

Public Administration and Constitutional Affairs Committee

Oral evidence: House of Lords Appointments Commission, HC 1238

Wednesday 20 April 2022

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Members present: Mr William Wragg (Chair); Ronnie Cowan; Jackie Doyle-Price; Mr David Jones; John McDonnell; Tom Randall; Lloyd Russell-Moyle; John Stevenson.

Questions 1-90

Witness

[I](#): Lord Bew, Chair of the House of Lords Appointments Commission.

Examination of witness

Witness: Lord Bew.

Q1 **Chair:** Good morning, and welcome to the Public Administration and Constitutional Affairs Committee. This morning, the Committee will look at the role of the House of Lords Appointments Commission in the nomination and approval of individuals for membership of their lordships' House. The Committee is particularly keen to explore the robustness of the organisation and its processes, especially in the light of some of the concerns regarding certain individuals recently appointed to the upper House. To that end, we are pleased to be joined by the Chair of the House of Lords Appointments Commission, Lord Bew. Good morning, Lord Bew. Will you introduce yourself for the record?

Lord Bew: For the record, I am Paul Bew, the Chair of HOLAC.

Q2 **Chair:** The opening question is from me. In general, in your opinion, how well has the House of Lords Appointments Commission worked to ensure the propriety of House of Lords appointments?

Lord Bew: The first thing to say is that we try to do the job properly. It should be borne in mind that a small number of officials work on it, and that we have now dealt with several thousand cases since our first establishment. Since the first establishment, our duties have been extended over the past 20 years.



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I am proud of the fact that—the issue of confidentiality will come up later—given that people who apply to the House of Lords have a right to expect us to treat our records confidentially, there has not been a significant leak of the many thousands of cases, as far as I am aware. I would say this, that we struggle with two objectives in mind: that whoever is appointed is in good standing in the community generally and, more particularly, that their arrival in the House of Lords will be to the credit of the House of Lords itself. Those are the two things that we try to work to.

It is increasingly the case, and rightly so, that there is a strong sense that the United Kingdom is a very diverse society, geographically, socially and ethnically, and that there is a key issue of gender—women are still under-represented in the House of Lords. We have a role there in our appointments to see what we can do to enhance that diversity in that particular way.

Perhaps I should add something. It is actually not that difficult, in terms of our own HOLAC appointments, to do that, because so many brilliant people want to apply. We do not have to say, “We don’t want brilliance here. We want some other criterion to be met”, because when we get down to the end, we have absolutely brilliant lists of candidates. Therefore, it is not quite as difficult as it sounds, but I assure you that we keep those questions of diversity very much in mind.

Q3 Chair: From a procedural point of view, there has been a vacancy on the House of Lords Appointments Commission since the resignation of Lord Moore in 2019. Why has that vacancy not been filled?

Lord Bew: That is not the responsibility of HOLAC itself. We await the Cabinet Office and other great institutions and powers in the world to move on that. Obviously, we want and consistently press for that vacancy to be filled. We are certainly uncomfortable with the gap. We need another person—it is as simple as that. I have the sense that our entreaties will be responded to eventually, before too long. I hope that I am right.

Q4 Chair: When did you last ask for that vacancy to be filled?

Lord Bew: The conversation there is with our officials. In the past few days, I know that that subject has come up. I am certain that it has come up in the past few days, but it has been going on for quite a long time. It is normal, from the moment that someone leaves really, for us to begin the process of saying, “We want a replacement.”

I should explain, for example, that all the people on the current body were interviewed in real, physical format, pre-covid, and it was much easier to get things moving there in that time. There is an element of stagnation in the process, and in a whole number of areas, related to the fact that it is harder now. We have done important interviews by remote means but, personally, I do not want to interview by remote means for this.

Q5 Chair: The question is perhaps timely, and I am sure that it will move things along.



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Lord Bew: As far as HOLAC is concerned, it is not our fault. There have been fairly persistent inquiries on our part.

Q6 **Chair:** That is useful to know; that it is the Cabinet Office's fault. That always cheers the Committee.

Lord Bew: Higher powers.

Q7 **Chair:** It is our understanding, as well, that the House of Lords Appointments Commission has not published an annual report for several years. No minutes of meetings have been published since 2020. What's the reason?

Lord Bew: Minutes should now be up to date. On the biannual report, our intention is to produce another report this summer. In general, with such bodies, these reports tend to slide and become more biannual. That's not my own alone, but several bodies, including CSPL I think, I will need to check. That is simply because at certain times, and this is not one of those times, the activity of HOLAC is not that intense. There is not that much to report. I assure you that this is not one of those times, but there have been spells—2019 would be one—when there is not that much to report. We do intend to produce a report this summer. You are quite right to ask for it and we will do it.

Chair: Thank you very much indeed. My colleague John McDonnell is going to come in with a supplementary.

Q8 **John McDonnell:** Briefly, you mentioned addressing diversity and leaks. There was an attempt to nominate Dabinderjit Singh Sidhu, basically to address a lack of representation of Sikhs in the Lords. I believe there was a leak just before the announcement of that nomination, and that nomination, therefore, did not go ahead. Has there been an inquiry into that particular leak?

Lord Bew: I don't think there was a leak. I remember the case; I know exactly what you are referring to, and I have a sense of what happened. I think the significant developments happened outwith HOLAC—I just wanted to say that—rather than within HOLAC. The goings on and key developments with respect to that case were outwith HOLAC.

Q9 **John McDonnell:** This was not with regard to any activities by your own organisation?

Lord Bew: Because I think the record is pretty good, I would be surprised if anybody connected with HOLAC had leaked any details with respect to it. I certainly did not. The second reason I would be inclined to be confident on that point—and I really hope I'm right and that it is not HOLAC—is that this was a complicated case. What went on with respect to it, went on outwith HOLAC, quite substantially. That is the key thing with major developments with respect to that case.

Q10 **John McDonnell:** Just to be clear, I am not casting any aspersions with regard to your own role.

Lord Bew: I totally accept it is a perfectly reasonable question.



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Q11 **John McDonnell:** I just wanted to know if there was any subsequent inquiry.

Lord Bew: No. If I could it put it like this, we were rather conscious of the fact that the major developments were nothing to do with us. That is certainly what I thought at the time, and what we tended to think.

Q12 **Tom Randall:** Lord Bew, could you briefly outline the process by which the Appointments Commission reviews nominations for peerages?

Lord Bew: Yes. Now, I want to say what is normal. It is normal for all cases, including our own or those nominated by party leaders or the Prime Minister, to go through quite a protracted process. There is a process of vetting that can take some time. It is quite important. It can go through different iterations. That is normal, or not unprecedented. It can take some time.

Because we are talking about a particularly dramatic case in the context of this, I am not going to say to you that some cases are not more dramatic, or that some cases are not unique in some of their dimensions. I am not saying that to you, but I am saying that we have to come back to the situation where, in terms of propriety and the criteria I mentioned, which is good standing in the community and being good for Parliament, that we are satisfied that the two criteria are met. That can take quite a long time. I do not think it is going to be any surprise to you if I say that normally, the protractedness is related to financial matters and the complexity of people's financial matters, rather than other matters, if I can put it that way. However, all agencies are consulted in all cases, so it is across the board. I do not think it will be a surprise if I say to you that more often than not, it is issues in and around financial matters that create protractedness, and it is normal for us to say that we need clarification, especially on complex financial matters. We need to know fundamentally how serious that is or is not.

Q13 **Tom Randall:** Just to pick up on two points that you have raised, you mentioned propriety. Could you elaborate on what that means in practice, and what factors you take into account when assessing propriety?

Lord Bew: The criteria in our document are quite clear: good standing in the community generally, and also that it will redound to the credit of Parliament, or certainly not to the discredit, if you arrive therein. Those are the two fundamental criteria.

The truth is—I do not want to get too philosophical or abstract—if we ever had a consensus about these things in our society, I am not sure we have one now. That is one thing. This is a rather complicated matter, and the truth is that these appointments are not a science; they are an art. It is really important to say that it is not a science; it is an art. You can take very simple cases where the propriety issue is very clear-cut, and we all know of simple cases where if a court of the land has said X, then there is a problem with a person coming. If a Committee of this House or a Commission of this House has said something sharp about the behaviour of a certain person, there is a problem.



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I would love to tell you that it is always like that—and we would always take the view, by the way, that if you are in the gunnels of any such inquiry, we do not say “No”. By the way, a significant amount of the time, we do not say, “No”; we say, “This is going to have to be sorted out before we can come back to this.” It is quite important to understand that, but there are a number of cases that are known in the public domain where it is deceptively simple to say, “This has happened. This particular body has ruled in this way, and therefore it would be a real surprise if X appeared in the House of Lords.” That gives an impression of a rigorously scientific, clearly rule-bound, no-question-about-it aspect to the decisions, which is true in a number of cases but cannot be in all cases.

