POLITICAL PARTIES, ELECTIONS AND REFERENDUMS ACT 2000

THE SPEAKER’S COMMITTEE
ON THE ELECTORAL COMMISSION

FOURTH REPORT 2012

Re-appointment of the Chairman of the Electoral Commission

HC 611
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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 (Chairman)
Rt Hon Nick Clegg MP, Lord President of the Council
Mr Graham Allen MP, Chairman of the Political and Constitutional Reform Committee
Rt Hon Sir Gerald Kaufman MP
Naomi Long MP
Bridget Phillipson MP
Mr Gary Streeter MP

The following Members were also members of the Committee during the Session
Rt Hon Grant Shapps MP
Mr Sam Gyimah MP

Previous Reports
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
Third Report 2009 was published in January 2010 as House of Commons Paper No. 205 of Session 2009–10
First Report 2010 was published in July 2010 as House of Commons Paper No. 320 of Session 2010–11
Second Report 2010 was published in January 2011 as House of Commons Paper No. 724 of Session 2010–11
First Report 2011 was published in March 2011 as House of Commons Paper No. 916 of Session 2010–11
Second Report 2011 was published in September 2011 as House of Commons Paper No. 1478 of Session 2010–12
Third Report 2011 was published in October 2011 as House of Commons Paper No. 1509 of Session 2010–12
Fourth Report 2011 was published in December 2011 as House of Commons Paper No. 1701 of Session 2010–12
First Report 2012 was published in March 2012 as House of Commons Paper No. 1897 of Session 2010–12
Second Report 2012 was published in March 2012 as House of Commons Paper No. 1898 of Session 2010–12
Third Report 2012 was published in June 2012 as House of Commons Paper No. 201 of Session 2012–13

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Re-appointment of the Chairman of the Electoral Commission

Introduction

1. Jenny Watson was appointed Chairman of the Electoral Commission for a four year term, beginning on 1 January 2009. This term of appointment expires on 31 December 2012.

2. 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.

3. The Speaker’s Committee on the Electoral Commission, which is appointed under section 2 of the Political Parties, Elections and Referendums Act 2000, is required by s3 of the Act, as amended by the Political Parties and Elections Act 2009, to put in place and oversee the procedure for selecting candidates for appointment to the Electoral Commission.

4. Electoral Commissioners and the chairman of the Commission may be re-appointed (or further re-appointed) under s3(5) of the Act. Under s3(5A) of the Act, the Speaker’s Committee’s duty in respect of the selection of candidates for appointment encompasses the recommendation of candidates for re-appointment.1

Consideration for re-appointment

5. While appointments to the Electoral Commission do not fall to be monitored by the Office of the Commissioner of Public Appointments (OCPA) the Speaker’s Committee seeks to act in accordance with the principles set out for appointments within the Commissioner’s remit.

6. OCPA’s code of practice for Ministerial appointments to public bodies permits re-appointments to public bodies and to statutory offices where these are made in accordance with the relevant statutes. The provisions of the Political Parties, Elections and Referendums Act 2000, as amended, concerning appointments and re-appointments to the Electoral Commission are set out above. The OCPA code also requires that any re-appointment be preceded by a satisfactory performance appraisal.2

7. The Speaker’s Committee accordingly agreed in March that Ms Watson’s performance should be assessed, to inform its further deliberations on the question of whether to recommend her re-appointment. The following sub-committee was appointed to carry out the appraisal:

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1 s3 of the 2000 Act, as amended by the Political Parties and Elections Act 2009
• Mr Gary Streeter MP (Chair);
• Rt. Hon. Sir Gerald Kaufman MP; and
• Naomi Long MP.

8. The sub-committee reported to the Speaker’s Committee in June. It recommended unanimously that Ms Watson be recommended for re-appointment. The report, which was considered by the Speaker’s Committee on 19 June, is reproduced at appendix A.

9. Having considered the sub-committee’s report the Speaker’s Committee agreed to recommend Ms Watson’s re-appointment for a second four-year term, to end on 31 December 2016.

**Statutory consultation**

10. Section 3(2)(b) of the Political Parties, Elections and Referendums Act 2000, as amended, also requires that the proposal to appoint (or re-appoint) a member of the Electoral Commission be the subject of consultation with the registered leader of each registered party to which two or more Members of the House of Commons then belong. The Speaker accordingly wrote to the leaders of the qualifying parties on 2 July 2012, providing an opportunity for comment by 25 July. The leaders who responded within the time set were content with the proposed recommendation for re-appointment. The responses received are reproduced in appendix B.

**Remuneration**

11. The House resolved on 17 December 2008 that the salary of the Chairman of the Electoral Commission for service between 1 January 2009 and 31 December 2009 should be £100,000. For subsequent years, the sum payable was to be that paid during the immediately preceding year increased by the same percentage of that sum as the percentage (if any) or total of the percentages (if more than one) used to increase the salary of a High Court Judge during that immediately preceding year.³

12. Under this mechanism the Chairman’s salary has been frozen since 2010-11 at £101,500.⁴ The same resolution provided that the post should also receive a pension calculated broadly by analogy with the pension scheme of the staff of the Commission, thereby delivering a pension based on the Principal Civil Service Pension Scheme. The Speaker’s Committee does not propose any alteration in these arrangements.

