

Public Administration and Constitutional Affairs Committee

Oral evidence: Pre-appointment Hearing: Chair of the House, HC 1142

Thursday 6 September 2018

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Members present: Sir Bernard Jenkin (Chair); Kelvin Hopkins; Mr David Jones; Sandy Martin.

Questions 1-34

Witness

[I](#): The Lord Bew.

Written evidence from witness:

– [The Lord Bew](#)

Examination of witness

Witness: Lord Bew.

Q1 **Chair:** Welcome to this pre-appointment hearing with the prospective Chair of the House of Lords Appointments Commission—HOLAC. Would our witness please identify himself for the record?

Lord Bew: Thank you, Sir Bernard. I am Paul Bew. I am a Cross-Bench peer and also the outgoing Chair of the Committee on Standards in Public Life.

Q2 **Chair:** It might be helpful if I draw the Committee's attention to the fact that we are in the process of drafting a report on the Burns review, having taken evidence on that. We are taking our time over it, but many of your answers may well be of interest to us in that regard.

What motivated you to apply for the post?

Lord Bew: There are two things. First, as an independent Cross-Bench peer, I am very interested in the legitimate and proper work of the House of Lords, and particularly the role of Cross Benchers, in the sense that it is



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the one part of our parliamentary life where there is organised and independent evaluation of legislation. Of course, I am well aware that in your House, and indeed on the party political Benches in our House, Members are far too independent for the Whips quite a lot of the time, but with the Cross Benchers it is independent evaluation in principle, which I think is terrifically important. By the way, I have a very definite view of the primacy of the House of Commons in these matters. It is not our business to challenge in any way the primacy of the House of Commons; it is the scrutiny role that I am concerned with.

I think that scrutiny role is genuinely important. When I first arrived in the House 10 years ago, I was really impressed by the fact that we had this phalanx of Cross-Bench peers who were extremely public spirited, across a range of social and educational issues, and who on any major Bill could ask Ministers serious questions and offer challenge. An important part of HOLAC's role is to refresh the Cross Benches and ensure that vibrant role continues. There are also issues relating to diversity—I am sure that we will return to this—which are very important.

The point is that I have an admiration for that process—possibly a slightly “golden age”-type admiration. As you are well aware, for the past two years our affairs have been dominated by a rather acrimonious debate over Europe, so there might be an element of “golden ageism” in the way I think about how it was. But I did admire that public-spirited, independent scrutiny and I want to find ways of supporting it.

Secondly, as Chair of the Committee on Standards in Public Life, I have had an ongoing role in discussions about the integrity of our political life. With regard to HOLAC's second major role, which is to look at propriety considerations for party political appointments, clearly the Chair, and indeed HOLAC generally, plays a role in that discussion, which I have been involved in and would like to continue to be involved in about propriety in public life.

Q3 Mr Jones: You mentioned your experience. What particular experience do you have in recruiting people for high-profile roles, such as the peerage?

Lord Bew: Even HOLAC itself—if I got the job, I would have such a role—in its own way has quite a limited role. I have been involved in a number of appointment committees for important positions. For example, some years ago I was involved in appointing the chair of the Charity Commission. I do regard appointing the lay members of the Committee on Standards in Public Life to be an important role, and I have been involved in all those appointments in my time as Chair—there have actually been quite a few, because early in my time a number of board members came to the natural end of their length of time. So I have had a role in that level of appointments, although I must concede that it is not on the scale that the Chair of HOLAC has had in recent years, even with the caveat that the Committee will now, in effect, make only about two independent appointments a year, as has been the case for some time.

Q4 Mr Jones: You have just stepped down from chairing the Committee on



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Standards in Public Life. How do you think that experience would help you? What would you bring from that to the new role?

Lord Bew: As it happens, I am in the process of stepping down. The interviews for my replacement have not yet taken place, so I have to stay on for another month or two. My natural term ended on 31 August, but I understand that I will chair the next meeting. There are a number of points about this. First, there are three party political members, and I think that there has to be a reasonable concern that the Chair of HOLAC does not have a party political agenda of any sort. I don't think that the party political members had any problem with my chairmanship. I think that criticisms could legitimately be made of certain mistakes I made, but I genuinely do not think that it was in the area of balancing legitimate party interests.

You may well be aware that even before my time as Chair of the Committee on Standards in Public Life, party funding was a divisive issues between the party political members. The parties took different lines on the report that came out before I became Chair. The Labour member was Dame Margaret Beckett, and I think the Conservative member at the time was Oliver Heald—Sir Oliver now—and they took different positions. You had issues coming up again, or inherited issues, which the parties were not ad idem on. On quite a lot of these standard issues the parties were totally ad idem, by the way. There is an awful lot of consensus between all three parties, but there were some inherited issues and others where they were not in quite the same place.

