

POLITICAL PARTIES, ELECTIONS AND
REFERENDUMS ACT 2010



THE SPEAKER'S COMMITTEE

FIRST REPORT 2010

**Appointment of nominated Commissioners to the
Electoral Commission**

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paragraph 1(1) of Schedule 2 of the Political Parties,
Elections and Referendums Act 2000*

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The Speaker's Committee

The Speaker's Committee is appointed in accordance with the provisions of section 2 of the Political Parties, Elections and Referendums Act 2000 to perform the functions conferred on it by that Act.

Current membership

Rt Hon John Bercow MP, *Speaker of the House of Commons* (Chair)
Mr Graham Allen MP, *Chair of the Political and Constitutional Reform Committee*
Rt Hon Sir Gerald Kaufman MP
Rt Hon Kenneth Clarke MP, *Secretary of State for Justice and Lord Chancellor*
Mr Gary Streeter MP

Previous Reports

Second Report 2005, was published in July 2005 as House of Commons Paper No. 435 of Session 2005–06.

Third Report 2005 was published in December 2005 as House of Commons Paper No. 783 of Session 2005–06.

First Report 2006, was published in August 2006 as House of Commons Paper No. 1581 of Session 2006–07.

First Report 2007, was published in August 2007 as House of Commons Paper No. 996 of Session 2006–07.

Second Report 2007, was published in August 2007 as House of Commons Paper No. 997 of Session 2006–07.

Third Report 2007, was published in February 2008 as House of Commons Paper No. 288 of Session 2007–08.

First Report 2008, was published in July 2008 as House of Commons Paper No. 961 of Session 2007–08.

Second Report 2008, was published in December 2008 as House of Commons Paper No. 109 of Session 2008–09.

First Report 2009, was published in April 2009 as House of Commons Paper No. 385 of Session 2008–09.

Second Report 2009 was published in December 2009 as House of Commons Paper No. 137 of Session 2009–10.

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Contacts

The Secretary of the Speaker's Committee is Elizabeth Hunt. Correspondence should be addressed to:

The Secretary of the Speaker's Committee
Journal Office
House of Commons
London SW1A 0AA

Email: speakerscommittee@parliament.uk

Telephone inquiries: 020 7219 3351

Fax: 020 7219 2269

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Speaker's Committee First Report 2010

1 Introduction

1. The Electoral Commission was created by the Political Parties, Elections and Referendums Act (PPERA) 2000. Its aim is “integrity and public confidence in the UK’s democratic process”.¹ It regulates party and election finance and works with others to secure well-run elections, referendums and electoral registration. It is strictly impartial.

2. The strict impartiality of the Commission originally encompassed all members of the Commission. Section 3 of the PERA provided that a person could not be appointed as an Electoral Commissioner if he or she had been a member or an officer or employee of a registered party, had been registered as a donor, or had held an elective office such as councillor, MP or MEP within the last ten years. Reviews of the Commission carried out between 2005 and 2008, however, determined that its effectiveness was diminished by the statutory exclusion from membership of anyone with recent political experience. The Committee on Standards in Public Life and the Constitutional Affairs Committee both recommended that a minority of commissioners should have practical experience from across the political spectrum.² The Speaker’s Committee supported this recommendation.³

3. Section 5 of the Political Parties and Elections (PPE) Act 2009 restructured the Electoral Commission in order to give effect to these recommendations. It provides that four of the Electoral Commissioners should be persons put forward by the registered leader of a qualifying party for consideration for appointment. The Act describes these Commissioners as “nominated Commissioners”.⁴

4. Three of the nominated Commissioners shall be put forward by the registered leader of one of the three largest nominating parties. No two or more nominated Commissioners may be drawn from the same party, and a nominated Commissioner may not be chairman of the Commission. The overall number of Electoral Commissioners was increased by the 2009 Act to nine or ten.⁵

The role of the Speaker’s Committee in the appointment of Electoral Commissioners

5. Parliament established the Electoral Commission as a body independent of Government. The Chairman of the Electoral Commission and the other Electoral Commissioners are appointed by Her Majesty the Queen, following an Address from the House of Commons. Since 2009 the Speaker’s Committee has been responsible for the

¹ Electoral Commission Corporate Plan 2010-11 to 2014-15, HC 465 Session 2009–10 page 9

² Committee on Standards in Public Life, Eleventh Report, *Review of the Electoral Commission*, Cm 7006 Recommendation 29; Constitutional Affairs Committee, First Report 2006–07, *Party Funding* HC 163–1 paragraph 64.

