

# Select Committee on the Constitution

## Corrected oral evidence: Oral evidence session with the Chairman of the House of Lords Appointments Commission

Wednesday 18 January 2017

11.15 am

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Members present: Lord Lang of Monkton (Chairman); Lord Beith, Baroness Dean of Thornton-le-Fylde, Lord Hunt of Wirral, Lord Judge, Lord MacGregor of Pulham Market, Lord Morgan, Lord Norton of Louth, Lord Pannick, Baroness Taylor of Bolton.

Evidence Session No. 1

Heard in Public

Questions 1 - 12

## Examination of witness

Rt Hon Professor Lord Kakkar, Chairman, House of Lords Appointments Commission.

**Q1 The Chairman:** Can I welcome Lord Kakkar to our Committee and say how much we appreciate it? We know how busy you are with a huge range of responsibilities, and we are very grateful to you for coming to tell us about the House of Lords Appointments Commission, which you chair. I gather you would like to make an opening statement, which would be very welcome, so the floor is yours.

**Lord Kakkar:** My Lord Chairman, thank you very much indeed. I am grateful for the opportunity to come before your Committee and to have been given the opportunity to make this opening statement. I thought it might be useful for me to bring you up to date on what the House of Lords Appointments Commission has done since I last appeared before your Lordships' Committee in February 2014.

In terms of appointments to the Cross Benches through the independent appointments mechanism, the Committee has made four nominations: Lord Bird, Baroness Brown of Cambridge, Lord Mair and Baroness Watkins. They were all announced in October 2015, and they have taken up their positions in the House of Lords and have made active contributions. Those nominations were made in line with guidance from the previous Prime Minister of two nominations from HOLAC every year for service onto the Cross Benches, and those were for the years 2013 and 2014.

I have had a meeting with the Prime Minister, who warmly welcomed the work of the House of Lords Appointments Commission. It was a very general conversation to bring the Prime Minister up to date on what we do in HOLAC and how we go about our work, and I am now waiting to have a further conversation with the Prime Minister, having given her that briefing, to discuss the numbers that she would be content with, with regard to nomination to the Cross Benches. Your Lordships will be aware, of course, that the timing and numbers with regard to appointment to the House of Lords is a matter purely for the Prime Minister of the day and not a decision in the hands of the Appointments Commission.

In this period of time, we have continued to receive large numbers of nominations and applications from members of the public through the open and transparent appointments process advertised on the House of Lords Appointments Commission website. We continue to look at those applications, to sift them and to interview potential candidates, and we indeed have a list of potential candidates available for a time when the Prime Minister comes forward with a view that there should be further appointments to the Cross Benches.

As to our second role, which is the vetting of all nominations, we received a list and vetted 22 individuals nominated by four political parties in August 2014. In August 2015, we received 52 nominations from three

parties and, subsequently, at the end of our vetting process, were able to support 45 of those nominations of 52 nominated. Last summer, as part of a further list of 15 individuals nominated by two political parties, we were able to support 14 of those nominations.

In addition, we have undertaken vetting on seven individuals nominated to serve in the House of Lords as Ministers in the period of time that I am covering, and on five individuals who were nominated by the Prime Minister directly to Her Majesty to sit as "exceptions", as distinguished public servants, on the Cross Benches.

Overall, about 10% of individuals nominated by the political parties have failed our propriety test in this period of time. The Commission, as I say, has continued to meet on a regular basis to look at nominations, to do the sifting work and to prepare candidate lists for potential interview and, indeed, interview potential candidates and reach a conclusion on them.

**Q2 The Chairman:** Thank you very much; that was extremely helpful scene-setting. Perhaps I can move straight into our questions, some of which are very specific. I will ask the first one, which is to do with the role of special advisers who are suddenly starting to appear as Members of the House of Lords with restrictions imposed on them. Do you feel that that creates a problem with debating and voting on government business?

**Lord Kakkar:** To be fair, that is not a HOLAC question; our responsibilities are limited to the vetting for propriety of those individuals to ensure that they are in good standing with the community in general and with regulatory authorities and to be clear that their past conduct would not bring the House of Lords into disrepute. In terms of the strict role that the House of Lords Appointments Commission has in assessing party-political nominees, it is one merely of assessing individual propriety.

