



House of Commons  
Public Administration Select  
Committee

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# Selection of a new Chair of the House of Lords Appointments Commission

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**Thirteenth Report of Session 2007–08**

*Report and appendices, together with formal  
minutes*

*Ordered by The House of Commons  
to be printed 22 July 2008*

## The Public Administration Select Committee

The Public Administration Select Committee is appointed by the House of Commons to examine the reports of the Parliamentary Commissioner for Administration and the Health Service Commissioner for England, which are laid before this House, and matters in connection therewith, and to consider matters relating to the quality and standards of administration provided by civil service departments, and other matters relating to the civil service.

### Current membership

Dr Tony Wright MP (*Labour, Cannock Chase*) (*Chairman*)  
Mr David Burrowes MP (*Conservative, Enfield Southgate*)  
Paul Flynn MP (*Labour, Newport West*)  
David Heyes MP (*Labour, Ashton under Lyne*)  
Kelvin Hopkins MP (*Labour, Luton North*)  
Mr Ian Liddell-Grainger MP (*Conservative, Bridgewater*)  
Julie Morgan MP (*Labour, Cardiff North*)  
Mr Gordon Prentice MP (*Labour, Pendle*)  
Paul Rowen MP (*Liberal Democrats, Rochdale*)  
Mr Charles Walker MP (*Conservative, Broxbourne*)  
Jenny Willott MP (*Liberal Democrats, Cardiff Central*)

### Powers

The powers of the Committee are set out in House of Commons Standing Orders, principally in SO No 146. These are available on the Internet via [www.parliament.uk](http://www.parliament.uk)

### Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at <http://www.parliament.uk/pasc>

### Committee staff

The current staff of the Committee are Steven Mark (Clerk), James Gerard (Second Clerk), Pauline Ngan (Committee Specialist), Louise Glen (Committee Assistant), Anne Woolhouse (Secretary) and Miguel Boo (Senior Office Clerk).

### Contacts

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# Contents

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	<i>Page</i>
<b>Report</b>	<b>3</b>
The role	3
The selection process	3
The Prime Minister's preferred candidate	4
The hearing	4
Conclusion	5
<b>Appendix 1: Curriculum vitae</b>	<b>6</b>
<b>Appendix 2: Position specification</b>	<b>8</b>
<b>Formal minutes</b>	<b>11</b>
<b>List of Reports from the Committee during the current Parliament</b>	<b>12</b>

## Report

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1. On 22 July we held a pre-appointment hearing with Lord (Michael) Jay of Ewelme, the Prime Minister's preferred candidate for the post of Chair of the House of Lords Appointments Commission (HoLAC). This was our first pre-appointment hearing under the terms agreed earlier this year between the Government and the Liaison Committee. We have expressed elsewhere our views on the future of the House of Lords and on the status of HoLAC. These are issues to which we may return, but not in this short Report.

### The role

2. The Chair of the House of Lords Appointments Commission is one of the posts agreed as suitable for a pre-appointment hearing because of Parliament's strong interest in the Commission's powers. The Commission has two roles:

- a) It recommends people for appointment to the House of Lords as crossbench (non-party-political) peers.
- b) It vets all nominations for membership of the House—including those put forward by the political parties—to ensure the highest standards of propriety.

3. The Chair of the Commission has a particular responsibility for providing effective leadership, and specifically for:

- a) ensuring that the Commission meets at appropriate intervals and that the minutes of meetings accurately record the decisions taken, and
- b) representing the views of the Commission to the general public and others.<sup>1</sup>

4. The role requires:

- a) public visibility—this is important not least to ensure that people from all parts of society are aware of the process for nominating potential peers and encouraged to participate;
- b) the highest standards of impartiality, integrity and objectivity—this is crucial given the Commission's responsibility for ensuring standards of propriety; and
- c) considerable personal independence—the Commission has been prepared in the past and must be prepared in the future to recommend against appointments proposed by the Prime Minister and other leaders of political parties.

### The selection process

5. The recruitment process was regulated by the Office of the Commissioner for Public Appointments (OCPA). Shortlisted candidates for the post were interviewed on Wednesday 16th July. The Prime Minister confirmed the name of his preferred candidate

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1 Appendix 2

on Friday 18th July. The House is rising for the summer recess on Tuesday 22nd July, the same day on which we held our hearing.

6. This is a much tighter timetable than we would normally expect. We are grateful to the Cabinet Office for ensuring that we have been able to hold a pre-appointment hearing for this post. Close co-ordination has meant that candidates were aware from the point of advertisement that a pre-appointment hearing was a prospect.

**7. Where a post has been identified as suitable for a pre-appointment hearing, the Government should ensure in its planning to fill that post that the relevant Committee is given sufficient time to prepare for and hold such a hearing. Although we have been able to hold a hearing within a constrained timeframe on this occasion, the Government should not assume that this will always be the case.**

### The Prime Minister's preferred candidate

8. Lord Jay is a crossbench (non-party-political) Member of the House of Lords with a long career in the Diplomatic Service. His last two posts were as HM Ambassador in Paris from 1996–2001 and Head of the Diplomatic Service from 2002–06. His curriculum vitae is appended to this Report.<sup>2</sup>

### The hearing

9. Our aim during the hearing was to test Lord Jay's ability to withstand parliamentary and public scrutiny should he take up the post, and his ability to demonstrate robust independence.<sup>3</sup> We asked questions about his professional competence and personal independence. We also sought to elicit background information about his past career and about the selection process for the post. In the interests of continuing dialogue, we explored Lord Jay's early thoughts about the future direction of the Commission, in particular given the statement in the position specification for the post that the Commission's remit might be extended to address:

- a) the further development of robust, transparent and rigorous procedures to underpin core activities;
- b) the identification of innovative ways of broadening the "pool" of individuals to be considered for peerages by the Commission; and
- c) the maintenance of active relations with Peers who have been through the Commission's processes and the assessment of the effectiveness of the Commission's appointees.<sup>4</sup>

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2 Appendix 1

3 The transcript of the hearing will be published separately as HC 985-II

4 Appendix 2

## **Conclusion**

**10. We are satisfied that Lord Jay has the professional competence and personal independence required for the post of Chair of the House of Lords Appointments Commission. We therefore welcome his nomination and encourage the Prime Minister to make the appointment. We wish Lord Jay every success in his new post.**

## Appendix 1: Curriculum vitae

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### Summary

Active Crossbench Member of the House of Lords since 2006, combined with non-executive directorships of Associated British Foods (ABF), Candover Investments plc, Credit Agricole SA and Valeo SA and Chair of the medical aid charity, Merlin.

Public sector career from 1969-2006 in the Ministry of Overseas Development, Cabinet Office and Foreign & Commonwealth Office, with overseas experience in Washington (UK delegation to IMF and the World Bank), New Delhi and Paris, concluding as Ambassador in Paris (1996-2001), as Permanent Under Secretary in the FCO (2002-2006) and as the Prime Minister's personal representative (Sherpa) for the G8 summits at Gleneagles and St. Petersburg, in 2005 and 2006.

### Detail

#### *Current Activities*

##### *Public Sector*

2006- Independent Crossbench Member of the House of Lords, including membership of the EU Sub-Committee on law and institutions (2006-), ad hoc Committee on International Institutions (2007-); Member of the Joint Commons/Lords Committee on The Climate Change Bill (2007).

##### *Private Sector*

2006- Non-executive Director, Associated British Foods ( and member audit & nominations committees )  
2006- Association Member, BUPA  
2007- Non-executive Director, Credit Agricole (and member, Audit Committee)  
2007- Non executive Director, Valeo  
2008- Non executive Director, Candover Investments Plc (and member, audit and remuneration committees).

##### *Non-governmental/third Sector*

2006 Vice-Chair, Business for New Europe  
2007 Chair of the Trustees of Merlin, the international medical aid charity.  
2007 Patron, English Trust for European Education (and sponsor for proposed conversion of Culham European School into an Academy).

### **Past Career**

2005–2006	Prime Minister’s personal representative for the G8 Summits
2002–2006	Permanent Under Secretary, FCO and Head of the Diplomatic Service
1996–2001	British Ambassador to France
1994–1996	Deputy Under Secretary for Economic & European Affairs, FCO
1990–1994	Assistant Under Secretary for European Affairs, FCO
1987–1990	Financial & Commercial Counsellor, British Embassy, Paris
1985–1987	Counsellor, European Secretariat, Cabinet Office
1982–1985	Private Secretary to the Permanent Under Secretary, FCO
1981–1982	Deputy Head, FCO Planning Staff
1978–1981	1st Secretary (development), British High Commission, New Delhi
1976–1978	Principal, Ministry of Overseas Development, London
1973–1975	Technical Assistant, UK Delegation to the IMF and World Bank, Washington
1969–1973	Assistant Principal, Ministry of Overseas Development, London
1965	Volunteer teacher, Zambia

### **Education**

1959–1964	Winchester College
1965–1968	Magdalen College, Oxford (Philosophy, Politics, Economics)
1969	SOAS, University of London (MSc in Economic Development)
1996	Senior Associate Member, St Antony’s College, Oxford
2004	Honorary Fellow, Magdalen College, Oxford

### **Languages**

French: extensive

German: basic

### **Honours**

CMG 1992

KCMG 1997

GCMG 2006

## Appendix 2: Position specification

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### The Commission

The House of Lords Appointments Commission is an advisory, non-departmental public body, with two core functions:

- to recommend individuals for appointment as non-party-political life peers;
- to vet most nominations for life peers, including those nominated by the UK political parties, to ensure the highest standards of propriety.