I just want to say that it is an art, and you have to make a judgment about what these phrases like “good standing in the community” mean. Not everybody agrees about what “good standing in the community” means, and not everybody will agree about what a good contribution to the House of Lords might be. I just want to stress that this is a human operation; it is not a lab operation.

- Q14 **Tom Randall:** On that, the Appointments Commission is a small group. When you are making that assessment, what support are you provided with to help you make that judgment?

Lord Bew: First of all, I feel a great debt of gratitude to our officials, because we have a smaller amount of what you might call civil service time than, for example, I had at CSPL. Sometimes it is quiet and it does not matter too much, but sometimes it swells up. Sometimes with ministerial appointments, there can be a real rush. You will all be aware that a short time ago, there was an appointment of a Minister for Refugees, which I think everybody agreed was a matter of some urgency, but none the less, the normal checks still have to be gone through, so suddenly it is all hands on deck, every member of the Committee has to be consulted and so on, yet everybody also thinks that it is important that we sort this out quickly for broader reasons.

I think our officials do the absolute best that it is humanly possible to ask them to do, delivering quickly in these sometimes quite stressful circumstances with the timeline for Ministers. There can be quiet periods—I am not disputing that—but there are suddenly these very intense periods. But for all those cases, again, let me say that it does not matter that the Government wants the Minister tomorrow. We have to somehow get the vetting done, and we have to somehow be sure that it is okay. To tell you the truth, it is a scramble.

Tom Randall: Thank you.

- Q15 **John Stevenson:** Following on from what my colleague has been asking, is there a danger of group-think, that you will avoid appointing people who may be eccentric, controversial or Marmite-type characters?

Lord Bew: I think there probably is, but I think it is true of any small group of people, though I definitely am an obsessively counterintuitive person. I think the Committee as a whole knows that it is a problem. One



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of the problems of British public life ever since John Mill wrote "On Liberty" is a lack of toleration of eccentricity. I am aware of it. I have read "On Liberty", and I know about the challenge. However irritating, it is fundamental to proper debate.

I cannot dispute the fact that a small number of people could slip into group-think. We are aware of the danger. We do not want to slip into it, and I really hope that we don't. I am hoping that when the full picture of the Cross-Bench appointments during my period of chairmanship become clear, it will be seen that we have not been guilty of group-think. I am hoping that people will look at it and say, "Whatever else I think about the people that came through at that time, they are a very dissident lot."

Q16 Mr Jones: Are intelligence assessments a routine part of the information that the Committee receives when considering nominations?

Lord Bew: Yes, but in the case that is the reason we are here, I have said already that we would go to the police and so on for everybody, but I do think that this a special case. Lord Lebedev is, among many things, a *rara avis*. I am not going to say to you that what happened in this case is exactly the same as what happened in numerous other cases. First of all, it would be an incredibly stupid thing if it had been. If you are asking me if it is the case that everybody is subject to a variety of checks, the answer is that, yes, everybody is subject to a variety of checks. No doubt, this is a unique case.

Q17 Mr Jones: When you say a variety of checks, is it the case that every nominee is subject to an intelligence assessment?

Lord Bew: My sense would be that in the vast majority of cases it is irrelevant. All the agencies get to know whom we have in play. I would have thought that the great majority of House of Lords cases require just a quick nod-through. Indeed, it is not just in respect of intelligence. Perhaps there are other areas where there is a very quick nod-through. Other aspects of other people's lives are clearly not of interest.

Q18 Mr Jones: Do I infer from what you have just said that the intelligence agencies would volunteer their opinions in cases where they thought they should?

Lord Bew: Where they should? Yes. That is the whole point. What has gone on here—and I really want to stress this—is that there has been a protracted dialogue between us and between all the agencies. In the case that lies in the background of our meeting today, there has been a protracted dialogue not entirely, but largely with the intelligence services. For it to be protracted and for us to require clarification is normal. As I say, I have been checking back over time and I understand that this type of process is not quickfire. That has happened in the past.

Q19 Mr Jones: Are these assessments written?

Lord Bew: Yes. It is slightly complicated, but, yes, we have written records of all the assessments.



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Q20 Mr Jones: In the case of Lord Lebedev, were you given oral evidence and information about the concerns of the intelligence agencies?

Lord Bew: I was not directly given oral evidence, but, crucially, I am certain there were oral conversations between our officials. Some of this was conveyed to me.

Q21 Mr Jones: So, the official from the intelligence agency did not give oral evidence to the Committee?

Lord Bew: No, but the crucial thing is that, in all these cases, at the end of the day, there is a written document. There is a final written statement. There is a problem here. I stressed at the beginning that it was about confidentiality.

I am aware that we are moving into question marks over whether the confidentiality covering Lord Lebedev has to be respected, despite his very interesting observation that he doesn't care and would be happy for all things to be completely out in the open. I still have a responsibility to respect the principle of confidentiality because it has been so important for so many thousands of candidates, and will be important again in the future. I am anxious to continue to respect that confidentiality.

I will put it like this about our Committee. Look at the members of it: there are four Members of Parliament, all of whom take the dignity of Parliament seriously, and the Lord-Lieutenant of Belfast. Would such a body—which includes two people from different parties who have Front-Bench experience in security areas—have said, at the end of this process, that it is okay to have somebody in Parliament who poses a problem with respect to the concerns that one might legitimately have about national security, and so on? It is a bit much to assume that, having looked at the balance of the documents and information put before them, those people would have thought that they could not, in all honesty, send a certain recommendation to the Prime Minister.

Here, again, it is complicated. We sent our letter to Sir Keir Starmer. We do send letters saying, "You can appoint this person but, as far as we're concerned, there's going to be controversy and difficulties." We made that clear to Sir Keir Starmer. That is a general principle that we have made absolutely clear. That is, by the way, quite a frequent occurrence when somebody is appointed. We say, "We've looked at this and we are not blocking it, but you should be aware: there are these problems that will create public debate and adverse comments. Quite a lot of people are going to be unhappy." Our letter to Sir Keir Starmer makes it clear that that is what we do. I am not saying something new here. You need to understand what might be coming from us.

The other key point is that, in the history of 2020, my Committee is the first to actually say no to a Prime Minister. It's in the public domain. We wrote to you about it—you will remember, Chairman—and signalled what we had done. The Prime Minister has publicly put his case with respect to that appointment into the public domain very forcefully, as well.



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This is a Committee that was prepared to say no when it felt it had no other alternative under the criteria I have been talking to you about. We have shown a determination to do that and to stand and defend those criteria, come what may—therefore putting the future of HOLAC into a much more difficult position, by the decision that we took, so I hope you would assume that we carried out with integrity our work on the nomination you are asking about.

Q22 Mr Jones: Thank you for that. I am interested to know what form the intelligence assessment takes. Are you told by the intelligence agency that you should not approve this candidate, or that there are concerns about the candidate? Is it suggested to you that, perhaps, you ought not to approve the candidate? Can you give us a flavour of how it is framed?

Lord Bew: This is a really difficult question for me to answer. I would like to answer it completely freely, and I am probably going to be indiscreet. As I have said, you will have seen what the Paymaster General said in the Commons on the day of the debate, 29 March. He said that even though Lord Lebedev says let it all hang out, so to speak, we should have a responsibility for our principle of confidentiality, which is important to the Commission's long-term working.

We have checked—last night, I was checking again—exactly what my legal responsibilities are at this moment, when there are things to do with the Humble Address, and so on, that have to be sorted out in a few days' time, and that we don't know. I have been told that my responsibilities as to confidentiality are the same as they were before the debate on 29 March; that is what my officials tell me.

I hate not to be as explicit as I would like to be. By the way, all the evidence I am giving here is under the weight of the possibility that in a few days some of the things I am saying may be checkable, as we don't know what is to be released or not to be released. I am very happy about that. It is not going to be my decision—my call—on some of those things, and all that will be checkable.

To go back to your question, it is reasonable to say that the use of the word "warning", which I have seen out and about in respect of this question, is not a word that we recognise, if that is helpful.

Q23 Mr Jones: How would you put it, then?

Lord Bew: I would put it that frequently HOLAC receives a message, we feel we need to know more and we have to sit. In this case, it was contracted. Some of the timelines I have seen, by the way, are not accurate—significantly not accurate—as to what actually happened. None the less, I would simply say that it is very hard for me to assist.