I do not think that any of the party political members, who might well have reservations about this or that aspect of my chairmanship, would say that there was any issue of bias in that sense at all. I think they were comfortable with the way I chaired. Over party political funding I took a lot of time to talk to them individually. The issue resurfaced in the last Parliament. We are now in a totally different era of party political funding, with the Labour party and Momentum by the way, but in the pre-history, before that time, the question, whatever it is now, bears no relation to what it was even a few short years ago.

I took a lot of time to say things to them. I would say to Margaret Beckett, "Look, the decision was that I would not be silent in the House of Lords on the matter, so I am going to say this or that. Not as a party political solution but as a representation of roughly where the Committee might reasonably be said to be on this issue." I would talk to all the party political members beforehand and say, "Are you comfortable if I say that this is where the Committee roughly is on this, or that this is the correct version of the Committee's deliberations, with some of them divided on this?" I did go out of my way to make sure that they were comfortable.

Q5 **Mr Jones:** Do you feel that there is any aspect of your chairmanship of the CSPL that might give rise to any conflict of interest in the role that you have applied for now?



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Lord Bew: I do not think there is a conflict of interest. This role is connected in some ways. One of the prime roles of the chair of HOLAC has been to look at propriety for party-political peers. I believe, looking at evidence before other Select Committees, HOLAC had an issue with something like 10% of people in that respect, according to what I could see in the evidence of Lord Kakkar.

I do not think there is any conflict of interest in the sense that in both cases the basic point of the Committee on Standards in Public Life is to defend standards and the Nolan principles in public life. There is actually no other point. It is a bully pulpit for those principles. What you are trying to do all the time is to protect them, and make sure that they are recalled at critical moments, and also to not make statements that are visibly incorrect, or leap, for example, on an individual's possible bad behaviour in a particular area that you then discover was not quite right, or the comments were over the top.

The role is to defend the principles. Stay clear of the exotic problems of individual cases. In that sense, to be honest, I think there is a benign continuity. My role here would be to defend the same principles. You can be sure that I am really committed to the integrity of both aspects of the appointment process that HOLAC is engaged in.

Q6 **Sandy Martin:** Lord Bew, you have said that you would seek to ensure absolute independence and high ethical standards in HOLAC. What in particular do you think you will need to do with the Committee in order to achieve that?

Lord Bew: The first thing I want to say is that in preparing for this job I looked a lot at the press reports on HOLAC of recent times. One thing is quite interesting. Everybody in this room knows that we have quite a raucous and critical press, which is a good thing for British democracy, even though it is often painful for Members of Parliament in both Houses.

In the discussion on HOLAC I cannot find anything where anybody assumes anything other than that HOLAC is trying to do a decent job and that there are no exotic agendas there or selfish strategic agendas in the way that it operates. To be absolutely honest, I would be happy if at the end of my period it was still the case that people said, as a general thing, "It looks like they're doing their best, and they are not mucking about in an unacceptable way." That is the first thing. As it now is, there is not a great problem.

There are other issues about the future of HOLAC. One is that there are genuine issues with diversity. The three lay members of HOLAC will be going. I am used to this combination of a committee of party-political members and lay members, but it is important that they add diversity to HOLAC as a body. I think it is important that that diversity is not lost. There is another consideration, which is that HOLAC's appointments in general have contributed to the relative diversity of the Cross Benches. Again, these things have to be borne in mind. It is not only matters of ethnic or class diversity. There are many problems, as HOLAC itself will



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concede. Looking at HOLAC's own figures, the East Midlands seems to be losing out pretty dramatically in these processes, just to take a regional area of disadvantage. There is a question about addressing all possible areas of diversity in the country.

I did mention this in my notes for the Committee, but I want to go back to my point about golden ages and the type of public-spirited independent peer who would devote a lot of time to a difficult and perhaps even tedious Bill. Most of them are still there, but they are now 10 years older and inevitably are not quite so active. Take, for example, the last education Bill of the Brown Government, the ASCL Bill. It was a massive, straggling, tedious Bill that covered many different elements, including apprentices, schools and so on. It went right across the board. We do not quite know how it was constructed.

I have an admiration for the liaison peer system we had in those days. I was new and it was all a great mystery to me—the whole business of laying down amendments, meeting officials and Ministers—but we were actually trained to a degree in that. We were shown how to do that. I have a slight itch in saying, "Wouldn't it be wonderful if we could have more fine people of the sort that I found so helpful 10 years ago?" I am aware that people immediately say, "You are talking about a 60-year-old, white, male ex-professor", or "You are talking about a 65-year-old, white public servant." I have to caution myself against the itch, because HOLAC has a role. I think it is reasonable and not wicked of me to think that there are certain types of people who can contribute sensibly to the work of the House of Lords in the way that I saw when I first arrived, but one also has to bear in mind that it is perfectly correct that there is an expectation on HOLAC to pay attention to diversity. By the way, HOLAC is one of the agencies to make the House of Lords more diverse, and if it ceases to do that, the House of Lords will become less diverse.