The Commission was established in May 2000 as part of the transitional arrangements for reform of the House of Lords.

The current membership of the Commission includes representatives of the three major political parties in the House of Lords, two externally recruited independent members and an externally recruited independent Chairman, as follows:

- Lord Stevenson of Coddensham, cross-bench peer, Commission Chair;
- Angela Sarkis, independent member;
- Felicity Huston, independent member;
- Lord Hurd of Westwell, for the Conservative Party;
- Baroness Dean of Thornton-le-Fylde, for the Labour Party;
- Lord Dholakia, for the Liberal Democrat Party.

The work of the Commission should be seen against the background of, and make a significant contribution to, the shaping of a reformed second chamber. It also has a role in the effectiveness of the existing House of Lords. There is now opportunity for the Commission to extend its remit beyond its original roles, to address the following:

- the further development of robust, transparent and rigorous procedures to underpin core activities;
- the identification of innovative ways of broadening the "pool" of individuals to be considered for peerages by the Commission;
- the maintenance of active relations with Peers who have been through the Commission's processes and the assessment of the effectiveness of the Commission's appointees.

## The Roles

The incumbent Chair and the two independent Members complete their terms in mid-2008; there is, in addition, a third independent member's vacancy. The Cabinet Office invites applications for the post of Chair and Members. Applications for Chair may also be considered for Member vacancies, should candidates desire.

## Candidate Profile

The successful Chair and Members will need to demonstrate with evidence:

- a track record of success in contributing at the highest level to the running of an organisation in the public, private or voluntary sector, and of dealing with complex issues;
- prior significant and successful experience of operating on a Board, at a national level, and of contributing to board decision making;
- evidence of the exercise of sound judgement - about people and issues - with the ability to assimilate evidence on wide-ranging topics rapidly, drill down through the detail to highlight issues, and reach logical conclusions;
- an understanding of the legislature and the legislative process;
- a strong belief in the importance of the role played by the House of Lords in the parliamentary process;
- strong process skills, and a belief in their importance, and in transparency and openness;
- absolute personal and professional integrity;
- an inclusive approach, with a belief in the importance of embracing diversity in its broadest sense.

In addition, the Chair will need to demonstrate:

- experience of successfully chairing a high profile and influential Board or Committee;
- excellent communication skills, including managing the media, and the ability to act as a spokesperson for the Commission;
- proven success in managing a diverse team of influential people.

Applicants will be aware that these are very high profile appointments. Their lives and behaviour may be subject to public scrutiny. All applicants will be asked to complete a declaration about their political activities in the last five years. They should be politically impartial in their work on the Commission.

Applicants should be aware that they would be ineligible for consideration for appointment to the House of Lords by the Commission (or its successors) while they are members of the Commission and for a period thereafter.

### **Pre-appointment Hearing for the Chair**

In line with Government proposals to increase Parliamentary scrutiny of appointments to key posts, the preferred candidate for the post of Chair may be required to appear before a Parliamentary Select Committee prior to appointment. The hearing would be in public and would involve MPs questioning the candidate on his or her suitability for the post.

### **Timing, time commitment and remuneration**

The successful applicant for the Chair post should be available to take up the post from the Autumn of 2008. The successful applicants for the Member posts should ideally be available to take up post in July 2008. Both Chair and Members will be appointed by the Prime Minister, for single non-renewable terms of five years.

These are part-time appointments. The Chair can expect an average time commitment of about two days per month. The time commitment will be subject to some variation, depending on the work of the Commission. Remuneration for the Chair is £8,000 per annum, provided the post holder is not separately in receipt of a salary from public funds.

Members can expect an average time commitment of about one day per month. The time commitment will be subject to some variation, depending on the work of the Commission. Remuneration for Members is £3,000 per annum, provided the post holder is not separately in receipt of a salary from public funds.

Relevant expenses are reimbursed for both the Chair and Members.

Further details about the Committee and its work, including past reports published by the Committee, annual reports and the Committee's Code of Practice can be found on its website at <http://www.lordsappointments.gov.uk>.

The process of making appointments will follow the Code of Practice issued by the Commissioner for Public Appointments which encompasses equality of opportunity.

Candidates who apply for both the Chair and Member(s) appointments may be required to participate in separate selection processes.

The Selection Panel for the Chair appointment will be chaired by Sir Gus O'Donnell KCB, Cabinet Secretary and Head of the Home Civil Service.

# Formal minutes

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**Tuesday 22 July 2008**

Members present:

Dr Tony Wright in the Chair

Paul Flynn  
Kelvin Hopkins  
Julie Morgan

Mr Gordon Prentice  
Paul Rowen  
Mr Charles Walker

Draft Report (*Selection of a new Chair of the House of Lords Appointments Commission*), proposed by the Chairman, brought up and read.

*Ordered*, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 10 read and agreed to.

Papers were appended to the Report as Appendices 1 and 2.

*Resolved*, That the Report be the Thirteenth Report of the Committee to the House.

*Ordered*, That the Chairman make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Thursday 9 October at 9.45 am

## List of Reports from the Committee during the current Parliament

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The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

### Session 2007–08

First Report	Machinery of Government Changes: A follow-up Report	HC 160 ( <i>HC 514</i> )
Second Report	Propriety and Peerages	HC 153 ( <i>Cm 7374</i> )
Third Report	Parliament and public appointments: Pre-appointment hearings by select committees	HC 152 ( <i>HC 515</i> )
Fourth Report	Work of the Committee in 2007	HC 236 ( <i>HC 458</i> )
Fifth Report	When Citizens Complain	HC 409 ( <i>HC 997</i> )
Sixth Report	User Involvement in Public Services	HC 410 ( <i>HC 998</i> )
Seventh Report	Investigating the Conduct of Ministers	HC 381
Eighth Report	Machinery of Government Changes: Further Report	HC 514
Ninth Report	Parliamentary Commissions of Inquiry	HC 473
Tenth Report	Constitutional Renewal: Draft Bill and White Paper	HC 499
Eleventh Report	Public Services and the Third Sector: Rhetoric and Reality	HC 112
Twelfth Report	From Citizen's Charter to Public Service Guarantees: Entitlements to Public Services	HC 411

### Session 2006–07

First Report	The Work of the Committee in 2005–06	HC 258
Second Report	Governing the Future	HC 123 ( <i>Cm 7154</i> )
Third Report	Politics and Administration: Ministers and Civil Servants	HC 122
Fourth Report	Ethics and Standards: The Regulation of Conduct in Public Life	HC 121 ( <i>HC 88 Session 2007–08</i> )
Fifth Report	Pensions Bill: Government Undertakings relating to the Financial Assistance Scheme	HC 523 ( <i>HC 922</i> )
Sixth Report	The Business Appointment Rules	HC 651 ( <i>HC 1087</i> )
Seventh Report	Machinery of Government Changes	HC 672 ( <i>HC 90 Session 2007–08</i> )
Eighth Report	The Pensions Bill and the FAS: An Update, Including the Government Response to the Fifth Report of Session 2006–07	HC 922 ( <i>HC 1048</i> )
Ninth Report	Skills for Government	HC 93 ( <i>HC 89</i> )
First Special Report	The Governance of Britain	HC 901

### Session 2005–06

First Report	A Debt of Honour	HC 735 ( <i>Cm 1020</i> )
Second Report	Tax Credits: putting things right	HC 577 ( <i>HC 1076</i> )
Third Report	Legislative and Regulatory Reform Bill	HC 1033 ( <i>HC 1205</i> )

Fourth Report	Propriety and Honours: Interim Findings	HC 1119 ( <i>Cm 7374</i> )
Fifth Report	Whitehall Confidential? The Publication of Political Memoirs	HC 689 ( <i>HC 91, Session 2007–08</i> )
Sixth Report	The Ombudsman in Question: the Ombudsman’s report on pensions and its constitutional implications	HC 1081 ( <i>Cm 1961</i> )
Seventh Report	The Ministerial Code: the case for Independent Investigation	HC 1457 ( <i>HC 1088, Session 2007–08</i> )
First Special Report	The Attendance of the Prime Minister’s Strategy Adviser before the Public Administration Select Committee	HC 690



House of Commons  
Public Administration Select  
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# **Selection of a new Chair of the House of Lords Appointments Commission**

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**Oral evidence**

***Tuesday 22 July 2008***

*Lord Jay of Ewelme*

*Ordered by The House of Commons  
to be printed 22 July 2008*

## **The Public Administration Select Committee**

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# Oral evidence

## Taken before the Public Administration Committee

on Tuesday 22 July 2008

Members present

Dr Tony Wright, in the Chair

Paul Flynn  
Kelvin Hopkins  
Julie Morgan

Mr Gordon Prentice  
Paul Rowen  
Mr Charles Walker

*Witness:* **Lord Jay of Ewelme**, a member of the House of Lords, gave evidence.