With a candidate, it is normal and natural, for all the difficulty of this case, for us to come back and say, "We need to know more. What does that really mean?" That is what I would say. At the end, we need to be reassured on the substance of the matter. At the end of this process, as I have said, the Committee that I had, especially because there was never a



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discussion—you must remember that there wasn't a war in Ukraine, but there was high level of public awareness about the issue of Russia, from the ISC report and whole number of other issues. There was a high level of public awareness around that time in the summer of 2020 about Russian influence, in different ways, in our politics here in London. It wasn't a subject that people were taking blithely, so you must remember that we were intensely interested.

As I have said to you, we had two people from the two major parties who had Front-Bench responsibilities in the past in this specific area. Do you honestly think they weren't taking it really, really seriously and were not determined to finally get to solid ground and clarity? The process is one of context and clarification.

Q24 Mr Jones: The criteria under which HOLAC operates are very wide. Does that give greater room for discretion? Do you believe that narrower or more clearly defined criteria would be helpful to HOLAC, or would they not?

Lord Bew: It depends on what category of work you are talking about. Obviously, this particular case has now blown up and there has been a ministerial appointment recently, but we haven't talked much about the main work of HOLAC and the hours I spent in the last year when overwhelmingly the work the officials brought was the interview process for independent Cross-Bench appointments to the Lords. I am not convinced that the criteria need refinement there. Our work may or may not have been good, but I have never felt we were hampered in that work by the criteria.

On the question for Members of Parliament—sorry, party political nominations, to put it more correctly—here's what I think. We ought to move into a terrain—perhaps this is one of the criteria, and I think the Lord Speaker's recent letter is on this point—in which the parties have a responsibility to clarify the issue of turning up: "Are you really going to do the job?" I think that is one area where it is possible that there are a number of different ways to approach this, but there is too much vagueness.

The point of being a Member of the House of Lords has moved essentially from being an honour to becoming a job over the last 15 years in particular. In 2007, I believe I was part of the first batch of independent Cross Benchers—five of us were appointed that year—to have to give our word to the then Chairman; "You will turn up, won't you?" That would not have happened unless people had not been turning up. We are now slipping back a bit into people not turning up. That is where I really think there is room for refinement.

The criteria in that sense—for party political nominations, in one respect—are too vague. There are a number of ways of tackling this, and we might come back to it. If we were a statutory authority, for example, it might be easier to provide a context in which to tackle that issue. In that sense, they are too vague.



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Q25 **Mr Jones:** Have there been any cases where HOLAC has approved a nomination, but the Prime Minister has not subsequently proceeded with the appointment?

Lord Bew: Well, one came up earlier. There have been cases, but it is extremely rare. All kinds of odd things could be happening there—all kinds of circumstances in which people withdraw and so on.

Q26 **Mr Jones:** Are you informed of why the Prime Minister has not proceeded with it?

Lord Bew: It does sometimes happen. I can remember the very rare recent case, and I do not remember the Prime Minister informing us at all as to what had happened—it just didn't happen. These were considerations outwith HOLAC; what went on there was radically outwith our small secretariat and Committee.

Q27 **Mr Jones:** So when you have submitted your reports, as far as HOLAC is concerned, that is the end of your role?

Lord Bew: That is the end of our role, and it is the Prime Minister's right to make these appointments. When, in 2020, we said that we do not think—we were the first the Committee to actually do that. As I say, it is regular for us to say, "If you appoint x or y, you realise there is going to be public controversy?" That is what we made clear in the letter to Sir Keir.

That happens quite a lot, but this was the first case where we said no. That is because we believe the clarity of the facts—or one particular key factor—around the case. He said, "No, I don't agree" for reasons he has stated publicly and firmly, and we said "No, we don't agree." You can understand there was a tension between us and No. 10 at this point—it was unavoidable. Anybody could see that. I do not think I am breaking any confidentiality; it must be obvious from what is in the public letters—my letter to you, and the Prime Minister's published letter to me. That is a case where we have said absolutely no. More often, what we say is, "This is a bit problematic," but we are not saying no.

By the way, to go back to your point, part of what motivates us in that case is that we do not want to militate against the eccentric. We do not want to rule against people who are colourful and perhaps too variegated, or who have too often and frequently expressed opinions that have offended other people. We are partly motivated by variety in the House of Lords, and that is part of the reason why some of us on the Committee might say "Oh, I don't use that kind of language", and the Committee is aware that there will be negative public comment about x's appointment, but we do not say no—"You must know, if you go ahead and make this appointment, that there will be negative comment."

He or she—Theresa May had the responsibility—has the responsibility under our constitution. The Prime Minister, the elected leader of the country, has the ultimate responsibility for nominations for the House of Lords. We are an advisory body only.



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Mr Jones: Thank you.

- Q28 **Chair:** Before coming to my colleague Lloyd Russell-Moyle, I have a couple of points for clarification. You mentioned an oral report, in terms of intelligence assessments, and then a written statement. Are those identical?

Lord Bew: There is no conflict with the final thing. I have looked at the final statement—

- Q29 **Chair:** Is it a difference of emphasis?

Lord Bew: No, there is no difference of emphasis between that and the point that we reached.

- Q30 **Chair:** So it is not one of those conversations in which statements cannot quite be committed to paper?

Lord Bew: I see what you are getting at, but no, there is no difference of emphasis on that point.

- Q31 **Chair:** You mentioned the risk of being indiscreet, but we, as a Committee, take indiscretion to be honesty, so have no fear of that.

Lord Bew: I am wondering. I try to check all the details, and I am bound by confidentiality not to reveal, and in fact you ask about an area that I have not checked.

- Q32 **Chair:** That is okay but, in that spirit, a number of times I think it is not the case that you do not know the answer to some of the points that have been put to you; it is a case of you being unable to share an answer at this juncture. Is that correct?

Lord Bew: No, I don't feel quite that, because I think that the obvious deduction is to be made that we have a final report, and that final report contained the basis on which the Committee—and I have described the sort of people who are on it—did not say to the Prime Minister, as they had done earlier, "No." That is the key thing that you have to know. There is a final report and that is it, and there is no conflict. I see what you are getting at. Sometimes people say, "Well, old boy, you should know this" or whatever, but it is not like that; there is a consistency and a final document.

Chair: Thank you. Lloyd Russell-Moyle.

- Q33 **Lloyd Russell-Moyle:** It has been claimed that releasing vetting material would undermine the role of HOLAC, and you have mentioned confidentiality. To what extent do you think that the role has been damaged by the vote to release the vetting material around recent appointments?

Lord Bew: Sorry, the vote to release them?

Lloyd Russell-Moyle: The recent vote to release—



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Lord Bew: No, we don't know what that means, and there is a redaction for public security element in the vote. So we as HOLAC do not know what that means. I would say—and of course it is in regard to this particular appointment—that as a general principle we are quite right to suggest that the proper working of HOLAC depends on confidentiality. As I say, thousands of candidates reveal to us things about their lives that they should have a reasonable expectation will not enter the public domain. I think the proper working of this body depends on that expectation and the assurance of what we have to do. If we have a job, for example, to refresh the House of Lords and have good candidates coming in, and not just a tiny number of candidates, then I think the confidentiality of cases— The general principle I have no doubt about. I also have no doubt that Lord Lebedev has himself said—it does not answer the problem but it is a very interesting statement—that he does not mind.

Q34 **Lloyd Russell-Moyle:** Surely it is his data and he can release it.

Lord Bew: Well, I think that there has to be a ruling and that is beyond my paygrade. I am just saying that I am well aware of that fact.

Q35 **Lloyd Russell-Moyle:** I assume that your letter to the Prime Minister does not contain the detail of everything that you have been told about security, so why is your summary letter not made public?

Lord Bew: For the same reason. The general principle is that—

Lloyd Russell-Moyle: How does keeping the non-detailed summary secret help your work?

Lord Bew: The non-detailed summary?

Lloyd Russell-Moyle: Yes—or is there detail in that letter?

Lord Bew: What do you mean by that? We would not be saying to the Prime Minister— You know the non-detailed summary. The non-detailed summary is, "There has been a protracted examination of this issue, and in one case we said no and in another case we are not saying no." You know that we did not say no to the Prime Minister. Therefore, you have the non-detailed summary. You know the bottom line, as the Americans would say.

Lloyd Russell-Moyle: Only because it has come to light, not because you are publishing it.

Lord Bew: No, you know what we decided right from 2020.

Q36 **Lloyd Russell-Moyle:** We know from 2020 that there were security concerns about Lord Lebedev but you did not block it.