Let me add one other little problem here. If we go to having a smaller House of Lords, which is something that I am sure you will turn to, the hereditary element will actually be larger. In that way, a reform that people see as a modernising reform of the House of Lords—I totally agree that it should not be larger than the House of Commons; it makes us look faintly absurd—will not be so while we retain the hereditary system. There is a debate on the entry elections tomorrow, of course. In a smaller house, the hereditary peers, although they are a small percentage, will increase as a proportion. Whatever else they are—some of them are superb—they are not ethnically diverse, regionally diverse or nationally diverse in terms of the four nations of the United Kingdom. Anybody doing this job has to bear in mind that certain ways that the current arrangements operate might lead to the House of Lords going slightly backwards on the steps towards diversity it has made in recent years in part because of the work of HOLAC.

Q7 **Chair:** That was a very long answer, so I will ask you to be a little bit shorter.

Lord Bew: Sorry.



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Q8 Sandy Martin: It was a very long answer, and very interesting, Lord Bew. However, you didn't address the issue of independence. You made a specific point in your written response about your worries about the risk to HOLAC's independence. Where do you think those risks are likely to come from, and what do you think you need to do to make sure they are not—

Lord Bew: There is a specific point about having sufficient resources to do the job. I am not aware that there is a problem, but when I was before this Committee as Chair of the Committee on Standards, a point was put to me then that, "You are going in and basically there is a 25% reduction of resources. How will you possibly do the job at all?" And there was a 25% reduction of resources. Actually, I knew that and accepted it, so I had no complaints. I thought it was possible, by changing the mode of work in certain respects, that there were certain types of fairly easy savings to make to continue to do the job. In the sense of producing reports that had a public impact, whether the debate about the report was really a good one or not, we did the job. We delivered with those reduced resources.

HOLAC operates on such a narrow shoestring, in terms of the small secretariat and so on, that I really do think there is a genuine problem. I would be very anxious not to take it on. Nobody has told me, "You are taking this job on with a 25% resource reduction," but I hope that I would not be doing that. I did it with my eyes open last time. I thought about it, and I thought it could just about be done. I think that was just about right. This time, in this particular job, after having had a glance at the resources, that is a threat to its independence. The Government could quite easily, if it wanted—I have no sense that it does—make the working life of HOLAC a good deal more haphazard.

Q9 Chair: On the question of expertise and the size of the House, one of the advantages of the size of the present House is that it is far more likely that there will be somebody of expertise in any particular field. With a smaller House—you point out that it will contain a larger hereditary element—we may or may not have expertise. The likelihood of having people of expertise in a particular field will be reduced. How do you think, in a reduced House, HOLAC will address that?

Lord Bew: Lord Kakkar was very sensitive to this. For example, when a particular area of expertise went out—when a certain person who was the sole representative of major wisdom in a particular important area of public life retired or died—as he said before the Committee, it played a role in his thinking about how to proceed. On the one hand, it is perfectly clear that he wanted to see as broadly based groupings as possible being represented in the House of Lords, and he regarded representativeness as crucial. He also thought, "Oh, I've lost this area of expertise," and he emphasised getting a proper replacement in that area. That makes complete sense. That is one thing.

Q10 Kelvin Hopkins: In a way, you have covered some of my question already, but I would like you perhaps to elaborate. You have indicated



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that you think that political parties should introduce a consideration of whether someone would be a good working peer when nominating people. What constitutes a good working peer in your view?

Lord Bew: I have a very clear view of how it works in the political parties from watching them. What I am talking about there is somebody who does not just turn up when the Whip calls them to vote—that is the first simple question—and who contributes with expertise across these debates. It is very noticeable that expertise in certain crucial areas is unevenly distributed among the political parties, and they actually struggle. I want to avoid talking about individuals too much, but you can see occasions where people who have not really been attending the House of Lords, who have expertise in a particular areas, suddenly are called back to the Front Bench because the party or the leader has said, “Oh my gosh, this issue will come up next week and we have nobody, but I remember X used to know a bit about it.” It is very noticeable that that is the case.

In principle, I think we should have people with wider expertise, not just people coming in simply to vote. There are votes in the House of Lords that are not of tremendous political significance, but there is some significance and parties will want to win those votes.

When I was the Chair of the Committee on Standards—this might help to answer your question—we said in our reports that we thought that the parties should say more than they currently do about why they had appointed a particular person. They should give a paragraph or more of information. If it became the norm to have that requirement, whoever was running the process in the parties would think, “We are going to have to construct an explanation of why we have appointed X.” It is very nice when you are trying to construct an explanation of why we appointed X, to be able to say, “They have these expertise in this area and that area and they will be able to contribute to the life of the House of Lords in a broad way.” The recommendation that we made a long time ago in my old job has a certain bearing on the answer to your question.

