

HOUSE OF LORDS

APPOINTMENTS COMMISSION

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Sir Keir Starmer QC MP
HM Leader of the Opposition
House of Commons
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By email

17 March 2022

Dear Sir Keir,

Peerage appointments vetting

Thank you for your letter of 12 March 2022, received by the House of Lords Appointments Commission on 14 March 2022.

It may be helpful if I outline the role of the House of Lords Appointments Commission (HOLAC). As outlined in our correspondence with you on 8 November 2021, HOLAC is an independent non-statutory advisory body with independent members and three members nominated by the Conservative, Labour and Liberal Democrat parties.

One of the Commission's roles is to vet individuals nominated for peerages for propriety in line with its published criteria. Propriety in this context means that:

- I. an individual should be in good standing in the community in general and with the public regulatory authorities in particular; and
- II. the past conduct of the nominee would not reasonably be regarded as bringing the House of Lords into disrepute.

Nominees must give their consent to the necessary checks made by the Commission, which includes relevant government departments, agencies and other organisations including the Electoral Commission, as well as carrying out a media search. Taking all the evidence into account, the Commission offers advice to the Prime Minister (or the leader of any other political party which is invited to make nominations) that it sees no reason why an appointment should not be made or that it cannot support an appointment. The Commission also highlights issues of concern which it judges fall short of probity concerns which might prevent an appointment, but which it considers nonetheless constitute relevant propriety or presentational considerations, were an appointment to be made.

For political nominations, the Commission's role is to vet for propriety only; any concerns or considerations about suitability of those recommended for a peerage are a matter for the leader of the political party making a nomination or for the Prime Minister of the day. The Commission does not have a veto; for all peerages it is ultimately the Prime Minister's responsibility to decide whether to recommend an individual to Her Majesty The Queen for appointment.

Although the Commission seeks to be as transparent as possible about its criteria and processes, its formal advice to the Prime Minister is confidential. In order to maintain the integrity of the Commission's vetting processes, it will not comment on any individual. It would be highly unfair on individuals to do so and risks undermining nominees' confidence in the confidentiality of vetting processes. HOLAC is also subject to legal, GDPR and data protection responsibilities which affect the provision and use of information.

It is the Commission's role to assess and provide advice to the Prime Minister based on both information which is in the public domain along with information shared by vetting agencies for the specific purpose of carrying out its remit. On that basis, the Commission does not intend to make public the vetting material for Lord Lebedev or any other nominee for a life peerage. The Commission will also not comment on Lord Lebedev specifically, other than to confirm that the Commission carried out its vetting checks and provided advice to the Prime Minister.

Were the Prime Minister to recommend a peerage against the Commission's formal advice on propriety, the Commission has previously undertaken to write to the relevant Parliamentary Select Committee. You will be aware that this occurred in December 2020 and my letter to the House of Commons Public Administration and Constitutional Affairs Select Committee and the Prime Minister's response to HOLAC were placed into the public domain.

In your letter, you also asked the Commission to review the propriety of Lord Lebedev's place in the House of Lords. The Commission's remit relates only to vetting nominations for potential life peers in advance of recommendation for appointment. We have no role in assessing the propriety of sitting Lords, which must be a matter for the House.

I appreciate the concern which has prompted your letter and the very real public interest in the integrity of appointments to the House of Lords. As you acknowledge in your letter, the Commission takes very seriously its duties in promoting the highest possible standards of propriety. I speak for all members of the Commission when I say that we complete this task to the best of our collective abilities and with the fullest possible information to carry out the remit set for us.

I am copying this letter to the Chairs of both the Public Administration and Constitutional Affairs Committee and Lords Constitution Committee for information. A copy of this letter will also be placed on the Commission's website for full transparency.

Yours sincerely,

Paul Bew

Chair, House of Lords Appointments Commission