

## **Written evidence from The House of Lords Appointments Commission (MHL15)**

### **Public Administration and Constitutional Affairs Committee Membership of the House of Lords inquiry**

The call for evidence on the membership of the House of Lords makes reference to the work of the House of Lords Appointments Commission (HOLAC).

The inquiry covers the membership of the House of Lords, including the appointments process, its size, and the role and responsibilities of Peers, most of which is a matter for Government and Parliament rather than HOLAC.

However, with regard to the specific questions relating to HOLAC, it might assist your Committee to be provided with a written submission that sets out our remit and looks to address some of the issues raised.

#### ***Background***

HOLAC was established in 2000 (as an 'interim measure pending further Lords reform') to recommend individuals with experience and expertise as non-party-political peers to sit on the cross benches and to carry out the vetting for propriety of all nominations to the House, including candidates for party political membership. This role was previously carried out by the Political Honours Scrutiny Committee. HOLAC is an independent, advisory non-departmental public body, whose 'sponsoring' department is the Cabinet Office.

The Commission operates an open, merit based application process for non party political nominations. However, the number and timing of recommendations is decided by No 10.

The timing, number and identity of nominations for party-political peerages are a matter for the Prime Minister and the latter for the Prime Minister in consultation with the political parties. It is clear from press coverage in recent years that this role is very poorly understood by most commentators and the public.

Some of the issues highlighted have been discussed at previous evidence sessions, including when I gave oral evidence to this Committee in April 2022 and when the previous chair, Lord Kakkar, gave oral evidence to the Constitution Committee in November 2018. Your inquiry draws attention to themes that have persisted over a number of years.

It should first be noted that HOLAC is an advisory committee with its remit set by the Prime Minister.

### ***Vetting for propriety and suitability***

A key issue for the Commission is the distinction between propriety and suitability. When carrying out its duties in recommending individuals for non-party-political peerages, the Commission operates a rigorous application process to determine the most suitable individuals from a large volume of highly qualified applicants. After this has been completed, and a small number of applicants have been selected for shortlisting, the Commission carries out its vetting checks for propriety.

In vetting political nominees, the Commission plays no role in assessing suitability, which is a matter for the parties themselves. HOLAC carries out checks with the relevant departments and agencies and will advise the Prime Minister if it has any concerns about the propriety of a nominee.

This difference in process gives rise to two potential issues; firstly, whether there is sufficiently robust scrutiny around whether those nominated provide sufficient, relevant experience to the house; and secondly, the public misconception about the role of HOLAC and what being supported by the Commission means in this context.

As has been previously suggested, it would be useful for the political parties to look at the criteria<sup>1</sup> that HOLAC uses to assess suitability for independent crossbench nominations and to adopt those criteria generally in assessing whether the names put forward for the political lists meet those suitability requirements. That could go at least some way to bringing a consistent standard for suitability, and help to ensure that political nominations meet the bar for appointment set out for those applying through the non-party political route.

Additionally, there is a need for clearer communication by the parties about their nominations and the contribution they will make. We have previously suggested that the parties publish a fuller citation about those put forward.

The Commission also believes that there is more work that could be done to clarify HOLAC's remit. While it is necessary for HOLAC to maintain confidentiality around the vetting of individuals, there could be greater clarity around which parts of the process are handled by which bodies.

### ***Role of HOLAC***

With the exception of one appointment<sup>2</sup>, the vetting advice that HOLAC has provided to the Prime Minister has always been accepted. On that one occasion, I wrote to the Chairs of the relevant Committees of both Houses to ensure transparency and accountability of that decision. The Prime Minister also published a letter.

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<sup>1</sup> <https://lordsappointments.independent.gov.uk/how-to-apply-2/criteria-guiding-the-assessment-of-nominations-for-non-party-political-life-peers-2>

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/947211/Lord\\_Bew\\_signed\\_letter\\_001.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/947211/Lord_Bew_signed_letter_001.pdf)

In this sense, the Commission is able to effectively carry out its vetting responsibilities. The Commission is further mindful that its members are appointed, not elected, and that democratic accountability should rightly sit with those representing democratic institutions. There is ongoing work by the Commission to review those elements of its own governance which are within its remit.

### ***Size and membership***

The question of the size of the House of Lords is not directly one for HOLAC to address, and there are separate issues regarding the composition of the House that were recently highlighted in the Lord Speaker's Committee on the Size of the House ("Burns") Reports<sup>3</sup>, which referenced the concerns within the House around reducing its overall size. HOLAC is aware, and has been mindful, of views expressed by the Lord Speaker's Committee and other peers through debates on this subject.

Peers who are appointed through the non-party-political route are asked, both at the application stage and the interview stage, whether they are willing and able to commit the time necessary to make an effective contribution in the House. HOLAC considers this a vital part of the continued effort to work towards more of a 'working' house, with new peers being expected to engage with debates in their areas of experience and expertise. This is therefore tested carefully as part of the application process for HOLAC's proposed nominees.

Whilst political parties' approaches to this are a matter for them, the Commission has previously advocated that parties hold this type of advance conversation with prospective new peers. The Commission has raised concerns that some of the more recent political nominees do not attend frequently enough or sufficiently contribute to the working of the House.

*September 2023*

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<sup>3</sup> <https://committees.parliament.uk/publications/40909/documents/199241/default/>