Parties are very curt in what they tell us. I am not saying anything other than that the Prime Minister or party leaders must have that right to decide who comes, subject to a propriety test. I am not saying anything about the decision or challenging that right in any way—in the way we work it is essential—but providing a little more evidence alongside these appointments would enhance a wide-ranging contribution to the House.

- Q11 **Kelvin Hopkins:** There has been a problem in the past, although perhaps not so evident today, that party political appointees have been appointed in essence because they are close friends of the leader and loyal to them. Another even more scandalous situation is where people have been given a nod and a wink that if they give up their safe seat so that a leader’s favourite can be slotted into it, they will be put into the House of Lords. How can HOLAC warn party leaders that that is not what should happen?

Lord Bew: I take your point exactly. It is well known that these things happen—they are almost inevitable in British political life. There is what is



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called in the main parties a frustration in trying to move people on from seats in your House, which leads to the belief that that kind of conversation may have occurred from time to time. I accept that these things happen, but it is important to have a proper sense of the limitations of HOLAC. We have certain roles that have evolved, but there is a point beyond which HOLAC cannot go. I have suggested that it would be a discipline on this process if people published more details about why a peer was appointed, but there is a point beyond which the Chair of HOLAC should be careful about lecturing the Prime Minister or any other party leader on these matters. In all these moral positions, you can get slightly carried away with yourself. There is a danger.

The real art is not to get into conversations that are slightly beyond your natural remit. For example, if a Prime Minister said, "I want X appointed and I don't agree with what you say about their financial or tax affairs or whatever and I still want them appointed," the Chair of HOLAC can say, "Sorry, we are an independent body and I just cannot do that and I will resign if you put me in that position." You need to preserve, and keep your powder dry for that, rather than these greyer areas of political patronage which, in any system, exist.

- Q12 **Kelvin Hopkins:** I do understand the delicacy of the situation, but it would be legitimate for you to say to the Prime Minister, "When this person is appointed, will they be prepared to do the job?"—for example, dealing with tedious legislation, tedious Bills, spending time doing their work.

Lord Bew: Well, I am completely with you in my heart, in the sense that I mentioned earlier how impressed I was when I arrived at the willingness of a certain type of Cross Bencher to sit hours and hours late at night on really not exciting, but important legislation. There is one thing: the Chair of HOLAC does occasionally have conversations with the Prime Minister. I would be perfectly happy to make that point in discussions that I really do think: look, if we have a second House at all—and we have lost sight of this because of the dramas of Europe, actually, and the explosions and slightly false dramas, in my opinion, in the House of Lords—the point of a second House is scrutiny. It is also the fact that many MPs are incredibly busy: they have constituencies; we do not. There are in modern societies really very complicated Bills, and the point of a second House is not to tell the House of Commons what to do, but to say "Have you thought of this difficulty?" Everything that I do as Chair of HOLAC will bear that in mind.

- Q13 **Mr Jones:** You said that with regard to the nomination of peers you "would wish to ensure we attract and appoint the best people available." Do you think that it should be the role of HOLAC to identify those people, the best people, and invite them to apply for peerages?

Lord Bew: This is a very difficult question, because it has become more difficult now there are only, in terms of the independent peerages, two a year. So the case against going out and radically seeking applications is that you are inevitably going to be talking to very good people who are busy people. If they are good—if they really are at the quality end—they



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are likely to be quite busy; and quite inevitably with only two appointments you are going to be wasting a lot of people's time. This will be a lot of administrative work, and so on. On the other hand, if you do not do anything, it looks as if you do not care where people come from, and you do not care that nobody applies from the east midlands, or whatever it is.

So this is something that I am going to have to think about. To be absolutely honest, I do not quite know the answer here. What has happened historically—I think I am being fair—has been that when the previous Chair was aware that there was a problem in a particular area, that a particular area had been lost, he did go out. Otherwise, less so. In other words, he would sort out, "We need somebody in this particular area of professional specialism". I think that—while I was not there, I am trying to give an accurate account of what I have seen of evidence given to Select Committees—that might be the right balance. But to go out and—even the way that was to a degree done when HOLAC was first established, when there was quite a widespread sense in the country; and you can feel uncomfortable about the populist language of Alistair Campbell, with "people's peers" and so on, but people kind of knew there was something out there and something you could apply for. When you are making several appointments a year that was not such a terribly bad thing. Now it has to be acknowledged we have sort of moved away from that—that broad tone; and it is something that the new Chair really has to think about.

- Q14 **Mr Jones:** In terms of the best people—this applies not simply to the so-called people's peers but also to other peers who may be nominated by political parties—how would you judge who are the best people? What criteria would they have to exhibit?

Lord Bew: Let us be clear: so far as the political parties are concerned—mostly it is about party leaders—it is those parties' choice. I am not judging them. HOLAC's only role is to check with the regulatory agencies that someone's affairs are in proper order. That is the issue there. I can try to nudge it by having conversations with the Prime Minister and saying that we want people who can commit across a range of issues.