³ Speaker’s Committee, Third Report 2009–10, *Work of the Committee in 2009* HC 205 paragraph 9

⁴ A qualifying party is a party with two or more Members of the House of Commons at the time of the person’s appointment.

⁵s1(3) of the 2000 Act as amended by S6 of the Political Parties and Elections Act 2009

establishment and oversight of a procedure for the selection of prospective Electoral Commissioners and the Commission chairman. The consent of the Speaker and consultation with the registered leaders of certain registered political parties are also required before a motion for an Address may be presented to the House.⁶

2 The selection process

6. The parties eligible to make nominations under the terms of the PPE Act 2009 were:

- the Conservative party;
- the Co-operative party;
- the Democratic Unionist Party;
- the Labour party;
- the Liberal Democrats;
- Plaid Cymru;
- the Scottish National Party; and
- the Social Democratic and Labour Party.

7. Nominations were received by the Speaker from: the Conservative party; the Democratic Unionist party; the Labour party; the Liberal Democrats and the Scottish National Party. The Social Democratic and Labour Party and Plaid Cymru supported the nomination put forward by the Scottish National Party.

8. In December 2009 the Speaker's Committee asked the Speaker to appoint a Panel to recommend four persons to go forward to the statutory consultation stages of the appointment process for nominated Electoral Commissioners. The Panel members were:

- Dame Denise Platt, DBE, Member of the Committee on Standards in Public Life (Chair of the Panel)
- Rt. Hon. Sir Alan Beith MP, Member of the Speaker's Committee
- Gary Streeter MP, Member of the Speaker's Committee
- Rt. Hon. Sir Gerald Kaufman MP, Member of the Speaker's Committee; and
- Jenny Watson, Chairman of the Electoral Commission.

9. Sir Alan Beith withdrew from the Panel before it commenced its deliberations, owing to the pressure of other commitments. The remaining Panel members met twice, on 28 January and 25 February 2010. The Panel's written report and recommendations was made to the Speaker by the chair of the Panel on 25 February.

⁶ s4(2) of the Political Parties and Elections Act 2009

3 The candidates

10. In the opinion of the panel, all those nominated met the minimum requirements for appointment as a nominated Commissioner. The panel's recommendations were therefore founded on its assessment of the extent to which each person nominated met the desirable requirements and on the instruction given to it to have regard to the overall composition of the Commission's Board, bearing in mind the need for the Commission to reflect so far as possible the diversity of the United Kingdom and its regions.

11. In accordance with the legislation, the panel was invited to recommend one person from among those put forward by the leaders of each of the three main parties, and one from among those put forward by the leaders of all the smaller parties, giving a total of four recommendations.

12. Following the conclusion of the Panel's work one of the recommended candidates, Baroness Gale, withdrew her candidacy. When the Speaker's Committee met to consider the panel's report, therefore, it agreed to put forward the remaining three candidates on the panel's shortlist together with Roy Kennedy (now Lord Kennedy of Southwark), a second candidate nominated by the Labour Party, who had also been found by the panel to meet the requirements for the post.

13. The Committee is satisfied that the selection process was rigorous and was conducted with all due regard to the requirements of thoroughness, fairness and propriety. The Committee is grateful to Dame Denise Platt and her fellow Panel members.