**Q1 Chairman:** Let me call the Committee to order and welcome our witness this morning who is Lord Jay of Ewelme, formerly Sir Michael Jay, Head of the Foreign and Commonwealth Office. I am afraid with this job to which you have been nominated, comes the task of appearing before us in this new world of pre-appointment hearings. I hope you do not regard that as an onerous burden; we regard it as pure pleasure.

**Lord Jay of Ewelme:** I welcome it, Chairman.

**Q2 Chairman:** Thank you very much. We thought if we had some exchanges with you for an hour or so, then we would be able to form a view about your nomination. Is that acceptable?

**Lord Jay of Ewelme:** Yes, indeed.

**Q3 Chairman:** Would you like to say anything to us by way of introduction, or shall we just ask you some questions?

**Lord Jay of Ewelme:** I am very happy to answer your questions.

**Q4 Chairman:** Thank you. Let me first of all ask you why on earth you wanted this post?

**Lord Jay of Ewelme:** I believe that an effective Second Chamber is an extremely important part of our constitution, our democracy; and having taken quite an active role over the last two years that has confirmed me in that view. I think appointments to the Second Chamber are a very important part of our democratic settlement too, particularly at a time of reform. I think it is an important job; I think it is a really interesting job; I think it is quite a challenging job; and I think it is something to which my experience and background can bring something, and that is why I chose to apply.

**Q5 Chairman:** Did the job find you, or did you find the job?

**Lord Jay of Ewelme:** It was a bit of both. I had seen the advertisement and was reflecting on it when I got a call from the head-hunters saying would I be interested in applying? I talked it through with them and decided I would and did. I talked it through with them again and then the process took over from there.

**Q6 Chairman:** You are quite an active cross-bench peer at the moment, are you not?

**Lord Jay of Ewelme:** I am, yes.

**Q7 Chairman:** Your predecessor has always taken the view that he should not be an active presence in the House of Lords—I think he has rarely been there, and hopes to do more now—but you are already active. What view do you take on this?

**Lord Jay of Ewelme:** I would propose to continue to be an active peer. I am enjoying my time in the House or Lords. I believe I am making a contribution to debates, to legislation and to the committees on which I sit, and I would want to continue to do that. I think that would have the advantage too of enabling me, if I were appointed to this job, to “be in touch” with the temper in the House, if you like, as it evolves during rather an interesting and difficult period in the approach to reform. I hope that would be an asset to the work of the Commission.

**Q8 Chairman:** Have you discussed with Lord Stevenson his view that he should not be active there?

**Lord Jay of Ewelme:** I met him yesterday and he explained his role and the view that he took. Very early on in my life, I was given advice by a very senior Treasury civil servant when I was about to go for a job I was frightened about and he said, “Never forget, there is no right way to do the job, it is just the way you think you can do it best”. I think this is the way I could do this job best would be to continue to be an active member of the House of Lords.

**Q9 Chairman:** As you know, we have had some involvement with the work of the House of Lords Appointments Commission in recent times over all the fuss about nominations for peerages and so on, and in a sense we have praised the work of the Commission for their independence in resisting dodgy names that were sent up to them. What we want to know is: are you the kind of person who can resist dodgy names?

**Lord Jay of Ewelme:** Yes, I think I can. For me that was the most important question I was asked at my interview; the most important question because it was the one I have thought about most since,

22 July 2008 Lord Jay of Ewelme

because it is a natural thing for people to say, “You’ve spent 40 years kowtowing to ministers, how are you now going to stand up to them?” I do not see it quite like that. In fact, five or 10 years at the top of the Civil Service means you spend quite a lot of your time standing up to ministers, and sometimes in quite robust ways, but it does not always get out into the press—at least, you try to make certain it does not get out into the press. I think I have had enough experience of ministers and parties to be able to stand up to them. I hope my record in the House of Lords over the last two years has shown, when I think the Government is right I will support it, but when I think the Government is wrong I will argue against it and vote against it. That is the view I would take in this job. I think it is very, very important for the reputation of the Commission, and therefore for our democratic process, that it is seen to be robustly independent. I would hope that is a view which all members of the Commission would take. This is of course not just me, it is a full Commission of seven people. That, I am sure, is a view which the Commission as a whole would take and I would certainly encourage them to take.

**Q10 Chairman:** Let me just explore one more area with you before handing over, and it comes out of what you have just said. When the Committee produced its own report recently on the whole cash for peerages affair, a report called *Propriety and Peerages*, we say along the way, and I just quote it, “We believe there is a fundamental problem with the House of Lords Appointments Commission’s aim to judge party nominees to the House of Lords on their credibility, but not on their suitability. We do not see a difference of anything but degree between suitability and credibility. A candidate is credible if he or she is sufficiently suitable; we see no other means of measuring it. We cannot visualise a candidate who is credible but unsuitable”. What I would like to know from you is, have you mastered the distinctions between “credibility” and “suitability”? Can you tell us, in relation to that, what you think “propriety” is, and therefore what you think impropriety might be, and how would you recognise it?

**Lord Jay of Ewelme:** I have swum into this rather dangerous territory quite recently, Chairman, so I cannot claim that I have a very clear view in my mind as to exactly what the distinctions are. It is clear to me, there is overlap between propriety, credibility and suitability. It seems to me that propriety is what has been set down, as I understand it, to be the criterion by which the Commission should judge appointments, rather than suitability. It seems to me that the three criteria, as I understand it—of good standing in the community, very good standing with the regulatory authorities, and the ability to enhance the working and reputation of the Lords—are three good, strong criteria. But I am conscious that this is an area which will be of interest to your Committee; and I am conscious that this is something I would imagine would be an issue for the new Commission, when it is formed, to discuss and take a view on.

**Q11 Chairman:** The Prime Minister sends the Commission a name, a person who is not in bad standing with the community, a person who is not in trouble with the regulatory authorities, but on any test would not seriously add to the reputation of the House of Lords, some kind of time-server. On these criteria that would raise difficulties, I presume, for the Commission, yet in practice, it does not because all these people get nodded through routinely, unless they have some sort of dodgy financial history?

**Lord Jay of Ewelme:** I think that goes to the heart of what is the difference between suitability and propriety. I think it would be very difficult for me now as I say, having come into this area quite recently, to take a very clear view on that.

**Q12 Chairman:** But you are being asked to. This is the job you have signed up for?

**Lord Jay of Ewelme:** Yes, I will be asked to.

**Q13 Chairman:** You are going to judge these people on whether they add to the reputation of the House of Lords or not?

**Lord Jay of Ewelme:** I think that is an important criterion. I think enhancing the reputation of the House of Lords at a time of change is going to be an important criterion. It is one of the three criteria.

**Q14 Chairman:** I am asking you, if the Prime Minister sends out names you are quite likely to write back, are you, and say, “Irrespective of any questions about donations [and all the rest of it], on my view this person does not add to the reputation of the House of Lords. Would you look at it again”?

**Lord Jay of Ewelme:** I cannot say whether I would do that. This would be a matter for the Commission as a whole. All I can say is that it does seem to me that those three criteria, including enhancing the reputation of the House, are important ones. That is clearly what we would need to take into account.

**Chairman:** Okay. I am sure colleagues will come back to this. Thank you for that.

**Q15 Mr Walker:** Lord Jay, you have been in the House of Lords now for a couple of years so you have had a chance to look around—candidly, what weaknesses have you identified on the benches, do you think, as far as representation is concerned?

**Lord Jay of Ewelme:** On the cross-benches, and I have only been there two years, there have been some marked changes over the last couple of years. The cross-benches strike me as being active, effective, playing an increasingly important role in the business of the House, and to be reasonably representative. If you are asking me, do I see gaps in, as it were, the representation, I am struck, as far as I can tell, by the absence of any member of the Chinese community, for example, in the House of Lords at the moment. That strikes me as an interesting gap. There are one or two areas in skills where I am conscious there are not as many voices as I would expect to see: sport is one; I am not sure how far small business, rather than big business, is represented. This is anecdotal rather than the result of a proper survey as to where gaps are.

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22 July 2008 Lord Jay of Ewelme

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**Q16 Mr Walker:** What is more important, representation or the quality of peers?

**Lord Jay of Ewelme:** I think both. Clearly what you are looking for, it seems to me, would be to have good quality peers who could enhance the reputation of the House but, at the same time, are broadly representative of the nations, the religions, the faiths, the businesses and so on of our society. That does not seem to me to be an impossible goal, given the quality of people that there are throughout the country.

**Q17 Mr Walker:** You are going to be taking your new appointment at quite an interesting time. There was a recent statement in the Commons on Lords reform. What is your view on a fully appointed House compared to, for example, a House which is 80% elected and 20% appointed?

