

**House of Lords Appointments
Commission**

Annual Report

November 2015 – October 2018

HOUSE OF LORDS APPOINTMENTS COMMISSION

CHAIRMAN'S FOREWORD

THE RIGHT HONORABLE PROFESSOR THE LORD KAKKAR

I present the tenth report from the House of Lords Appointments Commission. It covers the Commission's work over three years, from November 2015 to October 2018.

During the reporting period the Commission has recommended three people for appointment as non-party-political peers, our first since October 2015.

In addition to making recommendations for appointment to the crossbenches, the Commission has continued to vet for propriety individuals nominated by the political parties and by the Prime Minister of the day, for appointment to the House of Lords. During the reporting period, the Commission vetted 39 nominees who were subsequently appointed to the House of Lords: 28 individuals nominated by the political parties, four people who were appointed to Ministerial offices and seven people nominated by the current or previous Prime Minister for their public service, who sit on the crossbenches.

This report comes as I step down after five years as Chairman of the Commission. It has been a great privilege to lead the Commission in discharging its duties to vet individuals nominated by the political parties for propriety and to recommend non-party-political peers for appointment. While it has only been possible to put forward a limited number of non-party-political peers over the past five years, the Commission has continued to play its part in adding to the breadth of expertise and experience available in the second chamber. I would particularly like to thank my colleagues on the Commission for their deep commitment to public service and their considered advice on the matters before the Commission.

As the House of Lords continues to consider its future size and shape, the work of the Commission will, I hope, remain important to the integrity and functioning of the House and I wish my successor, Lord Bew, and all the Commissioners every success in their endeavours.

THE Rt. Hon. LORD KAKKAR PC

Members:

Baroness Browning, Rt. Hon. Lord Clark of Windermere PC, Rt. Hon. Lord Kakkar PC(Chairman), Lord Low of Dalston, Professor Gillian Peele, Sir Malcolm Ross, Baroness Scott of Needham Market

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The Appointments Commission

Our role and composition

1. The House of Lords Appointments Commission was established in May 2000 as an interim measure, pending Lords reform fifteen years ago by the then Prime Minister (Tony Blair) as an independent, advisory non-departmental public body.
2. Our role is to:
 - make recommendations for the appointment of non-party-political members of the House of Lords; and
 - vet for propriety all nominations to the House of Lords, including those put forward by the political parties and Prime Minister.
3. The Commission has seven members, including the Chairman, Lord (Ajay) Kakkar. Biographies of the members can be seen at Annex A. Four members, including the Chairman, are independent of government and the political parties. They were appointed by open competition, in accordance with the then Commissioner for Public Appointments' Code of Practice.
4. Lord Kakkar was appointed in October 2013 for a five-year non-renewable term of office. The other independent members – Lord (Colin) Low, Professor Gillian Peele and Sir Malcolm Ross – were appointed in December 2013 for a similar five-year non-renewable term.
5. The other three members – Lord Hart (Labour), Lord Howard (Conservative) and Baroness Scott (Liberal Democrat)– were nominated by their respective party leaders, at the invitation of the Prime Minister in 2010, they were re-nominated again for a further three year period in November 2016.
6. Lord Hart died on 3 August 2017. Characteristically, he contributed fully to the work of the Commission right up until shortly before his death. The Commission was deeply saddened to lose such a hard-working and energetic colleague and gave its sincerest condolences to Lady Hart and his family.
7. The Prime Minister appointed Lord Clark of Windermere on 11 September 2017 for a five year term, to represent the Labour party, filling the vacancy caused by Lord Hart's death. The Commission welcomed Lord Clark, who has over the last year made a valued contribution to the work of the Commission.
8. Lord Howard stepped down from the Commission on 31 December 2017, having previously given notice of his intention to stay on until a replacement was found to represent the Conservative party. HOLAC wishes to record its gratitude to Lord Howard for the significant contribution to the Commission's work he made throughout his term of office and its thanks for the considerable work of his successor, Baroness Browning, in the last few months.
9. The Commission has been supported by a small shared secretariat, provided by the Civil Service Commission and based at 1 Horse Guards Road, London. From

January 2018 secretariat support was provided by a discrete team from the Honours and Appointments Secretariat within Cabinet Office, working directly to the Appointments Commission.