4 Consultation with the parties

14. In accordance with statute, the Speaker consulted the party leaders on the four candidates whom the Committee had agreed should be put forward. These candidates were:

- Baroness Browning, nominated by the Conservative party, who was the MP for Tiverton and Honiton until the 2010 General Election;
- David Howarth, nominated by the Liberal Democrats, who was the MP for Cambridge until the 2010 General Election;
- Lord Kennedy of Southwark, nominated by the Labour party, who was the party's Director of Finance and Compliance; and
- Rt. Hon. George Reid PC, nominated by the Scottish National Party, who was the MP for Clackmannan from 1974–1979 and Presiding Officer of the Scottish Parliament (non-party) from 2003–2007.

15. With one exception, the responses received to the consultations were content with the proposed nominations. The Scottish National Party expressed concern about the proposal to put forward one of the candidates, Lord Kennedy of Southwark. The Committee, having fulfilled the requirements placed upon it by the statute, takes the view that it would not be

appropriate to withhold the nominations from the consideration of the House. The Committee commends the appointments to the House.

5 Terms and conditions of the appointments

16. The posts of nominated Commissioner are discharged on a part-time basis, with a typical time commitment of three days per month. The Committee is recommending that the now standard term of four years be applied to these appointments, with the exception of the nominated Commissioner representing the smaller parties, who we suggest should be appointed for a term of two years. This shorter period of appointment will provide an opportunity for rotation between the parties, should that be desired. Like all the nominated Commissioners, the Commissioner representing the smaller parties will be eligible for reappointment at the end of a first term, subject to a positive recommendation from the Speaker's Committee and the approval of the House.

17. Under the terms of the Political Parties and Elections Act 2009 nominated Commissioners are not eligible for the Chairmanship of the Commission. The rate of remuneration for the nominated Commissioners, like other Commissioners, will be determined according to the Order of the House of 13 July 2004.⁷ A description of the duties and responsibilities of the nominated Commissioners is included at Appendix A. The biographical details of each candidate are included at Appendices B to E. The responses of party leaders to the statutory consultations are included at Annex F.

⁷ HC Deb vol 423 cc1379–1380. The order provides that the sum is updated annually by the percentage by which the salary of a High Court judge having effect on that 1st April has increased compared to that having effect on the previous 1st April. The salary is currently £359 per relevant day, or £180 per half day. There was no increase in 2010–11

Appendix A: Duties and responsibilities of Commissioners

The Electoral Commission—Commissioner

Electoral Commissioners are responsible for:

- Setting the overall strategic direction of the Commission and ensuring delivery of its strategic goals within the statutory framework and with the resources determined by Parliament to ensure public confidence in democracy.
- Determining the process of regulation and how it is carried out within the Commission's remit. This may include deciding the appropriate response to significant breaches of the regulatory framework for political parties and candidates.
- Setting the Commission's regulatory priorities and monitoring its regulatory activity in the areas of both party and election finance and electoral administration. This includes oversight of the publication of statutory election reports.
- Ensuring efficient and effective use of public funds and that the Commission operates within the limits of its statutory authority to high standards of governance.
- Serving as a member of the Commission's Remuneration Committee and, if required, such other committees as may be established from time to time. Commissioners are also responsible for the appointment of a Chief Executive and for reviewing his or her performance.
- Participating in stakeholder relations and public affairs activities from time to time.
- Performing any other roles or functions which the Commission asks them to discharge personally.

Appendix B: Biographical details of Baroness Browning

Angela Browning has considerable experience of the regulatory framework with specific regard to political parties, candidates and elections. She held the position of Shadow Leader of the House from 2000–2001 and, as such, sat on the Speaker's Committee which has direct responsibility for the Electoral Commission. Angela has also served as Deputy Chairman of the Conservative Party (2005–2007) with overall responsibility for organisation and campaigning. This role included oversight of election finance and electoral administration, including reviewing the financial and resource plans associated with a political party at both the national and local levels. Therefore, Angela has considerable experience of the regulatory framework, and the demands and challenges associated with elections, political parties and candidates, from both the Parliamentary and political party perspective; and she has extensive knowledge of the functions and responsibilities of the Electoral Commission.