**Lord Jay of Ewelme:** In the debates we had in the Lords last year I voted against a fully appointed, against a fully elected and in favour of 40, 50 and 60% elected. I was and remain in favour of an at least partially elected House, but against a fully elected House.

**Q18 Mr Walker:** Say we go to an 80% elected House that will reduce the number of spaces for appointed peers. How will you manage that challenge, do you think?

**Lord Jay of Ewelme:** I am not clear that that would be an issue for the Commission. First of all, I think there is a lot of water to flow under that particular bridge before we get to that stage. Having read the White Paper, if it is the 80:20 option, there are a number of options put forward for how and over what timescale you would reduce from the present number to, I think, 90 out of 450.

**Q19 Mr Walker:** It obviously would mean there are less slots to fill with appointed representatives?

**Lord Jay of Ewelme:** Yes. It seems to me there is the question of, what do you do between now and reform starting; and then how do you manage the transition from the House as it will be when reform starts, to the House at the end of the reform period? From the point of view of the Commission, to which I hope to be appointed, which is an appointment for five years, our main interest is going to be with the appointment of peers between now and, as it were, the start of the reform process. You could I suppose argue: do we need any new peers at all, given that we are going to have a reduction if the reform goes through over time? It seems to me that there are strong arguments for continuing to have further peers appointed over the next few years, otherwise the age balance will get out of kilter, and you risk getting a bit of sclerosis. I think there should continue to be peers appointed.

**Q20 Mr Walker:** Finally, do you envisage being lunched by the great and the good over the coming years as they try and bend your ear in their favour?

**Lord Jay of Ewelme:** I am very conscious, having read the various good practice documents, that I have to declare to the Commission anybody with

whom I have had contact. I hope people will recognise that declaring such a contact means I will play a smaller role than would otherwise have been the case in the decision, and therefore it would not be in people's interests to wine and dine and lobby.

**Q21 Chairman:** You have also had plenty of good lunches with the great and the good over the years, so you are probably immune to all of that, are you not?

**Lord Jay of Ewelme:** I think I can withstand that.

**Q22 Julie Morgan:** We have had a brief discussion about diversity; what about women in the House of Lords? How do you see the position of women there now?

**Lord Jay of Ewelme:** I think it is much better than it was—better, I think, statistically than in the House of Commons—but not as good as it should be; but what does strike me is the very active role that women play in all parties in the House of Lords, including in the cross-benches.

**Q23 Julie Morgan:** What would you plan to do to increase the number?

**Lord Jay of Ewelme:** I think there is a broader issue there of increasing the number of under-represented groups in the House of Lords. That is something clearly I would want to discuss with my fellow commissioners, if I were appointed to the job and when the new Commission is in place. I would hope we could see this as a task for the Commission as a whole, and I would want to explore ideas such as identifying where gaps are, having some kind of outreach activities so members of the Commission could be responsible for groups which we felt were under-representative to try and make contact with those groups to see whether we could enlarge the pool of applicants to the Lords. In doing that of course, we would need to keep in mind that we are talking about a comparatively small number of appointments over the next few years. One has to be careful as well to try and shift the balance a little bit but without raising expectations that there are going to be a large number of appointments.

**Q24 Julie Morgan:** One of the things that probably inhibits everyone, and women, from thinking of themselves as being a member of the House of Lords is that it seems very distant and you will be the face of the House of Lords, and you are not one of the traditionally under-represented groups. How are you going to tackle that?

**Lord Jay of Ewelme:** First of all, I would be very keen to have a public role in talking about the House of Lords and talking about the role of the Appointments Commission, and trying to encourage a broader diversity of applicants myself. Again, I think this would be something for the Commission as a whole. I would hope that the public face of the Commission could, in a sense, be the other commissioners too. I would hope that the new Commission will be, as the present one is, properly representative and, therefore, be in a good position to do that. I completely agree with you about the

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22 July 2008 Lord Jay of Ewelme

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image of the House of Lords. I gave a talk recently at a university and noticed when it was my turn to speak everybody went out. I asked the convenor why and she said, "Well, the students came up to me and said, 'Why would we want to listen to some old peer?'" I think there is quite an important issue here about the image of the Lords as a whole.

**Q25 Julie Morgan:** You have had experience in the Foreign Office of trying to recruit more women. Could you tell us a bit about that?

**Lord Jay of Ewelme:** Yes, I was very keen to increase the proportion of women and the proportion of ethnic minorities applying to join the Foreign Office, because it was clear to me that there was huge pools of talent which for some reason did not feel comfortable about applying. In the Foreign Office, we instituted a really quite systematic process of outreach to universities, to schools particularly those in areas where we knew there would be large numbers of ethnic minorities at school or living, to get across a different view and to encourage people to apply. We also appointed what we called "ambassadors" to different regions of Britain from the ethnic minority communities so that we had, as it were, somebody in each of the regions and nations of Britain whose job it was to try to interest people, explain to them what the Foreign Office was, and interest them in the work that we did; to try and break down the barrier against joining what was seen to be a bastion of the Establishment.

**Q26 Julie Morgan:** Would you see yourself following that pattern?

**Lord Jay of Ewelme:** Yes, it is something I would want to talk again to the Commissioners about. I am conscious too that there are the resource issues. The Commission at the moment is quite small; the support is quite small; so one must be very careful about putting forward some ambitious thinking which could not then be put into practice. I think that is something I would want to talk to them about.

**Q27 Julie Morgan:** Do you think people would ever see it was a place for them while it is still called the "House of Lords"?

**Lord Jay of Ewelme:** I think changing the name and making very clear the distinction between the honour and the work of the Lords is a really important step to take, as early as possible actually, because I think it is a disincentive.

**Q28 Paul Flynn:** One of the disappointments last time, with the first appointment of what became known as the "people's peers", is that the Commission tended to appoint people who were like themselves. There was a large number of knights there, and also there were some very distinguished people there. One of the reasons given for this, was that it was very difficult to find someone "who was a bus conductor or a waitress who would have the self-confidence to stand up in the House of Lords and

make a speech". Do you think the Commission under you would go to the trouble of finding such people? Do you think it is worthwhile doing it?

**Lord Jay of Ewelme:** I think it is important that people should be able to make a contribution to the work of the House of Lords; but I would hope there would be no group that would feel that it was in some way excluded from applying. I am sure the new Commission will want to look again at the criteria, to see whether the criteria seemed right for where we have got to now in the process of reform in the light of the lessons we have learned over the last eight years or so of the Commission's existence, to see whether some changes could be made. One of the criteria I have in front of me is "significant achievement". It seems to me that one might be looking at not just significant achievement but at significant promise. There may be some groups for whom "significant achievement" is quite a difficult thing to have got.

**Q29 Paul Flynn:** You have welcomed this initiative of pre-appointment hearings. One of the people who gave evidence, one of the Americans, told us we would be mad going down this road of having pre-appointment hearings; and the reason he gave was that virtually everything that is said by anyone in their past can be brought up because of the ease of finding it through Google. People with perfectly good reputations and distinguished records were often publicly destroyed by raising indiscretions or small matters from their past. You would disagree with that presumably if you welcome these hearings?

**Lord Jay of Ewelme:** I believe that this kind of hearing is an entirely right and proper thing to have for certain public appointments. If you are going to have a public appointment, at least certain public appointments, then it is right that you should have a public hearing before that. I think it is particularly appropriate in this case because this is an appointment which is particularly important to Parliament, and to both Houses of Parliament, and it seems to me particularly appropriate.

**Q30 Paul Flynn:** It would be our duty to draw to your attention the report by the Foreign Affairs Committee in 2006 that was critical of your work. It was reported by a group of consultants, Collinson Grant, who said that, "People are frustrated and impeded in the execution of critical tasks by the weaknesses of the organisation, yet are unwilling to tackle the root causes that are entrenched in and reinforced by the established culture. The entire organisation needs to be challenged and reformed, but the leadership [which was you, I believe] lacks the skills needed and the will to upset the status quo". Do you have any comment?

**Lord Jay of Ewelme:** It was precisely because we were conscious of the need for reform that we asked the consultants to come and do the report they did. The mistake may have been to say, "We want you to make a hard-hitting report", because that is what we needed. I think this is a comment more on the

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**22 July 2008 Lord Jay of Ewelme**

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difficulty of governance in an age of open information, than it was at the time on the Foreign Office, which was quite early on in my time there.

**Q31 Paul Flynn:** The Foreign Affairs Committee concluded “... that Sir Michael is part of the problem. Under his stewardship, the report was originally suppressed. It criticised the management he was supposed to lead”, and it goes on to make other criticisms. Is that fair?

**Lord Jay of Ewelme:** No, it was not suppressed. I think if you look at the time you will find it was voted through by two to one in a committee of 12, that particular sentence. I was very glad I had the full support of the Foreign Secretary; and indeed some MPs who wrote to *The Times* commenting on that. I am entirely comfortable for that sort of thing to be read out in a Committee of this kind. It did not bother me much then, and it does not bother me now.

