It was agreed that the Commission would not do so. This was in line with its policy on its own nominees. Moreover, its role was to offer advice to the Prime Minister and it should not anticipate his decision on individual cases.

#### Scrutiny of names

6. Introducing the discussion of names, the Chairman said that it was not the Commission's role to reach quasi-judicial decisions on individual nominees; it was not equipped to determine the rights and wrongs of particular episodes. The Commission had decided what propriety meant in the context of its work and this was ultimately a question of the Commission's exercising its judgement – would the appointment of the nominee enhance or diminish the reputation of the House and the honours system more generally?
7. Turning to the names on the list, Lord Stevenson and Baroness Dean reminded the other members that they were not taking part in the scrutiny of [REDACTED] and [REDACTED] respectively.
8. Lord Stevenson confirmed that the Commission had no objections to [REDACTED]'s nomination since it had been endorsed by the [REDACTED] Vice-Chairman who had confirmed that it was supported by the other Party office-holders.
9. The Commission considered [REDACTED] nomination. It noted that [REDACTED] had made donations to the [REDACTED]. The Commission was aware that he was a successful [REDACTED] who had achieved a great deal and in many ways was a credible nominee. However, the Commission was also aware that he had made donations to the [REDACTED] in total, and had [REDACTED]. It was agreed that it was not the role of the Commission to pose a party-loyalty test; these matters would be drawn to the Prime Minister's attention, who, as Party Leader and nominator of [REDACTED], should make the decision as to whether or not he should sit on the Party benches.

10. The nomination of [REDACTED] was considered. He had made a donation of [REDACTED]. He had also made donations of [REDACTED]. As with [REDACTED], this fact should be brought to the Prime Minister's attention in his role as Party Leader. On the matter of the [REDACTED], the Commission noted that the legality of the issue was not a matter for it to decide and that the [REDACTED] was taking no action against [REDACTED]. However, the Commission was concerned about the effect of the [REDACTED] on [REDACTED]'s reputation and standing in the community. It was agreed that the public perception of [REDACTED]'s involvement in the [REDACTED] was such that his appointment would, in the Commission's judgement, have a negative effect on his credibility as member of the House of Lords and on the reputation of the House of Lords itself. The Commission could not advise the Prime Minister to appoint [REDACTED].
11. [REDACTED]'s nomination was also considered. [REDACTED] had donated [REDACTED]. The Commission noted [REDACTED]'s involvement, [REDACTED] and his unsuitability for a peerage. The Commission had also received a letter from [REDACTED]. [REDACTED]. It was agreed that it would not be appropriate for the Commission to take into account the [REDACTED] in its consideration of [REDACTED]'s nomination. The Commission agreed, however, that it was relevant to consider [REDACTED]'s reputation and standing in the community when considering his nomination. The public perception of the controversy over the [REDACTED], and [REDACTED]'s role in it, was such that it had damaged [REDACTED]'s reputation. The Commission concluded that, if appointed, the controversy would have a negative effect on his credibility as a member of the House of Lords and on the reputation of the House itself. It was agreed that the Commission could not advise the Prime Minister to appoint [REDACTED].
12. The Commission considered [REDACTED]'s nomination. He had donated [REDACTED]. The Commission had received a letter from [REDACTED] explaining that [REDACTED]. The Commission had consulted [REDACTED] on the content of this letter, who confirmed their original position and said that other issues remained that were not covered in the letter. The Commission therefore agreed that it could not support [REDACTED]'s nomination at present but, based on the advice of [REDACTED], it could be looked at again in six to twelve months.
13. The Commission considered [REDACTED]'s nomination. It recalled that it had decided that his role in the [REDACTED] should not stand in

the way of his nomination. Similarly, it had decided not to take into account a newspaper report about the [REDACTED] that involved a [REDACTED] because the [REDACTED] had taken no action. Since the Commission had taken this decision, it had become aware of an [REDACTED]

[REDACTED]. While the Commission understood from the SFO that on the basis of its initial inquiries there was no suggestion that [REDACTED] had been dishonest, it was agreed that it should advise the Prime Minister that while the [REDACTED] was taking place – or indeed any [REDACTED] – [REDACTED] should not be put forward for a peerage.

#### **Letter to the Prime Minister**

14. The Commission considered the draft letter to the Prime Minister and made a number of comments. The Secretariat would revise the draft in the light of those comments and discuss it with members of the Commission individually. Although the Prime Minister had invited the Commission's suggestions for improvements to the vetting process, it was agreed that the Commission would write separately on this subject.

Commission Secretariat  
January 2006