The question you put, I think, is much more about the suitability of having individuals nominated to sit in the House of Lords where their ability to make a full contribution is limited. The instruction that HOLAC has received from successive Prime Ministers is that the question of suitability is a question we put only in assessing HOLAC nominations to the Cross Benches and we do not undertake suitability testing for political nominees; that is a determination which is retained for the party-political leaders alone who make those nominations.

**The Chairman:** I am afraid I half expected the answer you gave.

**Q3 Lord Norton of Louth:** Moving on to a different area, the nominations you do make, should there be a requirement on appointees to have a certain level of attendance in the House, a certain involvement; and indeed, is that part of the consideration you have of them? If it is, do you then monitor whether they have fulfilled their obligations?

**Lord Kakkar:** Certainly, in the work of the House of Lords Appointments Commission, when we look at those nominations to the independent Cross Benches, it is a consideration that we take very seriously. Indeed,

if one studies the website of the House of Lords Appointments Commission, in laying out those criteria, we are very clear about the fact that, in the process that we have and, in particular, at interview, the Commission will test that particular question. From time to time, that requires us having a second interview with individuals or a telephone conversation between the chairman and individuals before the nomination goes forward. That is to satisfy ourselves that they are individuals who are able to make a meaningful contribution to the work of the House, both in the Chamber and in committees more generally, and also that they are willing to make the time commitment necessary.

Over the lifetime of the House of Lords Appointments Commission, we have made 67 nominations, and 62 of those nominees remain. A few have, unfortunately, passed away, and one is on leave of absence. If one looks at those 62 House of Lords Appointments Commission nominees in the period between October and January, 90% of them have made a contribution to the work of the House either by speaking in the Chamber, by service on a committee or by voting in Divisions. We are pretty content, in general, that those nominees who have come through our process are making an active contribution. We do not do any formal monitoring of the performance of our nominees and, indeed, if we were to do that, I am not sure what we would do with the data because, once appointed to the House of Lords, as their noble Lordships will know, Members are here for life.

**Lord Norton of Louth:** Indeed; so it is dependent upon a commitment and their honouring the commitment?

**Lord Kakkar:** Yes.

**Lord Norton of Louth:** As to the commitment itself, you have mentioned that there is an expectation and you discuss that with them. You have mentioned that Members do make a contribution and, from what you are saying, that could be quite minimal—they have spoken during the course of the year—so do you have a clear view, quantitatively, of the evidence?

**Lord Kakkar:** In the conversations that we have with potential nominees, the view of the Commission is that service on the Cross Benches, with appointment through the route of the House of Lords Appointments Commission, must be seen as a working commitment, not merely as an honour or recognition, because that is not the purpose of the process for which we are custodians. The conversation does emphasise the fact that, when Parliament is sitting, the House tends to sit for four days a week, and we discuss the times that the House sits on each of those days and, additionally, potentially on Fridays. We indicate that successful nominees should be able to commit not to every single day of the week but to a substantial presence in the House. It may not always be service in the Chamber; the committees often require the kind of expertise that we are looking for and on the basis of which we decide to nominate. We do not give a specific number of days, so one does not say to individuals that they have to be here three days a week, although

we indicate that to be taken seriously as a Member of the House of Lords, a strong presence, which may require some days a week, particularly where areas of specific expertise are required, is what is expected.

**Lord Beith:** In those discussions, have you been made aware, or have you made candidates aware, of the particular problems of those who live a long way from London and who will have many more costs to meet out of their allowance, and maybe more difficulty in combining attendance at the House of Lords with another job?

**Lord Kakkar:** We are very sensitive to the fact, because one of our responsibilities is to try to ensure the greatest diversity among appointments based, of course, on the principle of merit. One of the issues of diversity that the House of Lords Appointments Commission has tried to consider is geographical diversity, an issue that has been raised in questions in the House. It represents a challenge to some individuals who remain active in their professional lives and who live a very long distance from London, to make those types of contributions. We try to have a full discussion about the need to be active once appointed, but we do not specifically raise the question of the ability to make that contribution in the context of the allowance available.