**Q32 Paul Flynn:** The other one that does intrigue this Committee, and intrigues all of us, is the attraction of the House of Lords and why people want to go to the House of Lords. It appears from the original group who were appointed that many of them played very little part in the work of the Lords; but others proved to be very effective peers. To try to separate the attraction of being called a Lord—the pageantry that goes with it, the status that goes with it—and the job, as a Legislature, that people should be doing, do you see this as a difficulty? You are trying to sift out those who see the superficial attractions of being called “Lord”, going around in ermine and all the rest of it, rather than people who would make a serious contribution to legislation?

**Lord Jay of Ewelme:** Yes, I do. That is why I said a little while ago that I think it would be good if those two things could be separated out. I think this is an area too where the new Commission I am sure would want to look at the criteria. I think at the moment the criteria talk about having time available to play a full part. I personally would like to see that strengthened a bit and have a commitment to play a full part. I think it is very important, particularly as we move towards a process of reform that the people, whether they are appointed or whether they are party nominees, do play full part in the activities of the House of Lords.

**Q33 Paul Flynn:** If we look at the party nominees, there is one political party, Plaid Cymru, that has held an election to choose their nominee for the House of Lords. Other parties tend to pick the party hacks, the ones who have been loyal to whatever is the ruling wing of the party of their day. Would you see it as your role to balance those who have served the party loyally and are getting there as a reward for their loyal services, against those who had taken an independent line in parties and would have no chance of being nominated by their own party? I am thinking of characters and people in the House of all parties who would be in that category. Would you

regard it as your role to balance the party hacks with people who might have an original and independent contribution to make?

**Lord Jay of Ewelme:** No, the question of nominees from parties is the responsibility, as I understand it, of the parties. The role of the Commission, as I said to the Chairman earlier on, which is not straightforward, is to try to judge the propriety of those who are put forward. I do not at the moment see it as a problem. It is not an issue I have thought about in the last 48 hours or so. It is clearly something you might want to think about, but I have not thought about that point yet and I would not, on the face of it, see it as a role for the Commission to try to right that balance.

**Q34 Paul Flynn:** Just to follow up on Julie’s comment, I believe that under your stewardship at the Foreign Office there was a great increase in the number of women. It has been obvious to us as parliamentarians how, over the years, it has been traditionally a male-based Foreign Service and there has been a profound change?

**Lord Jay of Ewelme:** Yes, there was change. That was a question I was talking to Julie Morgan about. Yes, I felt when I joined the Foreign Office that it was too male; that we were losing out on a huge pool of talent coming in; and that at the top we were not getting that kind of diversity that makes a real difference to the governance of any organisation. I find that now in my business as well, and it was something I was very keen to change and I worked quite hard with others to do that. I think it has made a difference and I am glad that is recognised, Mr Flynn.

**Q35 Paul Rowen:** You mentioned you feel that this job is very important for Parliament, yet you report to the Prime Minister. Do you think that is the appropriate route that your decision should go through?

**Lord Jay of Ewelme:** I would feel more comfortable if the Commission were on a statutory basis than as an NDPB reporting to the Cabinet Office and the Prime Minister. I know this is an issue which is being discussed. I think it is more appropriate for a body that appoints an important proportion of our Legislature that it should be on a statutory basis.

**Q36 Paul Rowen:** Have you had discussions with the Cabinet Secretary about that?

**Lord Jay of Ewelme:** I have told him that that is my view in the interview we had earlier on, but it is not something I have pursued further than that. I have not yet had conversations with anybody, other than a very short conversation with the present chairman.

**Q37 Paul Rowen:** Clearly the last Commission did stand up to the Prime Minister in the sense of all the cash for peerages issue came about as the result of the Commission’s refusal to nod through certain appointments. Are you confident that in your role, particularly as in your previous roles you have represented very much the Establishment, you are able to do that?

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22 July 2008 Lord Jay of Ewelme

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**Lord Jay of Ewelme:** I am confident that I would be able to do that. I am confident that the Commission as a whole would see the real importance of doing that and would do it. To be honest I think that the prospect of appearing fairly regularly before this Committee will be an added incentive for doing that.

**Q38 Paul Rowen:** Can I take you back to an article that appeared in *The Sunday Times* on 14 December 2003 entitled “Whistleblower reveals secrets of honours list”. This described the minutes of the main Honours Committee, which included senior civil servants presumably including yourself. One of the comments that is made about these minutes, which were never supposed to be made public, is that an insider said “civil servants were expected to undertake ‘political searches’ when checking biographical details of potential candidates to ensure that they were not ‘anti-Blair, anti-Labour or had views which opposed the government or the Queen’”. Is that true?

**Lord Jay of Ewelme:** I was unaware of that. I do not remember that particular article. I was on the Honours Committee at that stage. I was not conscious of that. That is the first time I have heard that suggested and I do not remember that article. That was, I think, just before the Honours Committee system was revised substantially to reduce the role of civil servants on it. It was a good reform.

**Q39 Paul Rowen:** Taking that on board, what other changes would you like to see to the operation of the Commission to ensure that it is robust, it is independent, and it is able to go about its duties of bringing about appointments which are representative of the diversity of the UK?

**Lord Jay of Ewelme:** I think on the question of the diversity—and I distinguish between proper representation of the diversity of the UK, and we have already talked about some of the measures which I would want to discuss with the Commission, with a view to having outreach to groups which you might think were under-represented to ensure that the pool of applicants is widened. As far as the robustness is concerned, the proof of the pudding is in the eating. I think it is a question of when we get, as the Chairman said, a “dodgy” proposal, we make clear that that is a dodgy proposal.

**Q40 Paul Rowen:** Would you publish or make available, and not necessarily the names, the fact that that is what you have actually done?

**Lord Jay of Ewelme:** I am afraid I do not know exactly what the rules at the moment are, or what the convention is about what goes into the report or not. It certainly would be important that it be known that the Commission is standing up to the political authorities.

**Q41 Mr Prentice:** Can I go back to something the Chairman said at the very beginning which was picked up by Paul—the distinction between

suitability and propriety. You have been around for a long time, do you think there are time-servers in the House of Lords?

**Lord Jay of Ewelme:** The House of Lords has no retirement age. There are clearly people who are much less active than others.

**Q42 Mr Prentice:** Let me try this another way. Would you be surprised if, weeks before the next General Election, a significant number of Labour MPs discovered they had a health complaint and gave notice that they wanted to stand down from the House of Commons and were subsequently put forward for a peerage by the Prime Minister? Would that surprise you? Would that shock you?

**Lord Jay of Ewelme:** I cannot comment on that.

**Q43 Mr Prentice:** You are not aware that this is a practice that has happened for as long as anyone can remember; that MPs in effect retire and sell their seats—sell their seats—for a place in the House of Lords? You are unaware of this?

**Lord Jay of Ewelme:** I did not know that people sold their seats for a place in the House of Lords.

**Q44 Mr Prentice:** It is all done with nods and winks, of course, but you are unaware of that?

**Lord Jay of Ewelme:** Of course I am aware that people give up their seats and other people are appointed to them, and some of those people who give them up are appointed to the House of Lords. Exactly what the tractations and negotiations go on behind that I am not aware; that is the sort of thing which the civil servants are spared.

**Q45 Mr Prentice:** I do shock and outrage quite well and I want to test you on that front. Are you shocked and outraged that people serve in the House of Lords who do not pay UK taxes? Does that anger you?

**Lord Jay of Ewelme:** As I understand, they should pay UK taxes. I think they should pay UK taxes. As I understand it, at least as far as the Appointments Commission is concerned, that is one of the conditions now.

**Q46 Mr Prentice:** But it was not always the case, was it? You are familiar with the case of Lord Laidlaw who was elevated in 2004 after he gave a solemn undertaking (and that is what they say) that he would bring his tax affairs onshore; and he told your predecessor Lord Stevenson, that he would do that and he subsequently reneged on his promise and he is living in Monaco now as a tax exile, and that you find outrageous?

**Lord Jay of Ewelme:** I do find that shocking, yes. I think anybody who is appointed to the House of Lords should be paying taxes in this country and, in addition, should be playing an active part in the House of Lords. I am aware of that case, but I do not know the details of that case and I would not want to comment on the details of a particular case.

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22 July 2008 Lord Jay of Ewelme

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**Q47 Mr Prentice:** Your predecessor commented on the details of a particular case, in fact it is in the Annual Report of the House of Lords Appointments Commission 2006–07.

**Lord Jay of Ewelme:** He was the Chairman—he *is* the Chairman—he was dealing with it. I have not yet been approved for the job.

**Q48 Mr Prentice:** I am interested in your approach—that is what I am interested in. The Lords Appointments Commission drew the Prime Minister’s attention to Lord Laidlaw, and now they will not recommend anyone for the Lords unless they are resident in the UK for tax purposes. Would you have handled this any differently? Would you have made a public statement as Chair of the Commission, had this happened on your watch? You would publicly have called on Lord Laidlaw to hang up his ermine cloak and leave the House of Lords, because he is still there?