10. Since our last report in October 2015, the Commission has met eight times – in February, June and October 2016; in April and November 2017; and in January, May and October 2018. Copies of the minutes of Commission meetings are published on our website once approved by the Commission.¹

Appointments to the House of Lords

11. Anyone who is over 21² and a citizen of the UK, Ireland or a Commonwealth country³ can apply or be nominated to be a member of the House of Lords. It is also a requirement that individuals are resident in the UK for tax purposes.⁴

12. The Commission's role extends to:

- nominations made to the cross-benches by either the Commission or the Prime Minister; and
- nominations made to the political benches, including those nominated to serve as ministers.

13. The Commission has no role in relation to the appointment of Church of England Bishops and Archbishops to sit in the House of Lords (there are 26 places available for such appointments). The Commission also has no role in relation to the election of hereditary peers to fill vacancies occurring in the 92 places available for elected hereditary peers nor in the return to the House of Lords of the (twelve) Justices of the Supreme Court who, prior to the establishment of the Court, were Law Lords and who retain the right to return to the House of Lords.

Openness and transparency

Accountability to Parliament

14. Lord Kakkar submitted evidence⁵ in January 2017 on behalf of the Commission to the House of Commons Public Administration and Constitutional Affairs Committee who were undertaking an inquiry entitled *An Effective Second Chamber? The House of Lords Inquiry*. The Inquiry concluded when Parliament was dissolved following the calling of the General Election in June 2017.

15. Lord Kakkar appeared⁶ before the House of Lords Constitution Committee on 26 February 2017. He answered questions on the Commission's role, including on

¹ <http://lordsappointments.independent.gov.uk/>

² The Standing Orders of the House of Lords Relating to Public Business

³ Act of Settlement 1701 s.3 and British Nationality Act 1981 s.7

⁴ Constitutional Reform and Governance Act 2010, s.41

⁵ <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/public-administration-and-constitutional-affairs-committee/an-effective-second-chamber-the-size-and-composition-of-the-house-of-lords/written/44963.html>

⁶ <http://www.parliamentlive.tv/Event/Index/9f47ec55-3e3c-4449-9e1a-aa2b189bfab9>

numbers of cross-bench appointees, the work of the Commission in helping to increase diversity within the House of Lords, and in its vetting of political and Prime Ministerial nominations for propriety.

16. Lord Kakkar was invited to the Lord Speaker's Committee on the size of the House (the cross-party Lord Speaker's committee of backbench peers to explore methods by which the size of the House can be reduced, commensurate with its current role and functions) to discuss its work and the role of the Commission.

Freedom of Information and Data Protection

17. As a public body, the Commission is subject to the provisions of the Freedom of Information Act 2000. During the reporting period, 14 requests for information were received and responded to in line with the provisions of the Act.
18. The Commission is committed to working as transparently as possible and proactively releases information about its work on its website. This includes regularly publishing any information released under the Freedom of Information Act and routinely publishing the minutes of its meetings.
19. However, to allow it to discharge the role given to it effectively, the Commission must – as it has always made clear – treat much of the information it is provided with in the strictest confidence.
20. The Commission was advised of a data breach relating to a small number of documents on its website in January 2018. The relevant individuals were advised and the documents in question were removed from the site as soon as possible and altered so that the method by which this information had been retrieved could not be repeated. HOLAC's new website, launched in September 2018, has a level of security that provides increased assurance in relation to data handling.