I have already suggested that it would be good if political parties actually published more details, because that would also probably militate against appointing people with unusually limited talent. That is where that is going. The two key criteria for the two Cross Benchers are that our Parliament—even the House of Lords—has to be representative of the people at large as much as is reasonably possible, and that the ability for independent scrutiny from the Cross Benchers should be maintained.

- Q15 **Mr Jones:** You spoke a few moments ago of your possible reaction if the Prime Minister, or another nominator of a peer, were to suggest somebody who had an unfortunate financial history. There are many buccaneering types who may be put forward whose history may be some considerable time ago and who might otherwise be highly qualified for a peerage. Is this something that you regard as inflexible?



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Lord Bew: I recognise the seriousness of your question. My understanding of HOLAC's current practice is that the question is, in a sense, simple: are these persons' taxation affairs run in a straightforward fashion? That is the key, No. 1 question at this point. There are questions about, for example, what somebody might have done a lot earlier in their career. There is also the question of not wanting worthy public servants—worthy professors, dare I say, as an ex one—as the sole body that you have about the place, because that is incredibly dreary and it is not how British people live.

All I am saying is that I recognise the seriousness of the question, which is why I have other members of the Committee to help me. This is something on which I really do think we have to be collegiate. HMRC saying that somebody's current taxation affairs are not too great would lead to a relatively straightforward decision. However, when you get into something that is not a straightforward choice and into greyer and more complicated areas— All I want to assure you of is that I understand, as a former professor, that the world cannot be run—and the House of Lords would be much poorer—only by people like me, wonderful though we are.

Q16 **Mr Jones:** You also said that HOLAC should not simply fill current gaps but take a forward look at appointments. How would you achieve that?

Lord Bew: I think it is quite right that, once or twice in the last few years, the Chair felt that there was a gap that had to be filled. However, there is another area here, which is simply new and unpredictable topics in public life. Let us take the obvious recent obsession with artificial intelligence and its role. I am not even picking on that as necessarily the right one, but things arise that make us think that it would be a good idea to have a Cross-Bench peer who knew a lot about them. That is the type of consideration that HOLAC—not only myself but the whole Committee—has to have in its mind.

Q17 **Mr Jones:** You have said that, owing to the limited number of appointments available to HOLAC, consideration should not simply be given to the areas of specialism of a particular candidate, but to the potential for that candidate to contribute more widely to the work of the House. What changes, if any, would you need to put in place to achieve that?

Lord Bew: I have said that, and I have also cautioned against myself for saying it. I have explained the sentiment that lies behind that—my admiration for what I saw when I first arrived in the House of Lords. I know the difficulty with what I have said because the truth is you do not get any changes at all if you appoint a professor or a civil servant coming to the end of their career, still reasonably healthy and in their mid-60s, because such a person will automatically come. The truth is that one of the problems with the first phase of HOLAC was that businessmen find the House of Lords slow. A lot of people in the private sector were appointed—it was very much the mood of the time—and some of them just found it too slow and did not come at all, or came very little. It is a very difficult question to answer because for a certain type of person the problem



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solves itself, and for another type of person—that businessman who thinks, “This is incredibly boring, I’ve sat here for five hours and nothing has happened. I’m not coming back. This is a terrible waste of my time”—there is no reform I can introduce that is going to change it. A former professor like myself thinks, “This is quite boring but it is not as boring as my departmental meeting a year ago.” Nothing can change that.

- Q18 **Mr Jones:** One of the great assets of the House of Lords is the large number of internationally renowned experts in various fields who can impart a lot of their knowledge and experience to the debates of the House. You accept, frankly, that a lot of these people might not be keen on doing the more day-to-day work of a peer. Isn’t it a question of striking a balance between good generalists who are willing to work hard and contribute to the everyday work of the House, and a reserve of international experts who can also contribute their expertise where appropriate?

Lord Bew: You are right, and the answer to your question is simply yes. If I can add a very anarchic footnote, which I will not be thanked for in the House of Lords, one thing that is always rightly said about the House of Lords is that it was incredibly well informed on European matters, European Committees, the working of the European Union and so on. Sometimes during these debates I have wondered how true that really was, but that does not matter. I think it is true that lots of people, as the press often point out, have worked in Europe, and there is a knowledge base which, frankly, is not going to be so relevant. I simply make that point. It is strange that probably the greatest single area of backed-up expertise—certainly in terms of the way people talk about it—may not be quite as pertinent as it has been, certainly in terms of the Committee work on Europe. I simply draw your attention to that. That is something one has to think about in relation to the relevance and the role of the House of Lords.

- Q19 **Kelvin Hopkins:** You have indicated that you think the House of Lords should better reflect the country it serves, in your terms. How would you help promote that, as chair of HOLAC?