Angela has a background in management consultancy, specialising in corporate communication training; and has considerable expertise in both the management and organisational structures of complex organisations, corporate governance and a proven track record in setting the overall strategic direction of such organisations.

Personal:

School:

Westwood Grammar School

Further Education: Reading College of Technology

Bournemouth College of Technology

Non-Political Career:

Teacher home economics, adult education 1968–74

Auxiliary nurse 1976–77

Self-employed consultant, manufacturing industry 1977–85

Management consultant 1985–94

Director Small Business Bureau 1985–94

Chair Women into Business 1988–92

Member Department of Employment Advisory Committee for Women's Employment 1989–92

Political:

Member of Parliament for Tiverton 1992–97; for Tiverton and Honiton 1997–2010

PPS to Michael Forsyth as Minister of State, Department of Employment 1993–94

Parliamentary Secretary, Ministry of Agriculture, Fisheries and Food 1994–97

Opposition Spokesperson on Education and Employment 1997–98

Member Shadow Cabinet 1999–2001:

— Shadow Secretary of State for Trade and Industry 1999–2000

— Shadow Leader of the House and Constitutional Affairs 2000–01, sat on Speaker's Committee overseeing the Electoral Commission

House of Commons Select Committees include:

— Agriculture 1992–93

— Modernisation of the House of Commons 2000–01

— Public Accounts 2004–06; 2007–present

— Standards and Privileges 2004–06

Vice-Chair of the All Party Parliamentary Carers Group 2005–2010

Conservative Party posts include Vice-Chairman 2001–05

Deputy Chairman 2005–07 (responsible for organisation and campaigning 2005–07)

Now a Member of the House of Lords.

Other organisations:

Government Co-chairman, Women's National Commission 1995–97

Former Honorary member of the Institute of Consumer Sciences

Honorary Associate, British Veterinary Association (to 2009)

Vice-Chairman, National Autistic Society

National Vice-President, Alzheimer's Disease Society 1997–present

Vice-President, Institute of Sales and Marketing Management 1997–present

Patron to Research Autism

Patron to The Bournemouth and Poole College Foundation

Miscellaneous:

Active campaigner for special needs education, mental health and rights for the disabled.

Appendix C: Biographical details of David Howarth

Currently:

University Reader in Private Law, University of Cambridge

Fellow, Clare College, Cambridge

Associate Fellow, Centre for Science and Policy, Judge Business School, University of Cambridge

Outline Career History (Public Life):

2005–2010: Member of Parliament for Cambridge

2009–2010: Member of the select committee on the reform of the House of Commons

2008–2010: Liberal Democrat Shadow Secretary of State for Justice

2008: Liberal Democrat Shadow Solicitor-General

2006–2008: Liberal Democrat Shadow Minister for Energy

2005–2008: Member of the Constitutional Affairs/ Justice Select Committee

2005–2007: Member of the Environmental Audit Select Committee

2008–2010: Co-Chair of the All-Party Parliamentary University Group

1992, 2001 and 2005: Parliamentary Candidate for Cambridge

1997: Parliamentary Candidate for Peterborough

2000–2003: Leader, Cambridge City Council

1990–2003: Leader of Liberal Democrat Group, Cambridge City Council

1990–2000: Member of Liberal Democrat Federal Policy Committee and member of the Council of European Liberal Democrat and Reform Parties

1987–2004: Cambridge City Councillor for Castle Ward, Cambridge (elected 1987, 1991, 1995, 1999 and 2003)

1986: City Council Candidate, King's Hedges Ward, Cambridge

1986–2010: Executive Member, Cambridge Liberal Party/ Cambridge Liberal Democrats

Outline Career History (Non-public life):

1992–2005: University Lecturer, Department of Land Economy, University of Cambridge, teaching member of Faculty of Law, University of Cambridge, and Fellow of Clare College, Cambridge

