

## HOUSE OF LORDS APPOINTMENTS COMMISSION

### MINUTES OF THE 51<sup>ST</sup> MEETING HELD ON 1<sup>ST</sup> DECEMBER 2008

Present: Lord Jay (Chairman)  
Baroness Dean  
Lord Dholakia  
Prof Dame Joan Higgins  
Dr John Low

Geraldine Alexander (secretariat)  
Kate Campbell (secretariat)  
Pam Cooke (secretariat)  
Richard Jarvis (secretariat)  
Maggie O'Boyle (secretariat)  
Judith Simpson (MOJ – attended part of the meeting)

#### Apologies

1. There were apologies from Lord Hurd and Baroness Campbell.

#### Minutes

2. The minutes of the meeting held on 29<sup>th</sup> September 2008 were agreed.

#### Chairman's update

3. Lord Jay highlighted the issue of vetting as something for the Commission to discuss at the next meeting on the basis that there were likely to be some party-political nominations to be vetted in the near future.
4. Lord Jay updated the Commission on meetings he had attended with the Leader of the Lords, Leaders of the Opposition Parties in the Lords, and Nick Clegg MP. A postponed meeting with David Cameron MP was to be rescheduled. A meeting with the Prime Minister would be arranged, but no date had yet been fixed.
5. The Commission had received positive feedback on its briefing paper for Peers and MPs.

#### Lobbying

6. The Commission discussed lobbying by nominees and their supporters. The Commission agreed the approach set out in the meeting paper and noted that members would also need to apply common sense to individual situations. It was agreed that in instances where it was unclear to a member whether or not they should declare an interest in a nominee, they should err on the side of

caution and make a formal declaration.

7. The Commission agreed that it would be inappropriate for individual members to approach individuals to suggest that they might wish to consider submitting a nomination. However, it was agreed that there may be occasions when the Commission as a whole might agree that an individual should be encouraged to apply. Any direct approach to an individual would make clear that there was no guarantee of success.
8. The Code of Practice was considered. It was noted that the Secretariat would continue to ensure that relevant government papers were distributed to the Commission, as in paragraph 3 of the Code.

### **Managing the legacy**

9. The Commission looked at the task passed on by the previous Commission to review the existing nominations. The Commission agreed that:
  - It would review the papers of the 67 interviewed nominees with a view to deciding who would be kept for further consideration, and who would be rejected.
  - Nominees not yet interviewed (ie “holdovers”) whose nominations were submitted more than two years ago would be rejected, on the basis that the previous Commission had reviewed these nominations several times without recommending them for interview.
  - Holdover nominations submitted in the last two years would be reviewed.
  - It would review the draft reject letters.
  - The existing assessment process would be used to consider new nominations but managed in such a way as to avoid a build up of nominations.
10. The Commission requested further advice and a suggested strategy from the Secretariat for handling unsuccessful nominations.
11. The Commission agreed that it would like to look at identifying skills gaps. It was suggested that the Commission could work alongside the Convenor of the Crossbench Peers on any analysis of skills gaps in the House. It was agreed that any work commissioned needed to be objective and robust.

### **Assessment Process – the way forward**

12. The Commission agreed that interviewees should be informed more promptly if they were unlikely to be appointed. In addition, an internal time-limit of two years would be introduced for all nominations, so that (except in exceptional circumstances) nominees would be informed of the outcome of their nomination within this time frame.
13. The Commission agreed that references should be requested prior to it considering whether or not to invite a nominee to interview. The letter to the referee would make clear that the reference would be one of several factors taken into consideration. This change would be reflected in the published process.

14. The Commission noted that it was the prerogative of the Prime Minister to decide an appropriate number of appointments and the timing of announcements each year. The Commission saw advantage in maintaining some flexibility on both points.
15. The Commission would look to recommend a list of names to the Prime Minister in late spring 2009.
16. The Secretariat was invited to develop a detailed implementation paper of the agreed changes to the assessment process.

#### **House of Lords Reform**

17. Judith Simpson from the Ministry of Justice attended this part of the meeting to brief Commission Members on the history and the progress to date of Lords Reform.

#### **Communications**

18. The Commission agreed that at present it would maintain its current approach to communications. However, it would seek to move towards a more targeted approach in the longer term.

#### **Future meetings**

19. The Commission agreed that it would meet 6 times a year. It noted that there would be a need for sub-committees to meet more regularly.

#### **AOB**

20. The Commission noted the decision of the information tribunal on the Rosenbaum case.
21. It was agreed that the Commission would need to develop a new nominations database as a matter of priority.
22. The Commission noted the need for all personal information to be stored securely and handled in accordance with the Data Protection Act.

Commission Secretariat  
December 2008