Lord Bew: Remember what I said earlier. We talked about this quite a bit last night. I see the use of the word, for example, "warning". We do not recognise the use of the word; that is not a word that we—

Q37 **Lloyd Russell-Moyle:** But you don't recognise what we know because you have not told us what we should know.



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Lord Bew: Yes, but don't forget that I am talking to you in the full knowledge that in a few days' time all this may or may not be released.

- Q38 **Lloyd Russell-Moyle:** On this particular case, but as a routine the Committee does not publish anything, apart from its annual summary, and that has not even been published either, has it?

Lord Bew: Yes, but in general the work of the Committee is to preserve the confidentiality of candidates. You actually do know the bottom line in this case. I have said quite a lot here today.

- Q39 **Lloyd Russell-Moyle:** These are public figures. Why should a public figure remain confidential, whether they are suitable or not?

Lord Bew: But it isn't confidential. The final decision is that we have decided that this person can go ahead.

Lloyd Russell-Moyle: Yes or no—but there is no summary of the contents of how you have come to the deliberations. Your minutes have not been published for a long time.

Lord Bew: The minutes are published, but the minutes will not cover the detail. You must remember that at the time we were dealing with this, there were about 20-odd going through. Our details would not cover this in any case.

- Q40 **Lloyd Russell-Moyle:** Do you think there is any room for more transparency and less secrecy in your work?

Lord Bew: Okay, let me put it like this: when I was chair of the Committee on Standards in Public Life, one of the key principles was openness and honesty. That is still a principle for me now that I have moved on to this other job. I have tried to be as open as I can be today.

It is also a key principle for the working of HOLAC that in general the confidentiality of candidates should be observed. Now, you might think that there is no point in HOLAC and in the way we do things, but if you are going to have a body like HOLAC, the presumption must be that people can apply without, for example, sensitive financial details about their life being in the newspapers the next day, especially given that in some of those cases—for totally different reasons—those people may not be appointed.

- Q41 **Lloyd Russell-Moyle:** But once someone is appointed they are a public figure. I can understand people who do not get appointed, but once someone is appointed they are a public figure and there is an expectation that their financial arrangements will end up in the papers, as we have seen with the Chancellor and his wife. These are the expectations in public life.

The expectation is that your private issues, such as finances, how you have acted and the security concerns linked to you—not the detail of conversations or the who said what, but the overall information, such as whether your finances are in order and whether you have previously been



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found to be a bully in the workplace—should become public. That is the expectation in public life. Surely, that is the basis of some of the Nolan principles, not keeping that information secret. Once the recommendation has been made—yes or no—why are some of the summaries not made available? What is the advantage to the Committee?

Lord Bew: Members of the House of Lords cannot keep their financial arrangements secret. If they are non-doms, for example, they cannot sit in the House of Lords. Nobody is saying that people have a right to keep their arrangements secret.

Q42 **Lloyd Russell-Moyle:** So why not publish that information once they have been accepted?

Lord Bew: Because my judgment is that, in general, to carry out the work that we are trying to carry out, people should have some expectation of confidentiality while they are under review, once they have given us material about their lives. I totally accept that this is an exceptional case, and it is also an exceptional case because Lord Lebedev himself, in a very interesting and suggestive intervention, said, “I don’t care; let it all hang out.” This is an exceptional case, but it cannot be the case that, because of this, we just say, “All right. Confidentiality is not going to be a problem for HOLAC in the future. We shouldn’t be trying to observe it for the many candidates who come forward.”

Lloyd Russell-Moyle: I think we will agree to disagree. I believe that everyone’s tax arrangements should be public, as they are in Scandinavia, but maybe that is a different starting point.

Lord Bew: But they are. But in substance that is—

Q43 **Lloyd Russell-Moyle:** Is there ever a case where you have received different advice after you have had those conversations?

Lord Bew: Do you mean—

Lloyd Russell-Moyle: From the security services and other organisations—do they ever update their advice to you?

Lord Bew: I am not quite sure that I understand what you mean.

Lloyd Russell-Moyle: Do they ever give you an initial set of advice, then you go back and they re-issue new advice?

Lord Bew: I think I have already indicated that it can be the case that this can be protracted, and we say, “You have told us this.” As I say, the use of the word “warning” is not something that we would really recognise. “You have told us this but we need to know more.” And there have been cases, and this is not the first, when we have said, “We need to know more again.”

Q44 **Lloyd Russell-Moyle:** When you have asked them to know more, have they ever withdrawn their initial advice and re-issued new advice, or is it just supplementary?

Lord Bew: No, what we get is an expansion and clarification.



Q45 **Lloyd Russell-Moyle:** So they have never withdrawn previous advice?

Lord Bew: No. Nobody has ever said—gosh, again, should I be saying this? My common-sense memory is that nobody has ever said, “When we started we said x. That is complete nonsense. We are now telling you y.” What you get is x plus 1 plus 1 plus 1.

Lloyd Russell-Moyle: So it is always additional?

Lord Bew: Yes.

Q46 **Chair:** Thank you. In your response to the Leader of the Opposition, Lord Bew, you declined to comment on the individual nominations reviewed by the Commission. Given that the Government are now being compelled, perhaps in the next few days, to release the material that you were not able to do, can you comment at all on the veracity of the “allegations” that have been doing the rounds as to the appointment process for Lord Lebedev?

Lord Bew: Yes, I think perhaps I should say something. In the first case, there are documents at HOLAC that cover this. One of the relevant meetings was on 17 March, St Patrick’s day, and sometimes, as an Irishman, my memory of what happened on St Patrick’s day is not as perfect as it should be, so I thought it necessary to study these documents quite carefully. So I have now studied them. Should it be that our documents—documents from HOLAC—come into the public domain, I would have real problems about the broad confidentiality principle and where that leaves us in the future. I would not have any problems about the honour of HOLAC and the integrity with which people behaved—none at all. I say this to you in the possibility that in a few days’ time these documents may come into the public domain.

So there are two things, really, that are probably worth saying. I have certainly seen the phrase, “The Prime Minister asked”. Now, the Prime Minister did ask, in the sense that he originally submitted the name. At no other point was there pressure placed on us on this case. You can see there was a vigorous debate about another candidate because that is in the public domain. So you can see that that happened, and it is in the letter to you and so on, but there was no pressure on this candidate. I think it is worth saying that.

Q47 **Chair:** On you and members of the Commission?

Lord Bew: There was no pressure about this candidate. I cannot see any other way to read some of the comments I have seen in the media. Some of it is a bit vague—“Ask”? Ask who?—but on the whole I think the average reader will think that we were asked. I think the other phrase is “folded”. I just draw your attention to the fact that, in 2020, we were the first Committee that had a vigorous debate, if I can put it like that, with the Prime Minister—now it is public—and said no. We were the first in the history of HOLAC to say to a Prime Minister, “No, you cannot have our sanctity”—or whatever it is—“for this candidate.” It is important to say that.



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The second thing, going back to St Patrick's day—well, perhaps I should just leave it the way I have left it, by saying that we are uncomfortable with the use of the word "warning" with respect to any of the advice we have ever received from any of the agencies. What we get are facts, which we are then asked to interpret and reflect upon. That is what we get.

- Q48 **Chair:** Just to be very clear, you and your Commission colleagues didn't receive an assessment from the security services that was then withdrawn.

Lord Bew: Well, my reading of these documents—who knows; they might be in the public domain in a few days, but the way that we saw it was that we did what we often do and said, "Okay, you tell us x; we really need to know more." They didn't then say, "What we said in the first instance is wrong." They said, "Well here is a bit more; here is more still." That is how it goes. It is an elaborative process. It is a process of clarification. We need to know as much as we can: "What does this really mean?" In this area—and by the way, in my case, in financial areas—I need people who are more expert in the field to tell me what that really means: "Does that verge on illegality, or whatever, or not?" I need people to tell me. We need a translation, if I can put it like that, and that is in the end what we received. The final translation explains the way in which HOLAC behaved at the end of the day.

- Q49 **Chair:** So why would a reputable newspaper report it differently? Why do you think we are getting ourselves worked up about this?

Lord Bew: Well, to be fair, there are a whole number of other issues in this report—sorry, looking at the parliamentary debate—which, if they are true, you could argue are worthy of investigation, public outcry and so on. I am only talking about HOLAC's part of this story. I can only speak for the bits that I definitely know about—I am still worried about my memory about St Patrick's day, but the bits that I think I really know about, if I can put it like that—and I did refresh my memory and go through things last night. I can only speak to that. There are plenty of other issues connected with this, and we did tell the Prime Minister—as we said in the letter to Sir Keir, we do say about candidates, "There are things in this person's career that will lead to negative public comment." We say that quite frequently.

- Q50 **Chair:** And in this instance did you say that to the Prime Minister?