**Lord Jay of Ewelme:** I cannot comment on exactly what I would have done in those circumstances. It seems to me that people should be resident, they should be paying taxes in this country, they should be playing an active part in the House of Lords; and if it turns out afterwards they have, as it were, misled the Appointments Commission then I think that is something which the Appointments Commission should follow up. Exactly how it would follow that up, how far it would make that public, I think would depend on the case. I certainly think it would be wrong if somebody is appointed to the House of Lords on the understanding that he or she will do something and then quite clearly does not.

**Q49 Mr Prentice:** On that point, we have Michael Ashcroft, now Lord Ashcroft, and he was ennobled in the year 2000 after having been turned down twice beforehand. We are told by Number 10 in a press release in March 2000 that he gave an undertaking that he would bring his tax affairs onshore. I have a Freedom of Information request in at the moment to find out a) the nature of that undertaking and b) to whom that undertaking was given. That would seem perfectly reasonable to you, would it not, that I and members of the public should have that information?

**Lord Jay of Ewelme:** I am not aware of the case. I really do think it would be wrong to comment on cases of which I am not aware.

**Q50 Mr Prentice:** Fair enough. Will you assess the performance of the peers that you put into the House of Lords; and, if so, how would you go about doing that?

**Lord Jay of Ewelme:** I think that is a really difficult question. I am not sure it would be terribly welcome in any part of the House of Lords, the thought that there was some kind of body or person monitoring their performance. I would rather approach it from the other end I think—upstream rather than downstream: how do we ensure that peers who are appointed do play an effective role? We have talked about some aspects of that already. I think another aspect is, it does strike me that when you arrive in the

House of Lords, as Julie Morgan was saying, it is not always the most obviously welcoming and easily understandable place. I think there is a case, for example, for having some arrangement with the convenor of the cross-bench peers that there would be one or two peers who are known to or who share interests with the nominee, to act as a kind of mentor and help them through some of the arcane procedures, and to try and ensure they did not feel that this was such an alien place that they immediately went back home. In that way I think one could encourage active participation, which could be an advantage.

**Q51 Mr Prentice:** Just picking up on a point that Paul made earlier, your predecessor, Lord Stevenson, famously said early on (and I admit he did not think it through but just shot from the hip) that people like hairdressers could not cut it in the House of Lords. There were people out there who just could not do it. You have been talking about diversity, and we had the usual list: more women; ethnic minorities. What about working-class people: is “class” a diversity issue?

**Lord Jay of Ewelme:** All aspects of British society need to be represented.

**Q52 Mr Prentice:** Could hairdressers cut it in the House of Lords then?

**Lord Jay of Ewelme:** I cannot see why not. Why should they not?

**Q53 Mr Prentice:** Are you thinking in terms of having quotas for this diverse House of Lords? Would you want a reformed House of Lords to be a kind of mirror of the nation, or what? What is success in terms of a diverse House of Lords?

**Lord Jay of Ewelme:** I do not think there can ever be any kind of quantitative approach to that. I think it has got to be a matter of judgement; an element of judgment. What do people think? What does this Committee think? What do others think? Do they think in five years’ time, when the mandate of the next Commission will come to an end, that the House of Lords is more representative than it was; is better representative of Britain—whether one is talking about the nations, ethnicity, faith or class—than it was? It seems to me those are matters of judgment, but it is certainly an issue which should be on the minds of the Commission.

**Q54 Mr Prentice:** It may be open to the Appointments Commission depending on the nature of the legislation, but do you think there is a role in the House of Lords for all the faiths—Islam, the Jewish religion, as well as the Church of England?

**Lord Jay of Ewelme:** My personal view is that all the faiths should feel represented in the House of Lords. Whether they do so by the leaders of their faiths, or in some other way, I do not know. This is an issue which I would want to discuss with the new Commission. I think it is a very important issue. It is

22 July 2008 Lord Jay of Ewelme

very important in Britain today that both Houses of Parliament should represent the different faiths and the different ethnic minorities in Britain.

**Q55 Mr Prentice:** Would there be a place for the British Humanist Society, for example?

**Lord Jay of Ewelme:** Again, I do not want to get into specifics. I think the general point is one where I would stick for now.

**Q56 Kelvin Hopkins:** I understand there were five nominees or names put forward for your post according to the papers, is that right?

**Lord Jay of Ewelme:** I do not know?

**Q57 Kelvin Hopkins:** The Prime Minister obviously chose you above other people and put his blue pencil through those other names. Do you know who the other candidates were?

**Lord Jay of Ewelme:** No. I knew there were others because I am told but I have no idea how many and I have no idea who they were.

**Chairman:** I do not think we know whether it was five or not.

**Q58 Kelvin Hopkins:** Clearly there must have been other names considered. There has been a lot of talk about diversity in the House of Lords with almost all my colleagues, and we have talked about religion, faith, humanism and even social class, and ethnicity obviously; but one thing that has not been talked about is diversity of political view. Is it not very unhealthy in our democracy now that we seem to be appointing people in all sorts of spheres who have a particular view which is shared by all three frontbenches now, and that the diversity of political view is being squeezed out of politics, particularly in the House of Lords?

**Lord Jay of Ewelme:** I do not get a sense that the political view is getting squeezed out of the House of Lords. Political views are expressed in a slightly different way in the House of Lords than they are in the House of Commons, but I do not get a sense that political views are not expressed.

**Q59 Kelvin Hopkins:** No-one from the orthodox Left of the Labour Party has been appointed, as far as I know, since 1994 to the House of Lords; either they are quiescent or people who actively support the new Labour regime. This is on the Labour side, and new Labour is, these days, fairly indistinguishable in its ideology from the Conservative frontbench: is that not unhealthy?

**Lord Jay of Ewelme:** This is an issue I think for the parties themselves to decide who they should put forward. As far as I am aware that is not an issue for the Commission as to what the balance of tendencies within the different parties is. I am certainly not conscious that there is not good, healthy political debate in the Lords.

**Q60 Kelvin Hopkins:** Does this not undermine the case for appointment rather than election? Even with election, of course, minorities are squeezed out to an extent as well. With appointment the control is

always in the hands of the Establishment, in a sense, ultimately, and they will not appoint people it seems who take a different view?

**Lord Jay of Ewelme:** As far as appointment and election are concerned, as I said to the Chairman earlier on, I personally voted in favour of a partially elected House and I think that is the right thing now. As far as the diversity of appointed peers is concerned, I go back to some of the conversations we had earlier on. I think we do need to widen the pool of people who apply so that there can be proper representation among the independent cross-bench peers.

**Q61 Kelvin Hopkins:** You said earlier, and I agree with you, that people in the population in the general want to feel that their kind of people are, to an extent, represented in the political field. I may say, I could appoint a House of Lords myself which was perfectly representative of the whole country in terms of women, ethnicity and faith but they would all have the same political view. Is it not even more important to make sure that people who have strong political views feel that they have stake in democracy?

**Lord Jay of Ewelme:** Yes, I think it is. If there were to be a partially or largely elected House of Lords I think that would encourage that. Let me say, you go to the House of Lords sometimes and you see cross-benches, and they usually packed because people do on the whole take, a very active role in the House of Lords, and you look around and it is a pretty diverse lot. I do not know what their political views are because at the moment they are not allowed to vote in General Elections, but my guess is that among the appointed peers, there are people who have in their past voted for one party or another, even though they are not members of parties. Certainly I get no sense of an undiverse cross-bench; but as you were saying earlier on we need to go further.

**Q62 Kelvin Hopkins:** Is it not the case—it is certainly the case in the House of Commons—that those who take a slightly left of centre view, social democratic or democratic socialist view in the House of Lords are getting older and diminishing in number, because those who are coming in are carefully screened? Is not the same process happening in the House of Lords? The radicals, are they not elderly and gradually dying out?

**Lord Jay of Ewelme:** It does seem to me that is a conversation to have with the political parties that propose, rather than the House of Lords Commission that looks at nominees to cross-benches.

**Q63 Kelvin Hopkins:** Is this not something you could raise with the Prime Minister and say, “Look, Prime Minister, this is not healthy. There should be a wider range of political views in both Houses, including our House. Can I suggest to you, that you actually put forward names representing a wider range of political view”?

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22 July 2008 Lord Jay of Ewelme

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**Lord Jay of Ewelme:** I have not yet met the Prime Minister to discuss this, and I have not yet decided what I am going to say to him. I think what I will say to him is how important it is that those who are put forward should very clearly meet the criteria and, in particular, should in the future play a really active role in the House of Lords. I think that is the crucial thing as we move toward reform.

**Q64 Kelvin Hopkins:** Paul Rowen raised this question of the whistleblower reveals secrets of honours list and the quote about “political searches” being made. Could you not actually say to the Prime Minister, “If this ever happened it should never happen again”? We should not be screening out people who are not Establishment supporters.

**Lord Jay of Ewelme:** I was not aware of that, and one thing I have learnt is not to comment on things which you hear about or see for the first time. I think I would want to look into that before giving any commitment as to how I would respond to it.