Lord Bew: Well, the House of Lords is more diverse in all senses, regionally as well as ethnically and in class terms, than it was before HOLAC. HOLAC has contributed to the diversity of the House. It is limited in what it can do, but it clearly has done that. Sometimes I look at the House of Lords and think that in terms of age it is absolutely out of kilter with the country or an awful lot older than the average person in the country. But apart from age, there are certain respects in which, when I have been listening to debates, it is more in tune and representative, in certain odd ways, than the Commons. One of the things we pointed out in the recent Committee on Standards report is that there are five times as many people now in the Commons whose whole life has been in politics—who started out as a Spad or a researcher—as against 1979. There is actually nobody—well, that is not quite true; there are Spads now in the House of Lords, but they are basically a rare animal. There are five times as many in the Commons. Strangely enough, because we had older trade



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union Labour peers, for a while at least we seemed to have more people who had carried out working-class manual work than the Commons did. As I look around, I suspect that that is almost a non-existent quantity now in the Commons.

I just wanted to say those things in favour of the diversity of the House of Lords before answering your question. But, yes, it has to be a factor, and you have to be particularly sensitive at HOLAC, because it is one of the agencies that have contributed to the positive changes in terms of representativeness. There are lots of problems. Coming from Northern Ireland, I would say that there was a radical under-representation of Northern Ireland peers a few years ago. That has been corrected. I think these regional things and, of course, the nations of the UK are also important.

HOLAC has to be tremendously focused on this point, because otherwise the drift will be backwards. I have already mentioned how, in a small way, the hereditaries thing could contribute to a drift backwards towards a House of Lords that clearly looks very unrepresentative of the people as a whole.

Q20 Kelvin Hopkins: There are a number of ways in which the House of Lords does not reflect the country outside, and there are shades of opinion in politics and economics that are just not represented in the House of Lords. Left Keynesian economists, for example—that used to be a big factor in politics 30 or 40 years ago. Anti-globalisers—anti-globalisation is a growing body of opinion across the world, not just in Britain. Just a handful of dissenting voices in these areas makes a real difference, and that is not represented. Because of the power of the Prime Minister to appoint, these views have not been represented.

Lord Bew: You are precisely right. The one exception when it comes to left Keynesian economists is Lord Eatwell, who was brought back on to the Labour Front Bench. He was master of Queen's College, Cambridge. He is an example, by the way, of something I mentioned earlier: a party suddenly realising, "There is an area of expertise that we do not have." Lord Eatwell had been devoting himself mainly to Cambridge and academia, and someone in the party said, "Call John up and bring him back on to the Front Bench." He is the one exception to what you are quite correctly saying.

It is not just that. UKIP opinion is under-represented, when UKIP had 4 million votes, startlingly. The House of Lords is massively tolerant in almost all respects, but there is one area where its tolerance has been a little limited, and that is where anybody has remotely expressed an opinion that was in any way in tune with the 4 million or so people who voted for UKIP. I completely agree that a certain type of economist would add to the variety of discussion, given the apparent massive uncertainty we currently have about economic policy. It is not just the absence of Keynesian economists or anti-globalist economists; large areas of other public sentiment have not really been reflected in the House of Lords.



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Q21 **Kelvin Hopkins:** You have touched on the EU. The fact is that opinion is, give or take, 50:50 in the country. It is nowhere near that in the House of Lords.

Lord Bew: Absolutely not.

Q22 **Kelvin Hopkins:** I understand from friends in the House of Lords who take a Eurosceptic position from the left that they have experienced hostility in the Lords, which was unheard of in the past.

Lord Bew: Absolutely. Europe is the one issue on which—this has happened in the country in general—the normal civilities of British political debate have broken down. Even in the House of Lords, everybody can see that some of the exchanges—they are in *Hansard*—would have been absolutely unheard of before. As you quite rightly say, we know where the country broadly is on this matter, but it is not where the House of Lords broadly is. The House of Lords is, at most, 15% Eurosceptic, maybe 20%. There are other people who take the view, “There was a referendum”—this would add a few points on—“and we voted one way, but now we think Parliament or the people have made their minds up, and it is not for the House of Lords to apparently be standing in the way of that.” But the actual sentiment on the European issue, if we leave out that category in the middle, is overwhelmingly not Eurosceptic but Europhile.

Q23 **Kelvin Hopkins:** I will get back on script now with one more question. What practical experience do you have of promoting diversity?

Lord Bew: If you look at the appointments on the Committee on Standards, you will see that there has been a marked change from the Committee that I inherited. That can be checked. It looks radically different, purely on appointing on merit. When I took over the chairing of the Committee, there were definitely male members. At this point, and it is purely to do with the balance of candidates, there actually aren't any now in the lay membership. In other respects, it looks a very different Committee. As it happens, that purely reflects the talent of the people who came forward but, if it matters, it is a substantially more diverse Committee. It is also more diverse in terms of representation of regions of the country.