Lord Bew: Well, maybe—again, I am aware—but on the other hand, the fact that we mentioned this point in the letter to Sir Keir when he had inquired to us about this instance may be—

Chair: It would indicate that you had.

Lord Bew: It may be something that a reasonable person, to use the phrase, might comment on or think about.

- Q51 **Chair:** Okay. Just to be clear, you have said that you had no pressure exerted on you from No. 10.



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Lord Bew: No. I specifically mentioned that the pressure, or the argument, if I can put it like that, was to do with the issues you already know about and to which we wrote to you about. And we have shown that we will—as I say, we are the first Committee to say no. That does place the future of HOLAC in a more complicated place, although I am very glad to say that the Prime Minister, in the letter in which he rejects our advice and says he is going ahead regardless, does say that he continues to value our work. Now, where does that leave us exactly? That is a really interesting question for the future.

Chair: Indeed.

Q52 **Mr Jones:** May I ask where you think it leaves you?

Lord Bew: I think it leaves us in a much more fragile place than we were in before. Let me be clear: it is definitely his right to do that which he did. Nobody in HOLAC or any previous Chairman would disagree on that particular point. Nobody would disagree, but none the less it raises issues and it heightens the debate about putting HOLAC on a statutory basis, although that will not magically solve all problems. Anyway, everybody around this table knows that there is this wider debate about the future of the House of Lords, which is well beyond my paygrade. But yes, it places us in a very difficult situation.

It is inevitable that the Committee feels—let us just be blunt—somewhat raw about what happened, and it knows that its credibility would be seriously—I don't want to make an absolute prediction, because I have now learned that the circumstances are so varied that you cannot quite anticipate what might come up. But you have got to realise that it is extremely problematical for the survival of the Committee in most envisageable circumstances were it to happen again.

Q53 **Chair:** Just in terms of what has been alleged or alluded to in the press, have you or other members of the Commission been approached by former senior intelligence officials on this particular case?

Lord Bew: No, there has been no private conversation with anybody—No. 10 or the intelligence services—other than what would be revealed, for example, under the consequences of the debate on 29 March. I checked the documents. Put it this way: I recall nothing outside what is in the documents. I recall no private conversation of any sort. As I say, there was no pressure on this issue from No. 10 or the Prime Minister. Heaven knows there was enough clash on other issues to be going on with.

Q54 **Jackie Doyle-Price:** You have conveyed the message loud and clear to us this morning about the need for confidentiality for candidates, and I certainly appreciate why that would be. You do not want people to think they are going to incur reputational damage when putting themselves forward for public service, and we owe it to them to have a secure situation.

Coming back to some of the other things you said, there is a lot of advantage in getting people who are a bit different, in the interests of



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diversity, into Parliament. That then brings a challenge to the process, doesn't it?

Lord Bew: Yes.

Jackie Doyle-Price: We talk about what happened when you did say no, and that was a very public disagreement with the Prime Minister and a bit messy. Do you think we need to have a safer way of having that kind of conversation in a more informal way?

Lord Bew: When you invite me to contemplate a safer way to have the conversation that led to that public disagreement, I am terribly tempted to say that I wish there was. Actually, I am not convinced, given our role. I think what happened was that everybody did what they thought was right and, in terms of the questions raised about the secrecy of proceedings, it is absolutely out there: what we thought, what he thought. I am not convinced that that is such a really bad thing.

I am sensitive to the point about eccentric candidates, people who have had colourful lives and people whose opinions are all over the shop, or at various times may have been all over the shop. The good thing about British political life is that there is a kind of doctrine of evolving tolerance. When I arrived in the House of Lords, one of the most respected and eminent grandees was Denis Healey. Denis Healey was a member of the Communist party when he was a student at Oxford—by the way, so was Peter Mandelson, I think. All these people were major figures. Nobody sat around the place saying, "There is a black mark on this man's record. He is not now a suitable Member of the House." Quite the contrary.

I think, just to slightly assuage your concern, that our ability as a people to live with opinions that we do not agree with and that we dislike—by the way, you can reasonably guess that some of the people who went through HOLAC had opinions or had stated opinions that I was personally not very enthusiastic about—is actually quite good, but all the time it has to be guarded. That goes to the substance of your question: it has to be guarded.

Q55 **Jackie Doyle-Price:** It is that tension between the integrity of the process and confidentiality, is it not, in that sense.

Lord Bew: It is a real difficulty, and we have seen it today. This is just a human thing, but with the interviews, you will be surprised by the aspects of an application that people are highly sensitive about.

We have tended to talk today about complex financial arrangements and security assessments. You might be surprised that people are often quite concerned about entirely different things, including that quite a lot of people just do not want it known that they applied to the House of Lords. That is perfectly reasonable. I do not see why we should say, "Oh, you have applied. Sorry, too bad, you are going to appear in a list of unsuccessful applicants next week." I do not see why we should say that at all, I really do not. It may seem at times a bit abstract for me to



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constantly prate on about confidentiality, but it does matter to the job that HOLAC has.

- Q56 **Jackie Doyle-Price:** Just following on from that, I was struck in the evidence you have been giving us today that it is quite an iterative process, is it not?

Lord Bew: Yes.

- Q57 **Jackie Doyle-Price:** You are basically securing as much information as you can to be comfortable with approving people, as opposed to—it is pass or fail. Has that altered over time—what is the clearest way to put it? Was that a lesson learned from the time you said no? Did you do more of that iteration when you were looking at Lord Lebedev?

Lord Bew: I did see a phrase in the parliamentary debate about the “relaxed” vetting processes of HOLAC, and I did think, “I wish they had been relaxed. I wish I had been present at one of these relaxed processes.” In general, the processes are not relaxed.

I am trying to say two things. In general, the business of having a protracted dialogue with the agencies is what we do, and Lord Lebedev is not the first and he will not be the last, if HOLAC survives. It can go on for quite a time. That is the case and definitely true, but there is also no question but that there are features of this case that are unique. Lord Lebedev is a *rara avis*. If I tried to tell you otherwise, you would rightly laugh. That is the best answer I can give to that.

I am also saying that it is not just the Ukraine war that has brought the matter of Russian influence into our public life. At the height when this was going on, there was major comment of one sort or another in this building and elsewhere, including the ISC report, about Russian influence. Everyone was very sensitive about this issue, and particularly the Members of Parliament on HOLAC. Actually, you have to accept that the Lord Lieutenant of Belfast is also very interested in this issue and does not have a casual attitude.

- Q58 **Jackie Doyle-Price:** Once you have given your advice, that is really the end of the matter, isn't it? If something came to light subsequently, ultimately if they have been appointed to the House of Lords by then, it is a matter for parliamentary rules. Is that correct?

Lord Bew: Yes, that is it. There have been cases, not least cases in recent times, in relation to Russian money, which have played a role in this, but that is for the future. Once people are there, they are subject also to the normal rules of financial transparency, which explains why quite a lot of people no longer want to go to the House of Lords, or no longer want to be active Members of the House of Lords, if I can put it like that.

Chair: Can I just ask, very plainly and for the record, which may or may not clarify the matter entirely: did the Commission initially—we can change the word here—block, pause or question the then Mr Lebedev's appointment or application to the Lords?



Lord Bew: What were the words that you used?

Q59 **Chair:** Block, pause or question; which one, if any, fits?

Lord Bew: I want to retain confidentiality, but I am slightly eased by the fact of what Lord Lebedev has said himself. I also accept that the Paymaster General says that it cannot be the end of the matter about respecting confidentiality. The Paymaster General is also completely right about that point.

"Block" fits under the heading of warning—no. I want to say something that I hope will ring true; I am thinking in particular of 17 March meeting in which there were a vast number of candidates. There is an issue of sometimes prosaic delays for all kinds of reasons, which plays into this; that is not an issue of any wider political or emotional significance. You can say that we, as I have already indicated, eventually received advice and required further elucidation. That went on for some weeks. You can definitely say that, and I think I have already indicated that. Does that constitute a pause? I suppose that is a reasonable use of the English language.

Q60 **Chair:** Yes, and words matter. Was the elucidation a dilution?

Lord Bew: This may well come into public debate and people might disagree. It is more a matter of being told something that made us say that we need to know more. As I have said, that happens regularly.

In this case, it was not as rapid as is sometimes it is with other cases—in some cases it is cleared up very quickly. It is an issue of needing clarification. That is the key thing. I reiterate that there was no conversation between me and the services either. We were relayed various messages. The final version is a written message.

Q61 **John McDonnell:** If I can just follow that, there is a continuum between a warning and a positive recommendation. Is the expression "concern" relevant?