13. The Committee commends the re-appointment of Jenny Watson to the House.

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³ CJ (2008-09) 37
Appendix A: Report of the sub-committee

1. The Speaker’s Committee on the Electoral Commission agreed that it would require an appraisal of Jenny Watson’s performance as a basis for considering a recommendation for her re-appointment. Although the appointment of Electoral Commissioners does not fall within the remit of the Commissioner for Public Appointments, the Speaker’s Committee has acted in accordance with the principles set out for appointments within the Commissioner’s remit. The Code of Practice for Ministerial Appointments to Public Bodies requires that no reappointment shall be made without a satisfactory performance appraisal.  

2. In order to perform this appraisal, we interviewed:

- Mark Harper MP, Minister for Political and Constitutional Reform;
- Dr Henrietta Campbell, a former Electoral Commissioner;
- Peter Wardle, Chief Executive of the Electoral Commission;
- Max Caller CBE, a current Electoral Commissioner and Chair of the Local Government Boundary Commission for England;
- Baroness Browning, a former Electoral Commissioner;
- Mr Bryn Parry Jones, Chief Executive of Pembrokeshire County Council;
- Mr Ged Fitzgerald, Chief Executive of Liverpool City Council;
- Ms Watson herself.

In addition, the Clerk of the Sub-Committee met John Turner, Chief Executive of the Association of Election Administrators and reported back to the Sub-Committee. The Sub-Committee was also able to draw on the National Audit Office reports on the Electoral Commission made to and published by the Speaker’s Committee itself, and the Reports of the Association of Electoral Administrators on the 2010 elections and the elections and referendum in 2011.  

3. To ensure that the appraisal was thorough, the Sub-Committee agreed that individual views would not be made public. We are grateful to all those who participated in the process, who were, without exception, frank with us, and responded fully and fairly to our questions.

4. As a result of this appraisal the Sub-Committee recommends unanimously that Jenny Watson be reappointed for a further four year term.

Gary Streeter
Sir Gerald Kaufman
Naomi Long
22 May 2012


6 AEA Report, The administration of the referendums and elections across the UK in 2011, 14 July 2011; AEA post Election Report, Beyond 2010: the future of electoral administration in the UK, July 2010
Appendix B: Responses to statutory consultation with the party leaders

a) From Rt. Hon. Alex Salmond MSP, leader of the SNP

Thank you for your letter of 2 July 2012. I note your intention to agree to a motion being made in the House that Jenny Watson be re-appointed as Chair of the Electoral Commission from 1 January 2013 to 31 December 2016, and write simply to say that I am content with this proposal.

12 July 2012

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

Thank you for your letter of 2 July consulting me as leader of the Liberal Democrat party on the proposed reappointment of Jenny Watson as Chair of the Electoral Commission.

I am grateful for the thorough work carried out by the sub-committee of the Speaker’s Committee, which I know Mark Harper, the Minister for Political and Constitutional Reform, gave evidence to on behalf of the Government.

I am content that the process has been carried out on a fair and independent basis and therefore I am happy to support the proposed motion.

23 July 2012

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

Thank you for your letter of 2 July, consulting me on the re-appointment of Ms Jenny Watson as the Chairman of the Electoral Commission, as provided for in the Political Parties, Elections and Referendums Act 2000. I apologise for the lateness of this reply. For reasons unexplained, my office did not receive your original letter and were only made aware of this matter on 30 August, by which time your original deadline for reply had passed. Under these circumstances I am grateful to you and to the Speaker’s Committee for allowing me such flexibility in submitting my thoughts on this important appointment.

The Committee will be aware of the concerns expressed throughout this appointment process by the Rt. Hon. Grant Shapps MP, in his previous position as Minister for Local Government. I believe that Grant’s concerns have some merit. Indeed, I have shared with you my own belief that Commission appointments should be opened more to outside competition with the aim of appointing individuals to the Board with greater experience of the private and/or voluntary sectors.
Nevertheless, I have taken note of the appointment process that has been followed, as set out in your letter. Given the sub-committee recommended unanimously to the Speaker’s Committee that Ms Watson be recommended for re-appointment, and that the Committee has, in turn, agreed to recommend Ms Watson’s re-appointment, 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 re-appointment of Ms Watson as the Chairman of the Electoral Commission.

Following my previous correspondence with you, I would again encourage you and the Committee to consider opening future appointments to outside competition. The important work of the Electoral Commission is most effective if the Commission sustains the support and confidence of all political parties and, more importantly, the public at large. I believe more open competition and transparency in future would strengthen both the appointments process and the work of the Commission.

11 September 2012

d) From Rt. Hon. Ed Miliband MP, leader of the Labour Party

Thank you for your letter regarding the re-appointment of Jenny Watson as the Chair of the Electoral Commission.

I have no objections to the recommendations of the Committee and am happy to support the re-appointment of Jenny Watson as Chair of the Electoral Commission.

11 September 2012