Q24 **Chair:** On the question of diversity, I hold no brief for the SNP, Sinn Féin or UKIP, but by any measure, those parties have been very under-represented in the House of Lords. What role does HOLAC have in compensating for that? You cannot appoint an SNP peer or a Sinn Féin peer, but how do you make sure that those views are reflected?

Lord Bew: That is a very interesting question. I know that very significant thought has been devoted to that issue traditionally by HOLAC. The big issue and the real sore thumb for a long time—when UKIP gets 4 million votes, that is a sore thumb, but before that—was the non-representation of the Catholic community in Northern Ireland in the House of Lords. That was so glaring. They struggled with all kinds of means of trying to find people who might come and so on. They struggled with that. I have to say



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that it isn't that HOLAC thought, going back some years, that it wasn't a problem and they didn't have to think about it. They did think about it.

The problem was doubled by the fact that it is not just Sinn Féin but the SDLP who had not sent anybody to the House of Lords. In fact, in the SDLP the feeling about it was more complicated. For example, there were senior SDLP people who almost came and then felt, "No, ultimately it's my party policy, I won't come," but there were conversations. In the end, that problem has been solved and there is representation at that level. It is no longer the case that there is radical under-representation on the Irish side of the question. It is too much to say that there is representation for Sinn Féin's view of the world—there is not—but there is certainly representation for a large slice of Catholic Northern Ireland's view of the world in the House of Lords, and there were various subtle ways of addressing that.

UKIP—now, there really is a problem. In a way, because UKIP no longer has that support, a lot of people in the House of Lords will be saying, "Thankfully, that question has solved itself," but none the less it is remarkable: 4 million votes and not—

- Q25 **Chair:** With the greatest respect to the Liberal Democrats, they no longer have that support, but they have all those peers.

Lord Bew: It is obviously an uncomfortable thing, but this is not HOLAC's job—I am simply making an observation. HOLAC's job is present when you say, "Here is a region of the United Kingdom, or a large community in the United Kingdom—where is it? Maybe we should be doing something about it." The party political aspect of things is not HOLAC's job.

- Q26 **Chair:** What about more controversial and dissenting academics? This comes to the point of, for example, the orthodoxy of economic thought that predominates in the House of Lords. It is not just reflected in *The Economist*; it is represented by all the former civil servants who read PPE at Oxford and have that particular slant on economics. It is not just economics; it is about defence, foreign policy or aid. One feels there is a tendency that HOLAC will tend to go for the safe academic choices and experts, not the controversial ones—the ones who will challenge.

Lord Bew: That is a very interesting point. I do recognise the problem, as essentially I recognise the point made by Mr Hopkins as well. I have to say I have an almost uncontrollable counter-argument: my instincts are rather less than conformist in this respect. My instincts are to say, "Let's just slightly upset the apple cart here"—I shouldn't be making these concessions—but if you assume that I think, "Oh, there is an orthodoxy in the field, it must be okay. Next time we have a professor, let's have the professor of the conventional orthodoxy," that would be a mistake. Of course, when the House of Lords periodically produces an intellectual who is arguing in a slightly unusual way, it is among the most refreshing things that ever happens in the place.

- Q27 **Chair:** Assuming that we approve your appointment, in our ongoing relationship I think we would like to strengthen your independence, to give you the confidence to make the controversial appointments rather

than just the safe appointments.

Lord Bew: Thank you.

- Q28 **Sandy Martin:** You have touched on this during the interview, but you have not specifically talked about it. You have emphasised the importance of potential peers committing to make time to contribute to the work of the House, but you have not identified how much time you think that is. How would you ensure that they did contribute that time? Identifying something and making sure that people stick to it are two very different things.

Lord Bew: I will answer the last part of your question first. In the early period of excitement around people's peers—I quite understand how it happened—I am guessing here, but for something like the first 40 appointments they were not asked, "By the way, you will turn up, won't you, and you will work at this?" Actually, I was among the first batch—around No. 50. We were asked, quite correctly, by Lord Stevenson, and I gave my word that I would turn up. I well remember the conversation. You can look at the Cross Benchers appointed from that point onwards and say they are not very good, that their speeches are silly or whatever—I do not believe that—but they have turned up. That is the first thing.

The Chair of HOLAC has to maintain this. To put it crudely, it is not so much an honour; it is a job. Of course, it is an honour in a certain type of way, but one of the great things about British life is that we have numerous ways of honouring people and making it clear that we recognise their service in a particular area. This is something different. It is a job and, as has been the case for the last year, I will certainly be asking that question in a very intent way.