Expenditure

21. As with previous Commission reports, this report spans more than one financial reporting years. The Commission's yearly expenditure figures are published annually in the Civil Service Commission's audited Accounts, reflecting the fact that the Civil Service Commission provides secretariat support for the Commission.⁷
22. The figures in these audited Accounts include the cost of accommodation and other service charges paid to the Cabinet Office, the Commission's share of which was approximately £9,000 for 2016-17 – the most recently completed financial year to be audited.
23. Excluding the service charges mentioned above, the Commission's total expenditure for the financial years 2016-17 was £56,000.

⁷ <http://civilservicecommission.independent.gov.uk/publications/annual-reports/>

24. Commission members' fees paid for 2016-17 were £4,000 for the Chairman⁸ and £3,000 for the other members giving a total members' remuneration of £22,000.
25. Staff costs remain the largest element of our expenditure. The Commission's share of the joint secretariat cost, including press officer services, was £35,000. This figure is based on the percentage of work supporting HOLAC undertaken by Civil Service Commission secretariat staff.
26. Other expenditure included the cost of stationery and other office supplies, other staff-related costs, such as training, and Commission members' expenses.

Our nominations for crossbench peerages

27. The Commission recommends individuals for crossbench (non-party-political) membership of the House of Lords based on merit and their ability to make a significant contribution to the work of the House. The Commission must ensure that the individuals it recommends are independent, have integrity and are committed to the highest standards in public life.
28. The Prime Minister decides on the number of recommendations to be invited from the Commission. In 2012, the then Prime Minister asked the Commission to make a maximum of two recommendations a year for the time being. In line with his predecessors, the Prime Minister undertakes only to decline to pass on the Commission's recommendations to HM The Queen in exceptional circumstances. The current Prime Minister has given no steer on the question of numbers, but the Commission is mindful of work by the Lord Speaker's Committee to consider the size and shape of the House and will continue to engage with this work as it progresses.
29. The Commission has been asked by successive Prime Ministers to consider nominees who would broaden the expertise and experience of the House and reflect the diversity of the people of the United Kingdom.
30. From 1 November 2015 until 1 October 2018, the Commission received 264 nominations from individuals wishing to be considered for membership of the House of Lords.
31. The Commission interviewed eight nominees, and agreed to make three recommendations: David Anderson, Rosie Boycott and Deborah Bull. Their biographies are at Annex B.

Vetting nominations for propriety

⁸ Lord Kakkar volunteered and stopped receiving his honorarium after 1 October 2016 on being appointed Chairman of the Judicial Appointments Commission

32. When the Prime Minister invites the political parties to make nominations for appointment to the House of Lords, it is a matter for the political parties to decide whom to nominate. The Commission is asked to vet these nominees for propriety not to express a view on their suitability.
33. We take the view that ‘propriety’ in this context means that the nominee is in good standing in the community in general and with the regulatory authorities in particular; and that the past conduct of the nominee would not reasonably be regarded as bringing the House of Lords into disrepute.
34. Similarly, since 2010, the Prime Minister has asked the Commission to vet individuals who were to be appointed to the House of Lords as Ministers. With the potential time constraints surrounding Ministerial appointments – during a government reshuffle, for example – the extent to which the Commission is able to gather a wider range of evidence may vary from one occasion to another. As a minimum, it will consult its main vetting agencies and the Electoral Commission register of loans and donations before giving its advice.
35. In addition, the Prime Minister reserves the right, each Parliament, to nominate up to ten individuals directly to The Queen. The Commission is asked to vet such nominations for propriety.
36. In the case of major donors to political parties, or those who have made a loan or credit arrangement to or with a party or political cause, there is an additional consideration, as the making of a donation or loan cannot of itself be a reason for a peerage. In addition to our normal vetting checks, this requires a consideration of whether the individual would have been a credible party-political nominee if he or she had made no financial contribution to the party.