Q4 **Lord Morgan:** I wonder what your thoughts might be on the expertise in the House of Lords. Are there particular areas of public policy which you feel might be under-represented? I wonder if I could attach that to a question which has long troubled me—namely, how can one do anything about the fact that the experts may be ex-experts; that is to say, their knowledge has become out of date?

**Lord Kakkar:** It is an important question and we are sensitive to the need to have an understanding and a view about the expertise available. We have published on the website of the House of Lords Appointments Commission our analysis of that question with regard to HOLAC appointees. In general, we listen to what people are saying about the need for expertise. Sometimes, in informal conversations, the Commission might hear about the need for expertise in a certain area with regard to potential legislation or potential challenges that Parliament might be facing in the future and that there is the need to supplement that.

In terms of the work that we do, we are not at the moment constituted to go out and head-hunt individuals to serve in the House of Lords. We basically have tried to understand specifically the needs of the Cross Benches to serve in the House of Lords where there may be deficiencies. For instance, if one looks at recent nominations, Lord Trees, a vet, was appointed in recent years. That was an area because a previous Member of your Lordships' House, who was a veterinary surgeon, was retiring and planned to leave the House. Baroness Watkins, a professor of nursing from Plymouth, was recently appointed as Baroness Emerton has gone on to leave of absence. She was very distinguished from a nursing background and served for many years in your Lordships' House.

Then, looking more broadly at contributions that might be made, the Commission took the view to nominate Lord Bird, who is a social entrepreneur from an interesting background, because it was felt that much of the expertise on these types of questions came from those who had studied the question academically rather than experienced the question through their own life experience, and therefore that was an area of expertise that might be addressed. So we have tried to address the first part of your question.

In terms of ex-expertise, it comes to the question of the ability of those actively involved in a professional career to make an active contribution to the House of Lords, and we have appointed some individuals who have remained active in their professional careers. They have tended to be closer to London than far away from London, although I have not studied that question in considerable detail. I myself came through the House of Lords Appointments Commission route and have managed to continue my career as a clinical academic, but I am based in London, so it has worked quite conveniently. I could imagine, having tried to do that, that working in another part of the country would be much more difficult. We are sensitive to the fact that the expertise that the House requires needs to be relatively fresh and able to provide the kind of in-depth knowledge that will inform the work of the House.

Ultimately, we have to combine a number of different questions: an understanding of what the House needs; an understanding of how individuals can make a contribution; and an understanding of how we can drive the opportunity to reflect the needs of different parts of the country in representation in the House. We try to do that as best we can, bearing in mind that our greatest limitation in all these matters is the small numbers that we are able to appoint through the HOLAC route to the Cross Benches in any given year.

**Q5 Lord Pannick:** You mentioned that it is not the responsibility of HOLAC to assess the suitability of party-political nominees. Do you think it should be your responsibility?

**Lord Kakkar:** I think that is a question which needs to be debated more fully in Parliament and among the political parties because it would be a substantial change in the current constitutional settlement. The current settlement is that appointment to the peerage is a matter of the exercise of the royal prerogative by the Prime Minister and, if an independent commission were to assess every appointee on the question of suitability, that might be considered an interference in the exercise of that power.

Having said that, there are things that might be done going forward on an interim basis that could be quite helpful. The House of Lords Appointments Commission does lay out the criteria that we use in trying to address the assessment-of-suitability question for the nominees that we look at, and it may be that the political parties, as part of their preparation in submitting names for individual propriety vetting by the Commission, could first undertake a more standardised assessment of suitability themselves. That would not interfere in the ability of the

political parties to make the nominations, but it would mean that there was a sense that there was a greater consistency in the types of questions applied with regard to assessing suitability. Those questions again are laid out on the House of Lords Appointments Commission website about the individual's contribution, their chosen walk of life and the ability of those individuals to make an effective contribution to the work of the House and to make the type of time commitment that is now expected of those who wish to serve in the House of Lords.

**Lord Pannick:** Can I also ask you about propriety? You mentioned that 10% of the party-political nominees had failed the propriety test, which seems to me a surprisingly large number. Does it concern you that so large a proportion of those put forward as party-political nominees have failed your objective standards?