**Q65 Kelvin Hopkins:** It was *The Sunday Times*.

**Lord Jay of Ewelme:** It was some time ago and I do not always read *The Sunday Times*.

**Q66 Chairman:** One thing that comes out of Kelvin’s questioning is a proposal that has been floating around, indeed, we have made it in one form, which is that the parties would put lists of names to the Commission for their appointees, and that the Commission would make the final selection to try to get balance against the criteria that it has set. What is your feeling about that?

**Lord Jay of Ewelme:** I had not heard of that suggestion before. I had not realised that had been a proposal. It is something I would want to consider and discuss with the Commission, but it is not something I had come across before. It seemed to me it would be a very different kind of role for the Commission. I am sure that if that is what the Commission was asked to do it would do it; but it would be moving into a different sort of sphere.

**Q67 Chairman:** I should warn you that the Government has had ideas of this kind, and we have had other ideas of this kind, so they are around.

**Lord Jay of Ewelme:** I had not myself been conscious of them, and I would certainly want to think further about that and discuss it with the Commission.

**Chairman:** I hope you will. I hope you will think positively about them because it is one way of handling some of the issues that we have raised with you.

**Q68 Mr Walker:** Lord Jay, at the end of the day, you are not a social engineer, to be honest. You have a very important job to put qualified people in the House of Lords, a House that legislates and, at the end of the day, does a lot better job on occasions than the House of Commons does when it comes to scrutiny of legislation because it is a repository of experts. There are some people there who perhaps should not be there but, on the whole, they are people who have achieved in their life, and done

great things. They may have come from working-class backgrounds, but they are not there because they are working-class; they are there because they have achieved great things in their careers. I am slightly concerned, that you are talking about appointing people “on promise”; because once you are in the House of Lords you are there for life. You could say, “Mr Walker, you represent what is called a ‘safe seat’ in Hertfordshire. You are there for life, what is the difference?” The difference is that I can be deselected. If my Association think I am a lazy so-and-so they can get rid of me. I am concerned that in trying to please everyone you will start to put people in the House of Lords who, quite frankly, might be extremely nice people but are, in the words of Lord Stevenson, ill-equipped to cope with the huge responsibility that is placed on their shoulders. It is not a gentleman’s club, it is a legislating chamber.

**Lord Jay of Ewelme:** I do not disagree with that. You are right, of course we cannot be involved in social engineering, but what you do have to do, it seems to me, is to get the balance right to try to ensure that the House of Lords is seen to be broadly representative of the nation, but is also able to perform the functions which it should perform as a Second Chamber, as a revising chamber, as a debating chamber with effective committees.

**Q69 Mr Walker:** It will always be able to perform those functions, it is with what degree of ability and success it performs those functions?

**Lord Jay of Ewelme:** If you were to ask, what at the end of five years, would I hope that this Commission has achieved if I were appointed to lead it, it would be robust independence, which we discussed earlier on, and it would be the clear perception of a House of Lords which is broadly representative of the nation but is even more effective than now in doing the job it is there to do.

**Q70 Mr Walker:** Broadly representative in what sense? Broadly representative because it has everyone in there regardless of what they have achieved in their life, or based on the colour of their skin, or their sexuality, or what?

**Lord Jay of Ewelme:** This goes back to the discussions we were having earlier on. Are there groups who are not represented at the moment? Is there a sense in the country that there should be more women; there should be more ethnic minorities; there should be more faiths? These are issues which others are raising. I think the Commission has to respond to those. If people are saying, “The House of Lords has not changed; it is still just a club of middle-aged white men”, then clearly we have all failed. Exactly how far down the road towards full representation you can go, these are matters of judgment. We are only talking about comparatively small numbers of peers over the next few years. It does seem to me that the issue of the representativeness of the nation is one which should be in the minds of the Commission.

22 July 2008 Lord Jay of Ewelme

**Q71 Mr Walker:** I would love to see a bus conductor in the House of Lords, but not by dint of the fact that he or she is a bus conductor; but by dint of the fact that they have been community leaders in the inner city; that they save lives through running charities that help youngsters get into work and get off drugs. Do you see what I am saying?

**Lord Jay of Ewelme:** Absolutely.

**Q72 Mr Walker:** I do not want to see people in the House of Lords because they are good bus conductors; it should not preclude them from being in the House of Lords because they are bus conductors, but they have to have hugely succeeded in some other role?

**Lord Jay of Ewelme:** I do not disagree with that at all.

**Q73 Mr Walker:** You mentioned “promise”—people should be put there on promise. What is the definition of “promise”?

**Lord Jay of Ewelme:** I did not say they should be. I said at the moment there is a criterion which is a record of significant achievement. I think there is a question as to whether you could loosen that a little bit and if there is somebody who clearly has achieved a certain amount and shows real promise whether that is the sort of person who might be a good member of the House of Lords.

**Q74 Mr Walker:** I just do not get that. If they are achieving why not give it five years to see if they deliver?

**Lord Jay of Ewelme:** Yes, that would be another way.

**Q75 Mr Walker:** You mentioned “promise”. Nobody here mentioned “promise”.

**Lord Jay of Ewelme:** No, I did.

**Q76 Mr Walker:** Please tell us what would qualify someone on promise to go to the House of Lords?

**Lord Jay of Ewelme:** Certainly in my career and in other appointments I have been involved in there are times when you have somebody who is clearly of huge promise and you think will make a really good contribution to the organisation, whatever it is, but who may not have had a really significant level of achievement. The question I ask myself is: if such a person were to be nominated and should be interviewed, would he or she be turned down on the grounds that, though having achieved a certain amount and having a huge amount of promise, they did not at that point meet the qualification of significant achievement? It is a question I ask myself when thinking about this. It is not a proposal, but it is just a question I ask myself. It seems to me that it is an issue which we might look at.

**Q77 Mr Walker:** But a promise of what to do in the House of Lords? What promise? I am still confused. A promise, what, as a legislator, a promise as a good egg? What promise will they bring to the House of Lords because, if they do not deliver on their

promise, you have lumbered the taxpayer ultimately with someone they are going to have to subsidise for perhaps the next 40 or 50 years?

**Lord Jay of Ewelme:** Well, of course, and a crucial criterion, as I said earlier on, is that they should play an active and effective part in the House of Lords.

**Q78 Mr Walker:** But you cannot get rid of them if they do not.

**Lord Jay of Ewelme:** No, which is why it is important to make certain that there is a commitment to do so when they are appointed.

**Q79 Chairman:** Perhaps we should have asked you at the beginning, when you told us how important you thought the House of Lords was, what you thought it was for.

**Lord Jay of Ewelme:** Well, I think it is a revising Chamber. It is there to look at, to revise and, at times, to initiate legislation which goes through Parliament. It is to debate the issues of the day, it is to hold the Government to account through its committees, but I would say, more than anything else, it is a revising Chamber and its real job is as a crucial part of the Legislature.

**Q80 Chairman:** If this is so, if it is essentially a House of scrutiny, which is what you are describing, then surely what you are looking for in it is scrutiny skills. You have to match the skills to the tasks that you think the House is performing, so you may say, to pursue Charles’s argument, “Why on earth are you worried about representativeness?” Surely, that is the job of the elected House of Commons, to be representative of the people. If the task of the House of Lords is to scrutinise in detail legislation that comes in front of it, you want people with expertise, you want people with scrutiny skills. You do not want some sort of vacuous promise, do you?

**Lord Jay of Ewelme:** Well, if you take, for example, the passage through the House of Lords of the Human Fertilisation and Embryology Bill, what made that a very very remarkable set of debates, was that you had people like Baroness Warnock, one of the great ethical philosophers—

**Q81 Chairman:** She has skills, she is a philosopher. She has exactly got the sort of philosophical skills that you might need for that act of scrutiny.

**Lord Jay of Ewelme:** Exactly, and you had Lord—

**Q82 Chairman:** It was not promised that she had, but she had philosophical achievement.

**Lord Jay of Ewelme:** Of course. Of course, that is always going to be, it seems to me, the basic criterion.

**Q83 Chairman:** Well, I just think there are issues here that do involve matching a clear view of what you think the role of the House of Lords is, with the skills that are required to perform that role. If you go chasing off in a sort of politically correct way in terms of all kinds of things, I wonder if you are actually not pursuing the things that the House of

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22 July 2008 Lord Jay of Ewelme

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Lords is required to do. It could be that a second chamber is required to do other things, but, in our system, it is required to do scrutiny.

**Lord Jay of Ewelme:** It is required to do scrutiny, but it is certainly my experience of the last two years or so that it is well able to do that because of the diversity in every sense really of the people in it and, I would say, in particular, the people on the cross benches whom the House of Lords Appointments Commission is appointing. As I say, the quality of debates on that debate and the quality of the debates on the Climate Change Bill where you have people who are real experts on the subject, on the science, makes a real difference.

**Q84 Mr Prentice:** Sir Humphrey Appleby used to characterise people as being sound or not, and I just wonder if you would ever take a risk with an appointment, given what you have said to Charles and to Tony, with this agenda of promise that you have been talking about. Would you take a risk in appointing someone or would you go for someone that is sound?