Individuals vetted since the last report

37. During the reporting period, the Commission vetted a number of individuals who were subsequently appointed to the House of Lords following nomination by a political party, the Prime Minister, or the Commission itself. A full list is at Annex C. This included:
- one individual nominated by the former Prime Minister to be appointed as a Minister, announced in February 2016;
 - thirteen individuals nominated in the former Prime Minister’s resignation peerage list, announced in October 2016;
 - one individual nominated by the Labour Party, announced in October 2016;
 - two individuals nominated by the Prime Minister for appointment to the cross-benches, who were announced in October 2016;
 - three individuals nominated by the Prime Minister to be appointed as Ministers, one announced in June 2017 and two in October 2017;
 - five individuals nominated by the Prime Minister for appointment to the cross-benches, who were announced in October 2017;
 - thirteen individuals nominated in the Prime Minister’s peerage list in May 2018
 - three individuals recommended by the Commission for appointment to the crossbenches, who were announced in June 2018.

38. During the reporting period, in the course of its vetting the nominations subsequently announced in October 2015, the Commission alerted the Prime Minister that in one case that it would not be able to support a resignation nomination from her predecessor.
39. The Commission's advice to the Prime Minister and the leaders of political parties is confidential. The Commission does not disclose its vetting advice and does not comment on the identity of individuals whose nominations it has been unable to support.

Annex A: Biographies of Commission Members

The Rt. Hon. Lord (Ajay) Kakkar PC (Chairman, Independent)

Ajay is Professor of Surgery at University College London and Director of the Thrombosis Research Institute London. His research interests focus on the prevention and treatment of venous and arterial thromboembolic disease and cancer-associated thrombosis. He is Chair of the Judicial Appointments Commission and the Health Honours Committee. Ajay was appointed to the House of Lords in 2010, following nomination by the Commission. He was appointed as chairman of the Commission from October 2013.

Lord (Colin) Low of Dalston, CBE (Independent)

Colin is the former Chair, now Vice President of RNIB, and President of ICEVI (International Council for Education of People with Visual Impairment). He taught Law and Criminology at Leeds University, before becoming Director of the GLC's Disability Resource Team. He then carried out research into theories of disability as Senior Research Fellow at City University. Colin was appointed to the House of Lords in 2006, following nomination by the Commission. He was appointed as a member of the Commission from December 2013.

Sir Malcolm Ross, GCVO, OBE (Independent)

After 25 years in the Regular Army (Scots Guards) Malcolm joined The Queen's Household where, for the majority of the next 20 years he served as Comptroller of The Lord Chamberlain's Office. He was then Master of the Household of The Prince of Wales and The Duchess of Cornwall before retiring in 2008. Since then he has been Lord-Lieutenant of The Stewartry of Kirkcudbrightshire, Prior of Scotland (Chairman of the Order of St John), and Chairman of the Westminster Group plc. He was appointed as a member of the Commission from December 2013.

Professor Gillian Peele (Independent)

Gillian is a former Fellow and Tutor in Politics at Lady Margaret Hall, Oxford. She has published widely on British, American and comparative government. Her current research interests are focussed on the problems associated with the regulation of public ethics in modern states. She was appointed as a member of the Commission from December 2013.

Lord (Garry) Hart of Chilton (Labour) – died 3 August 2017

Garry was a former Chancellor of the University of Greenwich and a member of the Development and Strategy Committee of the Victoria and Albert Museum. Before entering public service, he was a partner in the city law firm Herbert Smith, specialising in planning and administrative law. Other past appointments included terms as Chairman of the Almeida Theatre and Deputy Chairman of the Architecture Foundation. He served as a trustee of the British Architectural Library Trust and was an Honorary Fellow of the Royal Institute of British Architects and a Fellow and former Lay Member of Council at University College London. Garry was appointed as a Labour peer in 2004 and became a member of the Commission in 2010. He was a member of the House of Lords Select Committee on Communications, a former member of the Merits of Secondary Legislation Committee, the Select Committee on the Constitution, and the Select Committee on Extradition.