**Lord Kakkar:** There are difficulties here. In our propriety testing, we are in a position to talk to certain government agencies, government departments and regulatory bodies to ensure that the individual that we are being asked to vet is in good standing. That may be difficult to do, for instance, for the political parties and certainly in conversations with HMRC because there is a statutory and, I understand, criminal sanction against HMRC sharing individual information on taxpayers with government Ministers, so that might be quite a difficult issue to raise. We are very strict in our work in that area. We go to these agencies and we are provided, in terms of HMRC, a green light or a red light so that we do not understand individuals' tax affairs, but we understand whether they are in good standing or not, and so too we talk to the police, to the security service in terms of vetting and then other professional bodies.

Potentially, though, there is merit in those making party-political nominations understanding what the vetting process will be and exploring as best they can with individual nominees the questions that might arise as part of the vetting process, and in being very detailed in the citation they provide, which helps the work of HOLAC in exploring the areas where there may be the need for vetting confirmation.

**Lord Norton of Louth:** On the earlier point, you mentioned that you cannot be proactive in the sense of going out and head-hunting, but are you able to signal fields in which nominations would be welcome?

**Lord Kakkar:** We are considering doing that. Our great anxiety in the Commission is this: that with only two nominations a year and very large numbers already of high-quality candidates who would meet the criteria for appointment, how much should we be doing about encouraging more and more people to put a large amount of effort into preparing a detailed application when there is very little chance at all, bearing in mind that over 98.5%, or thereabouts, of individuals fail to get over the line through the HOLAC process? It is a sensitive balance in being good and decent to those individuals. Therefore, at the moment, we have chosen not to do that. It is certainly possible for us to do it, and we spend time looking at how our own nominees are doing, looking more generally at

where there are deficiencies in terms of contribution to the work of the House, but we have not chosen to go that extra step at the moment.

**Lord Norton of Louth:** So that would probably flow if you were allowed to make more nominations?

**Lord Kakkar:** If there were the opportunity to make more appointments, which of course in itself is a sensitive issue with regard to broader questions about the size of the House at the moment, that is something that the Commission could consider.

**Baroness Dean of Thornton-le-Fylde:** Just on the numbers point, we have the written evidence that you gave to the House of Commons Committee, and you say that the Commission has no role in deciding the number. Is there no discussion between the Commission and the Prime Minister about the actual numbers, with the Commission saying, "We think, having looked at the size of the Cross Benches, that maybe we should be looking at this number"? Some while ago, in my view, the Commission came under a lot of unfair criticism about the numbers it was putting in, which, if you compare it now with the number of political numbers coming in, bears no significance. Two a year, one could argue, will reduce the percentage of Cross-Benchers in the Chamber.

**Lord Kakkar:** The sort of general view about numbers of Cross-Benchers is that they might represent about 20% of the House. At the moment, Cross-Benchers represent just over 20% of the House—21% or 22%, I think. The two per year was, let us say, a historic figure, and I have just opened the conversation with the Prime Minister about the approach to numbers with regard to appointment to the Cross Benches through the HOLAC route. That conversation has not concluded yet. It is not as if we are having a number imposed upon us at the moment, but, as you say, we are in the middle of a conversation about what the Prime Minister's view is and what the potential needs of the House will be. We do not do succession planning in terms of knowing which people will leave the House and, therefore, where we might need more expertise in the future, but we have a sense with the names that we have, let us say, in our holding pattern of the kinds of expertise that would be brought to the House and the work of the Cross Benches, which is the kind of conversation that one has. The mechanism is very much that our work is absolutely independent. Therefore, we need to have some general discussion about numbers and then go forward with names after we have an agreed number so that there is no risk of any political influence in the work of HOLAC and the names getting through or not.

**Baroness Taylor of Bolton:** You were talking about the number on your long list, which does seem very large compared with the number of people who get through. Do you ever find people on your long list turning up as political appointees?

**Lord Kakkar:** There have been some, I think, but I would have to check that because I cannot remember the names on the long, long list of people. There may well have been, but I cannot recall exactly.

**Q6 Lord Hunt of Wirral:** Turning to vetting for propriety, I see that you explained in previous evidence that propriety means that the nominee is in good standing in the community in general and with the public authorities in particular and that the past conduct of the nominee would not reasonably be regarded as bringing the House into disrepute. If somebody raises an issue, whether they have read it on the internet or heard it from an agency, does the individual concerned have a right to be heard during that process to correct some misapprehension?