Lord Bew: As I said, "warning" is not a word that we looked at. There is a real problem; what do these words really mean in all contexts—I can see that completely. On the whole, we think "warning" and "block" are not words that are appropriate here, or, frankly, in any case that I can remember. Your last word was "concern". I would say "uncertainty". We just need to know more. I have tried to stress this; it is a cross-party body.

John McDonnell: I appreciate that.

Lord Bew: There are two Members of Parliament who have Front-Bench responsibilities in defence and security areas. Is it likely that they had a happy-clappy, or an exceptionally relaxed, attitude to this, at a moment when the issue of Russian influence was sharply in the public domain?

Q62 **Chair:** Before you go on, I will follow that up—what you have elaborated on there is quite helpful. Is there not a case for a sort of third status—a



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qualified approval? You have mentioned that Lord Cruddas was a no. Mr Lebedev, now Lord Lebedev: was he not ultimately a yes, but with these qualifying factors in brackets? It is a yes/no, isn't it—and the yes is obvious because you simply do not say no.

Lord Bew: That is true. I completely take the point, but let me again recall the letter to Sir Keir. We do indicate to the Prime Minister, and it is the first time we actually made it public, that x or y appointment—and believe me that Lord Lebedev has not been the only one in recent times—will occasion negative public comment from people who regard the person's record in a given area as bad, not likeable and so on. If you say that that is a qualified approval, that is a use of language. The truth is that it is an approval, while warning No.10 that they will have to take the flak if they go ahead with it. In some cases, they just have to take the flak.

Q63 **Chair:** There is a difference, isn't there, between somebody who might be regarded as problematical by the security services compared with somebody whose public record is disagreed with subjectively.

Lord Bew: Completely. That is why I have acknowledged that we can say to you absolutely clearly that the procedures with respect to Lord Lebedev were completely normal and usual—there are examples in the past that fit this pattern of attempts to get elucidation over a period of several weeks and so on. The other way, as I said, is a *rara avis*—there is a special set of circumstances. It would be ridiculous not to say that this was a case of particular complexity with many wrinkles that are so obvious to everybody: how much is somebody responsible for their father, etcetera.

Chair: We are enjoying the supplementaries. Ronnie Cowan, then we will go back to John McDonnell.

Q64 **Ronnie Cowan:** The Commission is subject to the Freedom of Information Act. Would anything be gained from an FOI that allowed us to gain a better understanding of your uncertainties?

Lord Bew: There are a batch of FOIs. I think there have already been FOI responses to some in this case, if my memory is correct.

As I was saying earlier, it is not just the FOI but the possibility that, as a result of the debate on 29 March, documents in the possession of HOLAC may be released. I am very relaxed about that. My problem is that I want to defend in broad terms confidentiality as fundamental to the working of HOLAC; I need to defend it here. I slightly worry that I have gone a bit too far in that respect today and weakened that confidentiality. I am more than slightly worried about it.

We are now not just in FOI terrain; we are in the terrain where documents to us and back and forth may become available. I am very conscious of the fact that in a few days' time you may be able to check what I have said to you here against those documents. That is why I was so anxious to check on 17 March and to go through them last night.

I am doing my absolute best to give you an accurate record, as I understand it, of what actually happened. Even so, because this is an art



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not a science, what do some of these words really mean? It is implicit in John's question. People may well differ but I am confident enough about what I have said today.

- Q65 **John McDonnell:** Don't worry: we do not expect you to speak ex cathedra. We can all appreciate that there is an element of uncertainty. We are grateful for your candour today.

Can we move on to the appointment of Peter Cruddas? A number of people watching this may not know the full details. Let me quickly run through what happened. We get to 2020. The Prime Minister nominates Peter Cruddas for the Lords. He is the former Conservative party treasurer, but he has been forced to resign because of his involvement in what was described as a cash for access exercise—in other words, offering access to Government Ministers in return for donations to the Conservative party. That allegation was subsequently upheld in a libel case in court, as well.

Your body—HOLAC—advised against the nomination, straightforwardly, and the Prime Minister went ahead, against your advice, and Peter Cruddas was appointed. Within days of that, and you can understand why there were some public concerns, a donation is made to the Conservative party by Peter Cruddas of half a million pounds.

The Prime Minister argued that the reason he went ahead was that he didn't believe there was anything that Peter Cruddas had done that could cause concern to HOLAC, particularly around the cash for access, which he said was years before, and he said that Peter Cruddas had been exonerated from the major concerns—I don't accept that, because the court upheld the allegation—and that Peter Cruddas had given donations to charity after that. That is the background to this.

The reason we are raising this case is that you play such a fundamentally important role with regard to people who will be involved in legislating for our country and therefore you want to ensure, as we do, that those people who go up there are sufficiently of good standing.

You noted in your letter to us regarding Lord Cruddas's appointment that this is the first time that HOLAC's advice has been ignored. Does that remain the case?

Lord Bew: It is the first time. I think that Lord Kakkar said something in his evidence to the Lords Select Committee about 10%; I think our numbers may be running the same. We raise questions about people—I think that our numbers are running at certainly a handful in my time. We say for a variety of reasons—an obvious one, to go back to what I was talking about, is that somebody is in the gunnels of an inquiry. Right? We don't think this can be gone ahead with.

So we are running roughly about the same level; I think I am right in saying that. I tried to do some O-level maths last night about Lord Kakkar. We are roughly at about the same level and I will write if I am wrong about this. We were reporting back that we don't think the Prime Minister



should go ahead with this. And roughly about the same level of, “Yes, we get the point and will not be going ahead with—”.

The only thing that is abnormal is the fact that we said—I wasn’t aware at the time that we did it, because press reports are a little sloppy on this case. But I was going back through press reports. Going back 10 years, there are references to HOLAC blocking people. HOLAC has actually never ever done what we did. Those press reports that say that HOLAC blocked or said no to somebody are essentially akin to the ones I am talking about, where we say, or Lord Kakkar said, there is this or that problem with this person and they can’t proceed.

Don’t forget that delay is a very important thing here. It is important to understand. It is often not saying no. I mean, I can speak with some authority on this, having been interviewed for the House of Lords at the turn of the century and been appointed in 2007. Delays are not uncommon. For example, we don’t say that a customer in the gunnells of an inquiry definitely can’t come; we say that we have to wait until that inquiry is sorted. We seem to be running at roughly the same level over the last few years of advice from HOLAC saying, “This is too iffy to go ahead with now”.

Now, this is unique. The accounts in the press about previous blocking are not right; we are the first. “Blocking” refers to other cases, analogous to time for delay, time to think about this again. This is the first time a Prime Minister has sought to go ahead. In fairness, he has been totally open as to his reasons, and his letter to us is a powerful letter of the case for Lord Cruddas—for example charity work, and so on. None the less, we stand over what we said. We had a reason for saying it, which is what had been said in the court, and we had a reason for saying it, particularly in relation to our second criterion, which is Parliament and the standing of Parliament.

So that’s it. We said no. We felt we had no alternative. It places HOLAC in a very difficult position. The Prime Minister has been totally honest and open about the reasons why he thought we were wrong, and I have been absolutely clear in my letter to you, so you know why we think we were right. And that’s it. The Committee as a whole was united on that subject.

Q66 John McDonnell: Was any pressure put on you during the process?

Lord Bew: In that period, there is a radical distinction between the case we were talking about earlier where, as I say, there was no pressure. I knew that the Prime Minister was personally—I think it is fair to say not pressure; that implies roughness, which did not occur. It was certainly absolutely clear to me that the Prime Minister wanted this person in a big way. And that is clear to you all if you have read the letter. There is no mystery to that. When I read the Prime Minister’s public letter, was that the first time it occurred to me, “Oh my gosh, he really, very strongly wanted this guy”? No, that was not the first time it occurred to me. I had good reason to believe it long before I read the letter.



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Q67 **Chair:** How did you acquire that information? From which channel did it come from No. 10?

Lord Bew: Again, the only conversation of substance I have had with the Prime Minister since I have been in this job was on this point, and there was nothing in that conversation that is not now in the public domain—on either side.

Q68 **John McDonnell:** So there was personal communication by the Prime Minister.

Lord Bew: Yes, he wanted to talk. This is not improper. I think that the correct answer is that it is not improper for us to talk to No. 10 about issues. There is nothing improper in that at all. Given that it is all in the public domain anyway, perhaps there is no harm—I hope there is no harm.

Q69 **John McDonnell:** From what you have said, I take it that you were not persuaded by the Prime Minister's argument subsequent to your judgment.

Lord Bew: The Committee was not persuaded as a whole by the Prime Minister's argument. All the points on either side of this are, happily, in the public domain now.