The Rt. Hon. Lord (Michael) Howard of Lympne QC (Conservative) - member until 31 December 2017

Michael is a former leader of the Conservative Party, having served as a Member of Parliament in the House of Commons for nearly three decades. He served as Secretary of State for Employment, Secretary of State for the Environment and Home Secretary and as Shadow Chancellor and Shadow Foreign Secretary. Prior to his career in government, he practised as a barrister for over 20 years, achieving the rank of Queen's Counsel in 1982. Since leaving politics, he has pursued a variety of international business interests. He is Non-Executive of Entrée Gold Inc. and of Soma Oil and Gas Holdings Ltd and Senior Independent Director of Quindell PLC. He also serves on the advisory boards of Orca Exploration Inc. and Tetronics International Ltd and is Chairman of Hospice UK. Michael was appointed as a Conservative peer in 2010 and became a member of the Commission later the same year.

Baroness (Rosalind) Scott of Needham Market (Liberal Democrat)

Rosalind was created a Lib Dem peer in 2000 after a career in local government in Suffolk. In addition to holding significant positions within Suffolk County Council, she has been a senior member of the Local Government Association, Member of the Board of the Audit Commission, and a UK delegate to the European Union Committee of the Regions. Since becoming a Member of the House of Lords, she has held front bench positions as the Liberal Democrat spokesman for Local Government and Communities, and for Transport. Between 2008 and 2010 she held office as President of the Liberal Democrats. She became a member of the Commission in 2010.

The Rt. Hon. Lord (David) Clark of Windermere PC (Labour) – appointed 11 September 2017

David first entered the House of Commons in 1970 where he served for almost three decades. He sat on Labour's front bench for seventeen years including periods as Shadow Secretary of State for Agriculture and Food, Defence and Environmental Protection. In 1997 he joined the Cabinet as Chancellor of the Duchy of Lancaster which included responsibility for the Freedom of Information legislation. Prior to entering Parliament, he worked as a forester, textile worker before entering university as a mature student and becoming a university lecturer. After leaving the Commons he was appointed Chair of the Forestry Commission for eight years, served as a non-executive director of Thales plc, of Carlisle United Football Club and became leader of the UK delegation to the North Atlantic Assembly. He also chairs the Lake District National Park Partnership and led the successful bid for the Lake District becoming a World Heritage Site. He is author of six books and visiting Professor of History and Politics at the University of Huddersfield. David was appointed as a Labour peer in 2001 and became a member of the Commission in 2017.

Baroness Browning – appointed 1 January 2018

Baroness (Angela) Browning was a teacher, auxiliary nurse, and management consultant before entering Parliament. She was MP for Tiverton (1992-1997) and for Tiverton and Honiton (1997-2010). She was Parliamentary Private Secretary to Michael Forsyth as Minister of State at the Department of Employment (1993-1994) and Parliamentary Secretary at the Ministry of Agriculture, Fisheries and Food (1994-1997). She was made a life peer in 2010 and was Government Spokesperson for the Home Office in the House of Lords, and Minister of State for Crime Prevention and Anti-Social Behaviour Reduction at the Home Office in 2011. She is a former member of the Public Accounts Committee. She has also been an Electoral Commissioner (2010-2012). She is currently a member of the EU Select Committee and the EU Home Affairs Sub Committee; Vice President of both the National Autistic Society and the Alzheimer's Society; Vice President of the Institute of Sales and Marketing and a consultant for Cumberlege, Eden and Partners Ltd. She is also Chair of the Advisory Committee on Business Appointments

Annex B: Commission recommendations for appointment to the House of Lords

The Commission has made three recommendations for non-party-political peerages during the reporting period, whose appointments were announced in June 2018.