**Lord Kakkar:** No, not at the moment. We are asked to undertake our work in such a way that we provide advice on a confidential basis to the Prime Minister or, indeed, the political nominee's party-political leader in question. We undertake our vetting assessments and then it is all discussed within the whole Commission of all seven members. On that basis, we provide advice merely about whether, on the grounds of propriety, we are able to support the nomination or not. We are not in a position to have a conversation with the individual candidates.

**Lord Hunt of Wirral:** So this is all behind closed doors. What thought have you given to making the process more transparent?

**Lord Kakkar:** We are very sensitive to the fact that it is behind closed doors. In terms of the ability of the House of Lords Appointments Commission to work with the various agencies and have a conversation with them, information is provided to us on the basis that it is for our vetting process and that we can provide the simple advice that we are able to provide in the context that we do it, to the Prime Minister. For us to get into a conversation with individual nominees about that part of our work would require quite a substantial change in the way that we are organised and the way that we are able to undertake our vetting activities, but it has not been considered by the Commission at this stage.

**Lord Hunt of Wirral:** Do you think it should be?

**Lord Kakkar:** There is much more public debate and public speculation about nominees. One of the great regrets that we have, as a Commission, is how frequently names on the political nomination lists are leaked into the public domain while we are doing our work. That is very unhelpful and, we consider, very unfair to individuals because there is a lot of speculation and it makes the work of the Commission more difficult. It may be that that should be considered down the line, but it represents some important challenges. Certainly, at this time, I believe it is very important in the whole process that individuals give their permission for us to undertake all this work. It is one of the things which is both part of the nomination process through the HOLAC route and, indeed, the party-political leaders take permission from their nominees for HOLAC to undertake its vetting work before the nominations are received, so we do have individuals' permission to do this, but we have not decided to engage in any kind of conversation with individuals with regard to what we find. The majority of individuals pass through the process quite easily.

**Q7 Lord Judge:** We understand that the Commission was going to undergo a triennial review in 2016. The short question is: has it taken place; and if so, what is the result of it?

**Lord Kakkar:** I understand that we are now moving away from fixed triennial reviews to tailored reviews. We have not been advised of a tailored review for the House of Lords Appointments Commission at this stage, so we wait in anticipation.

**The Chairman:** Short question, short answer.

**Q8 Baroness Dean of Thornton-le-Fylde:** The Commission has been very successful in nominating a diversity of gender and race and, indeed, people with disabilities, but I am not sure that it has been successful in recruiting people regionally with the diversification of the regions, with London and the south being disproportionately represented in nominations. Does the Commission go out and meet people in the regions and explain the work of the Commission? Many areas have not even heard of it. Do you actually publicise what you are doing and what you are looking for?

**Lord Kakkar:** The original Commission, at the outset of the establishment of the Commission, did a lot of that regional work. We have tried to lay out in as much detail and with as much clarity as possible our criteria and the way we go about our work on our website. We have not chosen to do regional roadshows merely because of the limited numbers that we are able to appoint. I think there is merit in it; we have thought about it and we could do it.

My own sense has been to try to understand from the Prime Minister what the Prime Minister's view is with regard to numbers in the coming years for appointment to the Cross Benches and then, on that basis, to start to think more about how we would engage on a regional basis because we have done well in many areas of diversity. There is some regional distribution. Baroness Watkins, for instance, comes from the south-west and Lord Trees is from Scotland and so on, but there is more to do. One of the ways that we might do that is through engaging more on a regional basis. As I say, however, our great anxiety is not then to have a flood of nominations and still be able to make only a small number of appointments, although that flood may give us the opportunity, even in a limited number, I suppose, to drive geographical diversity. We would certainly be happy to consider it, but I do have anxiety about raising expectations.

**Q9 Baroness Taylor of Bolton:** Regarding resources, when you mentioned the figures for appointments to the Cross-Benches, I was thinking that resources cannot be a problem, but then you went on to talk about prime ministerial appointments and all of that checking. They seem to come in hikes where you suddenly get 15 or whatever, or you suddenly get ministerial appointments. Does this create a difficulty and put pressure on resources or, indeed, the availability of your members at short notice to perhaps have to come in and look at a particular person, being a

ministerial appointment, or the 15 on the resignation honours list?