Q70 **John McDonnell:** Because of the important role that you and your Committee play, the worry that some of us may have is that him overriding your decision and going ahead begins to set a precedent and could undermine the whole system itself. Have you an anxiety about that?

Lord Bew: There is absolutely no question about that. I would say that in his letter to me, while he makes a very vigorous case on behalf of Lord Cruddas and stresses the positive aspects in Lord Cruddas's career, he does also say that he respects the work that we do and there is no sense that he does not expect it to continue. The reality is that we now know that you can probably do this once. There is a big question mark as to whether you can do it twice and HOLAC retain its public credibility or the Committee wishing to continue to carry on.

Q71 **Chair:** That was not a consideration you thought of in the case of Lord Lebedev, was it—that you couldn't do it twice?

Lord Bew: First of all, on the timing, as I say, the documents released will show a number of things, including that, partly for rather trivial and bureaucratic reasons, some of the things that have appeared in the press about the timing of events or what happened are not actually strictly right. The timing of Lord Lebedev; the matter was resolved before, if I can remember correctly—I was about to say, and I had better check my dates—certainly before the big public statements about Lord Cruddas, the matter was sorted out by the route that I have described.

What we have to do is we have to look at every question together, and look very closely at every issue. You can't say, "Oh, this might be too—



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and that breaks the bank.” What you have to do is say, “What are the facts? What are we being told about Lord Lebedev? What is the final conclusion? What can we in honour advise?”

- Q72 **Chair:** I am very sorry to interrupt Mr McDonnell’s questions, but you said—as a Commission or you yourself—or alluded to it strongly, that, having done it once, he couldn’t do it again. Has that not clouded every subsequent consideration?

Lord Bew: No, I am saying—my sense of dates is not perfect. My sense of the public statements about Cruddas are perfectly clear; I am just not quite sure how they relate to when we knew what was happening.

- Q73 **Chair:** What I understand from what you have just said—you can correct me if I am wrong—is that, having written to the Prime Minister on one occasion formally recommending that then Mr Cruddas is not elevated to the peerage, you don’t think that HOLAC could do it again.

Lord Bew: No, I didn’t say that; I said I don’t think the Prime Minister can do it again.

Chair: Right.

Lord Bew: Sorry if I misspoke; I am very glad you asked that question.

Chair: Thank you, then, in that case.

Lord Bew: What I am trying to convey through my answer is that I accepted HOLAC is teetering on the brink, to put it bluntly. That’s slightly over-dramatic, because actually we are meeting normally and discussing cases normally, as before, and doing our best to deal with things like the quick request for Minister for Refugees. None the less, at some level, HOLAC is in a new, more fragile, more exposed and more vulnerable place. That is not over-dramatic, I would say.

Chair: Thank you.

Lord Bew: I was saying that we had to look at—it’s true that both these cases to some degree overlapped, as both were happening in 2020. That is broadly true, but what mattered to us was the final messages we received as a result of vetting on the Lebedev case. Had the messages been different, we would not have done what we did. It is as simple as that.

Chair: Again, I am sorry to interrupt Mr McDonnell’s questions.

Lord Bew: Thank you, though.

- Q74 **John McDonnell:** On that final point, it is clear that the system cannot survive or be effective if the Prime Minister is routinely ignoring you.

Lord Bew: I hate to predict, because so many things have happened to British politics in the last few years that were unpredictable. But having said that, I do think you are right. It cannot survive the routine application of him doing that. How do we evolve? We all accept that our constitution



evolves by no particular great theoretical elaboration of a concept; it evolves by practice. This is the way we have done things, rightly or wrongly, in this country. HOLAC is then set up, its powers are extended after a few years into the political domain, in terms of the propriety of party nominations, and it has become accepted that HOLAC signs off on these. The Prime Minister retains the absolute right of appointing peerages. These two things exist in tension, and the tension exploded before Christmas 2020. But yes, that is how things are done. HOLAC now is a part of the accepted way of doing things, and you cannot routinely run over it.

- Q75 John Stevenson:** Returning to slightly more mundane elements, our predecessor Committee made recommendations regarding the role of HOLAC back in 2018, which included that the nominating parties should be required to “provide a written statement...setting out why a person is being nominated for a peerage and how this qualifies them to contribute”, and also that the “person nominated should...make a written statement...setting out how they” are going to “contribute to the work of the House of Lords”, as well as recommendations on monitoring and reporting on the diversity of the House of Lords. The Government response to that report was that they would commit to discussing these matters with yourselves. Has that happened?

Lord Bew: No. There is ongoing pressure, particularly on the latter part of you said about this question of ensuring a commitment by the parties. I go back to my commitment, which I had to make in 2007 and every Cross-Bench peer has had to make since then—“You will turn up, won’t you? You will be active.” I think it is an embarrassment that in recent times the parties have nominated people who have not turned up very much. As I have said before, the House of Lords should not be an honour so much as a job. Therefore, I am not happy about that.

I do think that that particular element could be helped if we were placed on a statutory basis. We would have more muscle to insist on getting the commitment—it is, after all, a commitment that I had to make myself—from all new arrivals in the House of Lords. Putting us on a statutory basis is not going to solve all the problems, and many of the most able advocates of putting us on a statutory basis still believe the Prime Minister must have the ultimate right to appoint. Putting us on a statutory basis will not solve everything, but will help with some of the problems, including those you mentioned. But no, there has been no real engagement.

The Government, of course, generally have a view, which is that wider House of Lords reform is coming some day and that these smaller issues are not so important. It is not in itself an unreasonable position. I just don’t see why you can’t get on with some of these—there are a number of discrete reforms that could go ahead anyway.

- Q76 John Stevenson:** Just to clarify on my points: you haven’t had discussions with Government.



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Lord Bew: No, not in my time. There has been no discussion at all about these things. Is there a gridding of teeth going on? Do I talk to the Lord Speaker about it and so on? The answer is yes. Am I discussing it with people with an interest in this? With the Government, we are not, other than, of course, there have been a number of debates in the House of Lords in which those points have come up.

Q77 **John Stevenson:** You would fully support the points that were made.

Lord Bew: I totally support it. There is no question that it is serious. Really, people have got to turn up.

Q78 **John Stevenson:** You also touched on House of Lords reform. The Lord Speaker's Committee made certain recommendations on the size of the House of Lords. Has your Committee been asked to implement those?

Lord Bew: No. Let me remind you again what I am saying about HOLAC. There are five of us. We hope to be joined by a sixth very soon. There are a very small number of officials working to us and none of them working full-time—they are all part of the secretariat. Again, if we were on a statutory basis, we could perhaps have a stronger administrative support. The logic would be that there would be a stronger administrative machine alongside it. Our officials put in a lot of work to make sure that we continue to function at all, so it would be quite beyond our strength anyway, but no it is not within our remit. No is the answer to your question.

Q79 **John Stevenson:** And you haven't done it quietly, or unobtrusively. You haven't looked at the recommendations and thought, "Well, we should maybe adjust our recommendations accordingly."

Lord Bew: Let me put it like this: it is not a question of quietly or unobtrusively. These issues have come up. I think there have been three debates—Lord Balfe, Lord Norton and one other—in the Lords. You will see that the Government are engaged at that level—in the Lords—on the future of HOLAC and things it might do. To say that the Government do not know what many Members of the House of Lords think about whether HOLAC should have a greater role and that they haven't noticed—for example, the Lord Speaker's latest statement mentions exactly this. Of course, the Government know that that is what the Lord Speaker thinks. Has there been an intense dialogue behind the scenes between us and them? No.

Q80 **Lloyd Russell-Moyle:** I want to ask about the responsibility for nominating Cross-Bench peers. This has dwindled in recent years. Is that a concern for you?

Lord Bew: It is, although this is complex. Going back to the Burns Committee, for a while good progress was made on slimming down the House of Lords. Now, for a variety of reasons, for which no one person is to blame—the churn, the revolution in British politics, the dramatic things that have happened over the last several years—that process of gradualist reform and slimming down is no longer seriously working the way that it



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was hoped that it would and that, indeed, it looked for a little while, with quite a lot of retirements, that it would operate.

We are always constrained when we make the argument that we want more Cross-Bench peers, because then the Government come back, not unreasonably, and say, "Yes, but aren't you trying to reduce the numbers in the House of Lords?" For some time, going back to David Cameron's time, and before my time as Chairman, the deal, essentially, was that we get two a year. This Government have kept to it. I am particularly pleased about the next two appointments, which I hope will be announced before too long.