David Anderson is a self-employed barrister at Brick Court Chambers (QC since 1999). As Independent Reviewer of Terrorism Legislation (2011- 2017), his reports informed the public and influenced the development of the law by Parliament and the courts. He was selected by the three main party leaders to lead a major review of electronic surveillance: his report (“A Question of Trust”), and a later report on Bulk Powers, were blueprints for the Investigatory Powers Act 2016. Trained in Washington DC and Brussels, and with core expertise in European law, public law and human rights, David has appeared almost 200 times before the European Courts, as well as in the full range of English courts and tribunals. He was a Recorder of the Crown Court and serves in Guernsey and in Jersey as a Judge of the Courts of Appeal and Investigatory Powers Commissioner. David is a Visiting Professor at King’s College London and General Editor of the Oxford EU Law Library. He writes, broadcasts and lectures around the world on security, extremism and surveillance, as well as on legal topics. He has reported for the Council of Europe on the freedom of the media in Russia, Georgia, Ukraine and Turkey, and has been trustee of a number of educational and charitable bodies.

Rosie Boycott is a journalist, who also has expertise in all aspects of food policy issues, with particular emphasis on urban food policy, food poverty and obesity issues. In 2008 she was appointed as Chair of the London Food Board to advise the then Mayor of London on sustainable food policy implementation in the capital. In 2016, the current Mayor, Sadiq Khan, asked Rosie to lead the development of a new London Food Strategy to help the food system to better meet the needs of those living and working in London. Ms Boycott has edited three national newspapers, The Independent, The Independent on Sunday and The Daily Express. She is a women's rights campaigner and co-founded the magazine Spare Rib and the feminist publisher Virago. She has been open about her past problems with alcohol and has written and given talks about her addiction. She is a Trustee of the Hay Literary Festival and has chaired both the Orange Prize and the Samuel Johnson Prize. Born in Jersey, Rosie now lives in London.

Deborah Bull was born in Derby and was a dancer with The Royal Ballet for over twenty years and has produced and performed for a range of international festivals. Miss Bull has held roles at the Royal Opera House (Creative Director), King's College London (Director, Cultural Partnerships), Arts Council England, the Arts and Humanities Research Council and at the BBC. She is also the author of four books. Since 1998 she has been a presenter and writer of a wide range of programmes on television and radio. In January 2015, as Director of Cultural Partnerships at Kings, she launched 'Step by Step', a 70-year analysis of arts policy for young people. In July 2017, she worked with the All-Party Parliamentary Group on Arts, Health & Wellbeing on its Creative Health report. A new report, on the role of art in multilateral

diplomacy, launched at the United Nations in Geneva on October 23 2017. She has served on a number of boards and committees and as a patron for various organisations. She has been awarded honorary doctorates from five universities and in 1998 was awarded a CBE for services to the Arts. She is now Assistant Principal (London) at King's College London providing leadership for the university's engagement with London, responsible for maximising the potential of King's location in the heart of the city to create new opportunities for King's and the communities around it.

Annex C: Individuals vetted by the Commission and subsequently appointed to the House of Lords

Conservative

February 2016

Mark Price

October 2016

Gabrielle Bertin
Olivia Bloomfield
Jonathan Caine
Camilla Cavendish
Andrew Fraser
Jitesh Gadhia
Timothy Kirkhope
Philippa Roe
Liz Sugg
Ed Llewellyn
Mark McInnes
Charlotte Vere
Laura Wyld

June 2017

Ian Duncan

September 2017

Rona Fairhead
Theodore Agnew

June 2018

Diana Barran
Sir Edward Garnier

Sir Alan Haselhurst
Peter Lilley
Lady Catherine Meyer
Sir Eric Pickles
Sir John Randall
Amanda Sater
Andrew Tyrie

Labour

October 2016

Shami Chakrabarti

June 2018

Pauline Bryan
Iain McNicol
Martha Osamor

Democratic Unionist

June 2018

William McCrea

Non-party-political peers nominated by the Prime Minister

October 2016

Nicholas Macpherson
Peter Ricketts

October 2017

Ian Burnett
Richard Chartres
Christopher Geidt
Bernard Hogan-Howe
Nicholas Houghton

Non-party-political peers recommended by the Appointments Commission

June 2018

David Anderson
Rosie Boycott
Deborah Bull