**Lord Kakkar:** We are very fortunate that the secretariat for the House of Lords Appointments Commission sits in the broader secretariat for the Civil Service Commission, so when there are peaks of activity, we are able to draw on more resource from the broader secretariat of the Civil Service Commission.

In terms of the availability of commissioners, we are very lucky to have a very committed group of commissioners, and as soon as we know there will be some action, the Commission mobilises itself to come together. If a commissioner is unable to attend in person, we can help them attend by teleconference. We share all the information with all the Commission members so that everybody has an opportunity to bring their judgment and insight into the assessment of the information we are studying.

With ministerial appointments, there is often greater pressure, but we have made it clear that we have to complete our vetting before we are able to reassure a Prime Minister that there are no concerns from the individual propriety point of view, and Prime Ministers have been very happy to wait. They do not want to wait for ever, but they have been happy to wait until we can complete that work.

**Baroness Taylor of Bolton:** That is reassuring, thank you.

Q10 **Lord Beith:** You obviously devote a lot of time and attention to the work of the House of Lords Appointments Commission and have a very thorough grasp of it, but you have recently taken on the chairmanship of the Judicial Appointments Commission, which is a huge task with some of the same challenges writ large with a much larger number of appointments. How on earth will you manage combining these two things?

**Lord Kakkar:** On my appointment to the Judicial Appointments Commission, at the time I had those conversations, I elected to give up some of my academic career to make time available specifically for that. I stood down from the General Medical Council and from a governing board of a college and a couple of other things to make time available for the JAC. I am fortunate that, in the House of Lords Appointments Commission, I am one of seven commissioners and they are a very active and committed Commission, and so too, as chairman of the JAC, I am one of 15 commissioners who all take a very specific and active role in the work of that Commission.

On the question of whether there was a conflict of interest between serving in both roles, I sought advice from a number of individuals and it was made clear to me that for there to be a conflict of interest there needed to be a primary interest and a secondary interest, so one might be the JAC and the second might be the House of Lords Appointments Commission, and indeed there was no conflict between the two. The Cabinet Office also looked at that question in some detail at my request to ensure that there was none, and indeed I was able to discuss the

matter with the Prime Minister. At the moment, I find that I am able to serve in both roles, but clearly I am very conscious of it.

**Lord Beith:** Do you influence too many appointments from the public sector altogether?

**Lord Kakkar:** If the commissions were not properly constituted in terms of an active membership of the House of Lords Appointments Commission and the JAC then that may be a concern for a chairman, but I am very content that we have very active commissioners in both organisations, and therefore that the role of the chairman in both is to ensure good order and proper process with the insights of commissioners in both commissions playing an active role in the discharge of their duties.

**The Chairman:** We look forward to seeing you in your capacity as chairman of the Judicial Appointments Commission on 1 March. In the meantime, we have one more question for you from Lord MacGregor.

Q11 **Lord MacGregor of Pulham Market:** Can I first go back to a previous question before I ask the question I was going to ask and will ask? It is in relation to political appointments. I think I heard you say that sometimes these leak out before any decision is made.

**Lord Kakkar:** Yes.

**Lord MacGregor of Pulham Market:** Does that not create a bit of a problem for the individual and, indeed, for public comment?

**Lord Kakkar:** Indeed it does, and it is deeply regrettable, quite frankly. That does not come from the House of Lords Appointments Commission, but it is deeply unfair. We have to do our work, and that is what we have been charged to do, to do the propriety vetting for individual nominees, and if names are leaked, that is unfair and unhelpful and it does not help anybody in the process.

**Lord MacGregor of Pulham Market:** But it certainly would never come from the Commission?

**Lord Kakkar:** No, absolutely not.

Q12 **Lord MacGregor of Pulham Market:** Now the question I was going to ask: are you concerned about the tiny number of peers being appointed on the basis of nominations by the Commission? We understand that eight nominations were made on the recommendations of the Commission in 2010-15 compared to 31 during the period 2005-10 and 22 during the five years from 2000 to 2005. Is there an explanation for this?