**Lord Jay of Ewelme:** You need to appoint people who do meet the criteria that have been set down, who are going to make a real contribution, who have made a really significant contribution, but I just think there is a little issue as to whether there might occasionally be people who, you think, will make a really important contribution, even though they have not yet quite made the really significant contribution. To that extent, you might take a bit of a risk, and I am very conscious that Mr Walker might well not agree to that and that is clearly an issue which we need to discuss further.

**Q85 Mr Prentice:** Yes, Charles talked about the burden on your shoulders of appointing someone who might be there for 40 years effectively, until they drop. Do you think it is right in a modern Legislature that people should serve until they die?

**Lord Jay of Ewelme:** Well, the process of reform is going, I guess, to change that. That is the system we have now. What the House of Lords Appointments Commission will be doing is appointing people for the next five or 10 years or so.

**Q86 Mr Prentice:** Yes, I am just interested in your view because we do not know the shape of any legislation or whether there will be any legislation because it is all conditional, the three main political parties have got to make a commitment in their general election manifestos and then who knows what is going to happen in the next Parliament, so a lot of this is really up in the air, but we do know from the latest statement from the Government that they believe that there should continue to be no maximum age limit. Now, that is the Government's position, but in our sister democracy in Canada of first past the post, a wholly appointed second Chamber, they have age limits and their Canadian senators stand down when they reach 75, I think it is. I just want your view really on whether you think that is a good thing.

**Lord Jay of Ewelme:** I think there are different models.

**Mr Prentice:** It is okay, I am not talking about you! He gets very upset when I talk about age limits!

**Q87 Paul Flynn:** Seventy-five is the prime of life!

**Lord Jay of Ewelme:** I think there are different models of different legislatures.

**Q88 Mr Prentice:** The final question from me is that I see in the candidate profile that you have satisfied that you show absolute personal and professional integrity, and I do not doubt that and none of us doubts that. We were all sent a copy of Craig Murray's book *Murder in Samarkand*, I think it would have been, a couple of years ago. Should we regard that as a work of fiction or fact or something in between?

**Lord Jay of Ewelme:** I think probably a work of faction.

**Mr Prentice:** The Chairman will not allow me to go any further than that.

**Chairman:** No, I was just reflecting on the fact that you were not Head of the Diplomatic Service for nothing, as you have been giving us some very diplomatic answers.

**Q89 Kelvin Hopkins:** Following Gordon's question about time limits, what those of us who are concerned about the House of Lords are most concerned about is the power of patronage, particularly of the Prime Minister. With time limits, the patronage would become surely even worse, because the person who was appointed, if they wanted to be re-appointed especially, would then know they have to behave themselves according to the Prime Minister's wishes, and it would make the power of patronage even worse. At least when they are appointed now, for life without limit, they are free to express their views, even if they are regarded as friends of the Prime Minister, a safe pair of hands and sound, new Labour or whatever. They are at least free to express their views. That is one question and the second associated question with patronage is that the one group of people in the House of Lords who did not suffer from patronage were actually the hereditaries and I know that some people on the Left in the Commons have actually said, "Well, they are genuinely independent-minded" because, by a process of automaticity, they have become members of the House of Lords, they are usually wealthy and completely independent and they are genuinely independent people, whereas the others are creatures of the Prime Minister.

**Lord Jay of Ewelme:** Well, on the second point, I think it is one of the wonders of our Constitution at the moment that the only people in the House of Lords who are remotely elected are hereditary peers.

**Q90 Kelvin Hopkins:** Under the previous system.

**Lord Jay of Ewelme:** Yes. On the first point, as I understand the Government's reform proposals, the appointments would be for one term, so the question of behaving in such a way as to get reappointed

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22 July 2008 Lord Jay of Ewelme

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would not arise. But I do think that the maintenance of a sense of independence is a very important part of the House of Lords.

**Q91 Paul Flynn:** I feel I have to come back, having a rather different experience of life from Charles, having worked as a bus conductor for a number of years and married a woman who was a waitress. I can think of many colleagues of both my wife and myself, when I was a bus conductor, who would be splendid members of the House of Lords. One of the inhibitions is that people do not see anyone with that kind of background in the House of Lords already, so they would be very inhibited to nominate themselves. Do you not think your Commission should be giving a lead on this, and appointing people from backgrounds that would startle Charles?

**Lord Jay of Ewelme:** I think it should be encouraging people to apply from a broad range of backgrounds and skills, which is why we were talking earlier on about the need to try to enlarge the pool, but bearing in mind all the time that we are talking about quite a small number of appointments, but yes, I do.

**Q92 Mr Prentice:** This is positively my last question, or at least I think it is my last question. When people are rejected, turned down, should they be told why?

**Lord Jay of Ewelme:** I think that is a really difficult issue actually. Clearly, one would want the Appointments Commission to operate best practice about how you appoint, the time limit, when you are going to hear about the next stage, when you hear about the final stage and what you are told afterwards, so, in theory, yes. Is that practical in this instance? I do not know because, in a sense, what you are saying to somebody is, "You've got fantastic qualifications and expertise, but, by comparison with somebody else coming up right now, it doesn't look quite right". That is a slightly trickier message to send back to somebody, particularly if you are maybe going, as it were, to stay on the books for a bit. So I think the whole question of feedback afterwards is something which the new Commission would want to look at and I think it is a really important issue.

**Q93 Chairman:** In some respects, the House of Lords is already more representative than the House of Commons.

**Lord Jay of Ewelme:** Yes.

**Q94 Chairman:** I suspect that some of the questions you have had bowled at you really should be asked of ourselves; we are not overflowing with hairdressers and bus conductors here either. Can I ask just one more practical thing of you. You have mentioned several times the notion of people playing, what you call, an "active part" in the Lords, and the job of the Commission is to put people on it. What do you think "active part" means?

**Lord Jay of Ewelme:** I think it means taking part in debates, taking part on a reasonably regular basis in questions, it means being willing to sit on committees, it means taking a role in all-party

groups, it means being present at the party groups, the cross-benchers' weekly meeting and other party group weekly meetings and making a contribution. It means seeing the House of Lords as an important, though not the only, aspect of your working life.

**Q95 Chairman:** And how much in time terms would that involve, do you think, on a weekly basis?

**Lord Jay of Ewelme:** It is hard to say. I think it would be a couple of days a week, two or three or days a week, but I think that is rather hard to say. Some people will play a very, very important role by pursuing a particular interest when a bill is going through or a particular committee, which means they might not be terribly visible, but are playing a really important role. This will vary.

**Q96 Chairman:** I am interested that you are saying that you think that someone has to devote two or three days a week to this enterprise to be serious.

**Lord Jay of Ewelme:** No, I would not. As I say, I do not think you can quantify it quite like that.

**Q97 Chairman:** Well, you did say, when I asked you—

**Lord Jay of Ewelme:** To be honest, I said that because that is what I do. It is about, I would think, two days a week or thereabouts and I think I maintain that.

**Q98 Chairman:** It is a pretty fundamental question because people are applying for this thing and they want to know what the deal is, "What am I signing up for?" You interview them and you say, "Are you going to be an active member?" and they will say, "Well, what does being an active member mean?"

**Lord Jay of Ewelme:** I and, I am sure, the other members of the Commission, who are members of the House of Lords, would want to give their own views on this, but, as I say, it is taking an active part in the activities of the House of Lords. That will be spread out over time, but it means being seen to be there and people do not sort of say, "Well, where is he?" or "Where is she?" It is playing, I would think, a couple of days a week.

**Mr Walker:** Perhaps you could send them a tape of this session, because that would give them a good idea of what was required.

**Q99 Chairman:** It turns out of course that you have no follow-up because, if someone does not show up at all, there is nothing at all you can do about it and, if someone simply applied because they wanted to be called a lord and the answer to the question, "Will you play an active part?" was "Yes, of course I'll play an active part" and then did not, there is nothing you can do about it.

**Lord Jay of Ewelme:** That is why again, I think you need to go upstream a little bit and look at the criteria and say whether there should be a commitment to do more, whether there should be some sort of mentoring to encourage people, and make it a little bit more of a commitment. If

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22 July 2008 Lord Jay of Ewelme

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somebody says that they are going to and then simply does not, as you say, there is no obvious sanction.

**Q100 Chairman:** Well, I think we have had a good session with you. I think we have enjoyed it and I think we have asked the kinds of things that you would expect to be asked, and we shall report instantly on our deliberations. It is very kind of you to come and attend upon us this morning, and we wish you well in this appointment that you have been nominated to.

**Lord Jay of Ewelme:** Well, thank you very much, Chairman. I should say that I spent four and a half years as Permanent Secretary in the Foreign Office

waiting for the call from this Committee and it never came, so I am delighted that it has done, even though in a rather unexpected way.

**Q101 Chairman:** Should your appointment be confirmed, then, I suspect, you may see us again!

**Lord Jay of Ewelme:** Well, I would genuinely welcome that. I would not expect it always to be comfortable, but I do genuinely believe that parliamentary accountability, particularly to a job that is really important to Parliament matters, and that is why I said at the beginning that I believe that this sort of hearing before this Committee is a very important part of our democracy.

**Chairman:** Thank you for saying that and thank you again for coming.

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