2001: Visiting Professor, Washburn Law School, Kansas

2000–2001: Chair, Board of Scrutiny, University of Cambridge

1995: Butterworth's Prize (for new legal textbook)

1987–1992: University Assistant Lecturer, Department of Land Economy, University of Cambridge, teaching member of Faculty of Law, University of Cambridge and Fellow of Clare College, Cambridge

1985–1987: William Senior Research Fellow in Comparative Law, Clare College, Cambridge

1985: Council of Europe Research Fellow

1984–1985: Acting Instructor, Yale College

1981–1983: Paul Mellon Fellow, Yale University

Other:

2010: Trustee, Collections Trust

2010: Honorary Councillor, Cambridge City Council

Education:

BA/MA (Cantab) (1st Class Hons, George Long Prize in Jurisprudence)

MA and MPhil (Yale)

LLM (Yale Law School)

Appendix D: Biographical details of Lord Kennedy of Southwark

Profile

- A strategic and dynamic senior manager with decision-making ability and an in-depth experience and understanding of working within a political environment.
- An accomplished manager who has worked within the political arena for the last twenty-three years, both as an elected representative and member of Labour Party staff.
- Possesses a high degree of specialist knowledge regarding the workings of Central, Local, Devolved and European Government developed through direct work experience, as well as a comprehensive knowledge of electoral & political regulation and legislation.
- Experience of working with senior executives, elected representatives, stakeholders, and volunteers as a manager and member of many different national boards and committees.
- Excellent written and verbal communication skills with proven ability to forward plan and successfully deliver for a fast-moving membership based organisation.

Professional experience

Member of the House of Lords from 28 June 2010

Director of Finance and Compliance, The Labour Party, January 2006 to date¹

Regional Director, The Labour Party, July 1998-December 2005
Covered East Midlands, South East and West Midlands regions

Regional Officer, The Labour Party, East Midlands, January 1994-July 1998

Regional Organiser, The Labour Party, July 1990-January 1994
Covered Coventry and Gravesend

Retail assistant & manager, clothing store, South London, January 1984-July 1990

Vocational experience

Justice of the Peace, appointed in 1999 no longer sitting due to work commitments

School Governor, currently and at various times over the last twenty-five years

Former Chair and current trustee, Labour Party Superannuation Society, 1995 to date

Company Director, Labour Party Properties Limited, 2006 to date

Company Director, Labour Party Nominees Limited, 2006 to date

¹ I have made arrangements to leave the employment of the Labour Party on Thursday 30 September 2010.

Member of the Lionel Cooke Memorial Fund Trust Limited, 2009 to date

Associate member of the Association of Electoral Administrators, 2006 to date

Member of HS Chapman Society, 2006 to date

Councillor, London Borough of Southwark, 1986-1994

Deputy Leader and Chair of Highways Committee, London Borough of Southwark, 1988-1991

Honorary Alderman, London Borough of Southwark, appointed in June 2007

European Parliamentary Candidate, June 2009

Annex E: Biographical details of George Reid

George Reid retired as Presiding Officer of the Scottish Parliament in May 2007 after eight years as an MSP.

In the 1970s he was twice elected as an MP. During this period he was also a member of the Assemblies of the Council of Europe and the Western European Union.

Between his time at Westminster and Holyrood, he was Director of Public Affairs of the International Red Cross and Red Crescent in Geneva, working in wars and disasters around the world. He continues to advise a number of agencies on democratic development in conflict areas.

Upon his return to Scotland, the Government appointed him as a member of the Steering Group for the Scottish Parliament. He continues his interest in constitutional and electoral matters as a visiting professor at Glasgow and Stirling Universities. In 2008–9 he chaired the strategic review of governance in the Northern Ireland Assembly and has recently completed work as Vice-Chair of the Carnegie Commission on Civil Society.

George Reid was elected as MP and MSP for the Scottish National Party. Following his election as Presiding Officer in 2003 he was required to give up all party allegiance, a position which he maintains today.

Mr Reid was appointed to the Privy Council in 2004. He has five honorary doctorates from Scottish universities. He was named Scottish Politician of the Year in both 2003 and 2005.