Q81 Lloyd Russell-Moyle: So you don't think it threatens the non-partisan status of the Cross-Bench group—

Lord Bew: There are a number of problems in setting the non-partisan status of the Cross-Bench group; you are absolutely right to ask that question. But in itself, the smallish number—I came in with five in 2007, and now we are at two a year. It tells you that we are in a different world.

I am saying that, given the circumstances where the House of Lords is getting fatter and fatter—I shouldn't use that word. It is getting larger and larger—

Q82 Lloyd Russell-Moyle: A large House of Lords is a problem if you additionally expect them to be working full-time. If you expect them to be working part-time, it doesn't matter if you have a bigger House.

Lord Bew: There is no question that it is simply too large, for a whole number of reasons. When I was chairman of the Committee on Standards in Public Life, rather unwisely in the sense of my personal popularity in the place, I committed myself to the means by which you might reduce the size—at some personal level I wish I had kept my mouth shut, because not everybody agreed with me. But there is no question that it is too large.

There is also no question that there has been an evolution in thinking, not just, as I said, that it is not an honour but a job, but also that there is a thing called an independent Cross Bencher. We have moved on from talking about Cross Benchers to them being independent Cross Benchers. There are a number of question marks about that. I am well aware what some of them are, quite apart from what I am about to say.

When you then get, for example, a flood of people—we have more than the usual number of what are distinguished ex-senior civil servants suddenly arriving on our Benches—it is not the same sort of person that we are trying to produce through our process of interviews at HOLAC. So there is an issue. There is an issue of people arriving on our Benches from quite recent party-political backgrounds and so on. There is a question.

By the way, there has always been a problem about where they sit. The formerly Unionist Members from Northern Ireland also sit on the Cross Benches. That has been something we have lived with and just accepted



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as a fact of life because where else are they going to sit? None the less, the fundamental point that the idea has been to develop the concept of the independent Cross Benchers and a number of recent developments, not least the small number of people that we can add in that category, has weakened that concept.

- Q83 **Lloyd Russell-Moyle:** The current Prime Minister has appointed 11 of these non-affiliated peers, but really almost all of them are affiliated to—maybe not the Conservative party, but the Prime Minister himself. You could call them the Boris Johnson party peers, couldn't you? They are personal friends. They are political bedfellows or political travellers of the Prime Minister in one way or another, so although they claim to be non-affiliated, they are associated with a political movement. Does HOLAC approach the vetting of this group differently from that of Cross Benchers, or do you treat them as if they were party political appointees?

Lord Bew: I am not aware that there has been any difference in our attitude. I am trying to think of some of those cases. I can recall substantial detail about some of them.

Lloyd Russell-Moyle: Do you treat them as Cross Benchers or as party appointees?

Lord Bew: Here is the situation. To return to the original point of our law, the Prime Minister has the right to make these appointments. What we have done is flagged it up. When it got to five, we flagged up that we are only in an early stage of this Parliament and the convention is 10 such appointments. We are now on 11. We have flagged up our unease with this process. That is what we have done. The fact that we are uneasy with this process is out there.

- Q84 **Lloyd Russell-Moyle:** Has there been any response to that flagging up?

Lord Bew: There has certainly been no letter to me about it.

Lloyd Russell-Moyle: So there has been no agreement to let up the speed of these quasi-political but pretend non-affiliates?

Lord Bew: There is no agreement. We have tried to do our work in good faith, and I hope that the Prime Minister, even in the places where he sharply disagrees with us, accepts that we were doing our work in good faith. I actually hope—this might be naive—that in a number of these areas we can expect to get more respect for our traditional concerns, if I can put it like that.

- Q85 **Lloyd Russell-Moyle:** Is there a danger that the appointment of these non-affiliates is a way of breaking the convention on party balance, because you are introducing foot soldiers for one political persuasion but not including them in the party numbers?

Lord Bew: That is actually a fair point, in the sense that I have to concede that in principle it is possible. In reality, given voting patterns in the Lords, it actually isn't that significant. But as a point in general you are absolutely right.



Q86 Lloyd Russell-Moyle: So if this continues in significant numbers it could become a problem.

Lord Bew: If it continues in very large numbers, then the point I have just made. In reality, however, looking at voting patterns in the Lords, it would be hard to say that this is a big issue. But in general, in the long term, if we got 50 or something, of course that would be different.

Lloyd Russell-Moyle: Thank you.

Chair: We will have a supplementary question from John McDonnell and then hand over to John Stevenson to close.

Q87 John McDonnell: Just to follow up on that point briefly, it might not be numerically significant, but it does affect the standing of the House of Lords as a legislative body if, as has unfortunately occurred, people are nominated for the political service they have provided to the Prime Minister himself.

Lord Bew: I take the question and acknowledge the problem, but I would put it slightly differently. You have asked about vetting, and I can recall CVs and vetting and that definitely occurred. But the problem, as I think we have said in public—in any case, I am saying it now—is that if somebody works for a party, that party knows their good point and bad points. When the party comes to us and says, “We think that so-and-so, who was the MP for such-and-such, who made a major contribution to public health and whose record, as far as we know, is pristine,” or whatever, the problem is that their political career has been largely in one party.

Again, we have lived through a revolution—because Brexit has been a revolution in our politics—and we have to be realistic that there are now break points that were never there before, and situations that we all, including HOLAC, have to deal with and come to terms with. But the problem is that people come in who have spent most of their career in another party. The Prime Minister may want them and believe that they are excellent people—actually, I can see why he thinks that—but none the less you do not have the level of background information you get from a normal party political nominee, and that is a concern for us.

Chair: I call John Stevenson to ask the closing questions.

Q88 John Stevenson: The former Lord Speaker, Lord Fowler, has described your Committee’s powers as “fundamentally deficient”. Do you agree?

Lord Bew: Well, first of all, the context is the point at which Lord Fowler was Lord Speaker—I have alluded to this already. For a while it looked as though the Burns reforms were leading to a gradual slimming down of the House of Lords, getting it into a more modernised place. The subsequent dramatic political events of Brexit churned over two Prime Ministers in a short number of years, both with resignation honours lists and so on. That means that his original optimism has now disappeared. He is writing at a moment of—despair may be an overstatement—extreme dissatisfaction with the state of play with regard to House of Lords reform.



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He is entirely right, by the way; our powers are those of a small advisory body. I have tried to explain to you what the administrative backup is, who is working on it, and what our role actually is. I support the case for making us a statutory body, as did Lord Kakkar. I support it knowing that it is not going to transform the world and make it a beautiful, pristine place, but the case for making it is that we would be stronger and our powers, in a number of the areas that we have discussed, would be greater. So Lord Fowler is, in a way, right. I think he was writing in a moment of particular disappointment. I have tried to explain the broad context, but there is a sense in which he is right.

Q89 John Stevenson: You clearly advocate a statutory basis for the Committee.

Lord Bew: I completely agree with that. What I am against is the idea that somehow or other there will never be a PACAC again when you think something odd has gone on in the House of Lords, and maybe HOLAC has something to do with it. What I am against is the idea that it would magically clean up and solve a lot of problems. I respect entirely those who believe—clearly, the Government—that some more wide-ranging reform is probably the answer.

My own view is that more thought should be given to what it might be in the interim. It is very hard, given the current pattern of British politics, to arrange that. I am against the idea that it will be a panacea. I am also against the idea that, just because there is some relatively discreet, small things you can do to improve the House of Lords, and then say, “We can’t be bothered because it is going to be dealt with in a big sweep someday.” I am not in favour of that idea. I think we should be placed on a statutory basis, but it will not revolutionise things.

Q90 John Stevenson: You say that but, given what you have already said today and the issues that have arisen about certain appointments and so on, is there not an argument to just abolish yourselves?

Lord Bew: I am not at all offended by you saying that, because I contemplated that over Christmas. There is an argument. I would defend HOLAC on this ground: first of all, we have, in terms of the Cross-Bench peers, added both to the brilliance and the diversity of the House of Lords. That point has to be made, if you look at the people who have come in. I hope that people will say that even more when our next appointments are announced. That side of our work has been fundamentally, to use one simple word, successful.

The party political dimension has been much more fraught, and we have seen why this morning. But would it really be better if we were not there? People have to go before HOLAC. I would say—I do not want to be indiscreet—from my general sense of what goes on in politics in this country, that probably the crises around the House of Lords, the doubts about its status, would be worse if there was not a HOLAC. I would say that we have actually defended and held certain lines, and we are a pressure point for propriety.



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Chair: Thank you for appearing before us this morning and answering our questions in a frank way; I am grateful for that. If there is anything you wish to clarify or need to add, you are welcome to write to us following this hearing. In the meantime, thank you for your attendance.

Lord Bew: Thank you very much indeed.