You do have to acknowledge something else. To take an example, Lord Darzi was a Health Minister in Gordon Brown's Government. He is of tremendous importance when he speaks on health issues in the House of Lords, but he has honourably chosen to go back to being a surgeon most of the time. We just have to accept that that will happen in some cases. Probably a lot of people who are alive at this moment because of Lord Darzi's skills are very grateful that he made that decision. So it is not simple in all cases, but HOLAC must put on the pressure and say, "Please, you will definitely come." I always ask in a very gentlemanly way. I think it has to be a full press question.

- Q29 **Sandy Martin:** What sort of time commitment are you thinking of? I presume you are not talking about full time.

Lord Bew: No, I am not talking about full time. With Theyworkforyou.com, it is easy to check not so much whether people attend—indeed, I am slightly less interested in their actual popping in and out than in their Committee commitments and how many times they speak in the Chamber.

- Q30 **Chair:** Roughly how many days per week when the House is sitting would you expect a prospective working peer to commit to the House of Lords?



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Lord Bew: When I was appointed, one member of the Committee said to me in the same discussion when they said, “You will come won’t you?” that the Committee did not expect me as a Cross-Bencher to come every week, but did expect me to come most weeks. I would put it slightly higher. I still think it is inevitable that a Cross-Bencher, especially if they are not retired from their main work, will not be there some weeks.

I am thinking about my own attendance. I would be disappointed by people who worked there 60% of the time. It is something of that order. When it starts to fall beneath that there is a general feeling among Cross-Benchers—they think “Why is that person here at all?”

Q31 **Chair:** Just to wind up on the Burns Committee proposals, you commented on some of the challenges that a reduction in the size of the House would present. Should there be some way of addressing the problem of people who accept the obligation of a peerage but do not live up to that obligation? Should there be some way of winnowing out the people who are not really enthusiastic participants?

Lord Bew: That is a very interesting question. It is well beyond the remit of HOLAC to deal with it. Instinctively, I believe that there should, but actually it is so difficult. The Burns report contains a number of graduated proposals to reduce numbers which will dominate discussion for some time. Numbers are reducing; people are retiring earlier. They are probably not reducing as quickly as the Burns report suggests is necessary, but they are not too bad either.

So there is a series of proposals and in particular one for term-limited appointments—if the House of Lords survives. This would require the Commons to say that appointments should be term-limited. We cannot decide that. If you did—once you have the control of time long term—you could also put in something about people turning up and so on.

The reason why I think that exists is that you have a great trap door now in the Commons—recall—which was not there before. It is very controversial. A person I was very fond of was the former Speaker of your House, Lord Martin. His last speech in our House was against recall. It is well worth reading. He explains why, from the point of view of someone who, first, was from a working-class background and, secondly, knew a lot about Parliament, it was a bad idea. Whether it is a good idea or not, you have got recall now. We are now playing out in North Antrim one of these dimensions.

However, we cannot have a situation in which there is a trap door in the Commons—I had this conversation with David Cameron, and in this he completely agreed—unless we improve induction for MPs, telling new MPs what the rules are. You cannot have the trap door into hell and not explain to people what the rules are—why they might fall through the trap door into this hell, perhaps relatively unintentionally. So you cannot have this situation where you have a trap door to hell for your House, but almost anything goes in ours. In human rights terms, there is a natural imbalance there.



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Q32 **Sandy Martin:** You said that a reasonable working peer would spend 60% of their time in the House. Given the number of peers altogether, if they all spent 60% of their time in the House, you wouldn't be able to move.

Lord Bew: That may not be so. It is true that it is now very crowded. I cannot be sure that you're not right, but you must remember that there are a lot of people now who do not come regularly. But I am not sure that you're wrong. I think I probably have a number that would make sense in terms of that, but it may not be quite so.

Q33 **Sandy Martin:** I am sorry to badger you about this, but I would have thought that if the 60% threshold was used as a rule, you would probably be able to do significantly more than Burns ever set out to do in the space of five minutes. You would reduce the membership of the House of the Lords to about a quarter of what it currently is.

Lord Bew: Well, I am only talking about the sort of conversation you might have with the two independent appointments. Whatever I say to them, whatever they agree to do, it is not going to have that effect on the overall numbers if you introduce it as a broad rule. But I was not talking about a broad rule. I was simply saying that the House of Commons may have the opportunity, if Lords Burns' proposal for term-limited appointments goes ahead, to inscribe some principles on how that appointment should operate. I am simply saying that you will have that opportunity and I am acknowledging that, given the fact that there is a terrible trap door for MPs now, it is a bit odd that there is none for peers. I am not saying that you have an equally dreadful trap door for peers; I am simply saying that the idea that it is Liberty Hall is perhaps a little too easy.

Q34 **Chair:** If there is nothing else you want to add—

Lord Bew: No, except to say thank you very much. Personally, as my present role is ending, I want to say that I greatly enjoyed working with this Committee. I will miss many things about being the Chair of the Committee on Standards when this comes to an end in the next few weeks, and I will miss the engagement with this Committee. Thank you all very much.

Chair: Thank you.