Appendix F: Responses to statutory consultations with the party leaders

(a) From Rt. Hon. David Cameron MP, leader of the Conservative Party

Thank you for your letter of 5th March, regarding the Party nominees as Commissioners on the Board of the Electoral Commission, as provided for in the Political Parties and Elections Act 2009.

I am content for a motion to be made in the House of Commons to the effect that an Address be presented to Her Majesty the Queen seeking the appointment of the four persons named in the your letter as Electoral Commissioners for the standard term of four years.

I have also noted and am content with the proposal by the panel that reviewed the nominations and the Speaker's Committee that the Electoral Commissioner put forward by the smaller parties hold office for a two-year term, rather than the standard term of four years.

11th March 2010

(b) From Rt. Hon. Alex Salmond MP, leader of the Scottish National Party

Many thanks for your letter of 5th March 2010 updating me on the progress in appointment of nominated Electoral Commissioners as provided for in the Political Parties and Elections Act 2009.

It is excellent news that the appointment panel have had the opportunity to consider a wide range of candidates and that their unanimous recommendation for the four nominees includes George Reid.

I acknowledge that you intend to agree to a motion being made in the House of Commons that all four be appointed as nominated Electoral Commissioners and that PPERA 2000 requires you to consult with me as leader of the Scottish National Party in this regard.

Thank you for the consideration of the panel and the Speakers Committee that the fourth party-nominated post should be a two year term, with the possibility of reappointment. In the absence of discussions and agreement between nominating parties on the merits of a fixed two or four year post, the outcome of

a policy that provides for rotation, but would not require it, seems eminently sensible.

12 March 2010

(c) From Rt. Hon. Nick Clegg MP, leader of the Liberal Democrats

Thank you very much for your letter of 5 March regarding the Speaker's Committee's decisions on nominees for the Electoral Commission.

I'm pleased to note that the Committee has accepted David Howarth's nomination as an Electoral Commissioner and am, of course, happy to support that decision.

I also note the recommendations of the Speaker's Committee and the panel which reviewed nominations on the representation of smaller parties. The Liberal Democrats are happy to accept your view on this matter.

23 March 2010

(d) From Angus Robertson MP, Scottish National Party

Alex Salmond has asked me to respond to your letter of 31 March 2010 and on behalf of the Scottish National Party to raise concern about the proposal to recommend the appointment of Roy Kennedy.

As you will be aware, and as the appointed panel no doubt considered, Mr Kennedy was Director of Finance and Compliance for the Labour Party at the time of the David Abrahams scandal. In this matter, the Electoral Commission concluded that there was evidence that an offence may have been committed [Electoral Commission press release, 7 May 2009] and referred the matter to the police. The CPS did, of course, conclude that the donation reports in question incorrectly identified the donor but there was insufficient evidence to charge anyone with any offences. Given the identified failures in compliance, I would be concerned about the subsequent impact to public confidence in the democratic process and integrity of the Commission if Mr Kennedy were to be appointed as Commissioner.

Further, given that Mr Kennedy is intent on continuing in his Labour Party role until the appointment is made, this opens up a risk if further compliance issues affecting the Labour Party were to arise during the period while he is a nominee. I would obviously be keen to know what, if any, system is in place for recall, or re-interview, if Mr Kennedy were to in any way be implicated in any other party funding issues over the coming months.

As previously intimated in Mr Salmond's response, I am content with the other three nominees.

One final observation, the work of the Commission over the next six months or so will have some focus on the lessons in terms of financial transparency and electoral administration to be learned from the forthcoming General Election. It is difficult to see how the Commission can properly undertake this task when one of its members will have played such a central role in the campaign by one of the parties.

8 April 2010

(e) From Ieuan Wyn Jones AC/AM, leader of Plaid Cymru

I refer to previous correspondence and confirm that I am content with nominations of the persons named as Electoral Commissioners in your letter dated March 5th.

21 May 2010