**Lord Kakkar:** I think the only explanation can be that the Prime Minister, who is ultimately responsible for the number and timing of nominations to any of the Benches in the House of Lords, has taken a view over time, successive Prime Ministers, with regard to the question of the number of individuals who should serve on the Cross Benches. Whether that is influenced by a discussion in the broader context of House of Lords

reform which says that, whatever the House is, it should retain an independent element of 20%, and currently the membership of the Cross Benches is around about 20%, and whether that is driving thinking or not, I do not know. Certainly, in terms of having an active Cross Bench composed of the kind of expertise that is relevant and meaningful to the work of the House of Lords currently, it would be regrettable if there were not a continued focus and enthusiasm for appointments to the House of Lords. Certainly, in the conversations that I, as chairman, would have with the Prime Minister, I will continue to emphasise the work of the Commission, the approach that we take to understanding the suitability and propriety of individuals to serve on the Cross Benches, how we reach our conclusions and how we look at the broader needs of the House and the specific contributions that could be made by House of Lords Appointments Commission nominees, and I hope that that might influence the view that Prime Ministers take.

**Lord Morgan:** Does it worry you at all that some of the Cross-Benchers who adorn our House turn up so infrequently? Some of them seem to me to have a narrow interest in their own particular areas of expertise and some of the Cross-Benchers are among the poorest attenders of our Chamber.

**Lord Kakkar:** You have to look at the Cross-Benchers as a whole. We have the ability to influence a small proportion of them, those who are appointed to sit on the Cross Benches through the House of Lords Appointments Commission route, and I think that contribution to attendance in the House is good. When one looks more broadly, there are still a number of Cross-Benchers who received their peerage as part of the honours system and see it as an honour and there was no conversation with them at the time of appointment about an obligation of attendance. Then, there are some who continue to be appointed on the basis of recognition of their service as the Prime Minister's exceptions. If one looks at the diversity, it may be that the attendance is not good and participation is not good.

All I can say is that, in the context of the work of the House of Lords Appointments Commission, we take very seriously the conversation we have with nominees whose names we put forward to the Prime Minister to serve in the House of Lords. Ultimately, it can only be on the basis of the conversation and then accepting that those would be honourable individuals who, having made a commitment, will fulfil that commitment. Regrettably, if they decide not to do that, there is nothing further after appointment that HOLAC can do about that, because that is where the role of HOLAC stops, except continue to ask itself if it is using the appropriate criteria and has the appropriate insights into human behaviour to be able to determine the people who will keep their promises.

**Lord Morgan:** Could it be emphasised perhaps slightly more when distinguished Cross-Benchers are appointed that the main work of this House is revising, in committee stage, report stage and so on, measures

of legislation and that that work is, frankly, done overwhelmingly by those of us who take a party Whip?

**Lord Kakkar:** It is a point I would be very happy to emphasise. We do emphasise in our conversations that work in the Chamber is not only a question of coming and speaking at Second Reading or in more general debates, but that there is the laborious but vitally important work of the House in committee, Grand Committee and select committees, and then at the other stages of a Bill. I think the Committee can rest assured that that is a conversation that we have.

**The Chairman:** I think that last question, Lord Morgan, created a bit of a ripple in other parts of the Committee, so I think it might be the time to draw this interview process to a conclusion.

**Lord Morgan:** It may have made a ripple, but it is true.

**Baroness Dean of Thornton-le-Fylde:** My Lord Chairman, may I ask one quick question?

**The Chairman:** A very short one, yes.

**Baroness Dean of Thornton-le-Fylde:** I accept entirely the technical and official position, but have you, as chairman, ever had an informal conversation with nominees to the Cross Benches who have not been attending and participating in the way that they gave you an undertaking they would?

**Lord Kakkar:** Both I and previous chairmen have had the opportunity to review that question in terms of nominations made under their individual chairmanship with the Convener of the Cross Benches and individuals.

**The Chairman:** Lord Kakkar, thank you for what has been an extremely interesting and helpful session. Your replies have been very authoritative and lucid and we are most grateful to you for providing them, and for bringing your team, among whom I think I see some familiar faces. Thank you very much.

**Lord Kakkar:** Thank you very much indeed.