

POLITICAL PARTIES, ELECTIONS AND
REFERENDUMS ACT 2000



**THE SPEAKER'S COMMITTEE
ON THE ELECTORAL
COMMISSION**

SECOND REPORT 2018

Appointment of nominated Commissioners

*Ordered by the House of Commons
to be printed 24 October 2018*

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.

Membership

[Rt Hon John Bercow MP](#), Speaker of the House of Commons (Chair)

[Rt Hon David Lidington MP](#), Minister of State (Cabinet Office)

[Mr Bernard Jenkin MP](#), Chair of the Public Administration and Constitutional Affairs Committee

[Rishi Sunak MP](#), Parliamentary Under-Secretary of State (Ministry of Housing, Communities and Local Government) (Local Government)

[Kirsty Blackman MP](#)

[Gloria De Piero MP](#)

[Andrea Jenkyns MP](#)

[Jessica Morden MP](#)

[Bridget Phillipson MP](#)

Previous Publications

First Report 2018 was published 14 March 2018 as HC 901 of Session 2017–19

First Report 2017 was published 27 February 2017 as HC 1031 of Session 2016–17

Second Report 2017 was published 6 November 2017 as HC 535 of Session 2017–19

Third Report 2017 was published 14 December 2017 as HC 688 of Session 2017–19

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1 Appointment process

Introduction

1. The Electoral Commission was established by Parliament as a body independent of Government. Both the Chair of the Electoral Commission and Electoral Commissioners themselves are appointed by Her Majesty the Queen, following an Address from the House of Commons. The Speaker's Committee on the Electoral Commission is required under section 3 of the Political Parties, Elections and Referendums Act 2000 (PPERA), as amended by the Political Parties and Elections Act 2009, to oversee the procedure for selecting candidates for appointment to the Electoral Commission. Candidates' names are put before the House of Commons with the agreement of the Speaker.

2. Section 5 of the Political Parties and Elections Act 2009, which inserted a new section 3A into PERA, provides for four of the Electoral Commissioners to be persons put forward by the registered leader of a qualifying party for consideration for appointment.¹ These Commissioners are described in the statute as "nominated Commissioners".

3. It has been the usual practice of the Speaker's Committee to recommend the appointment of Electoral Commissioners for a standard four-year term and, if re-nominated by the party leader and found appropriate by the Committee, to recommend re-appointment for a further four-year term, giving an ordinary maximum term of eight years.

4. The term of office of the following three nominated Commissioners came to an end on 30 September 2018:

- John Horam (proposed by the Leader of the Conservative Party)
- Bridget Prentice (proposed by the Leader of the Labour Party)
- David Howarth (proposed by the Leader of the Liberal Democrats, but now representing the smaller parties)²

5. The Speaker's Committee is very grateful to the outgoing Commissioners for their dedicated work for the Electoral Commission.

6. This report provides information about the procedure followed by the Speaker's Committee during the selection of candidates to replace John Horam, Bridget Prentice and David Howarth. The full procedure for appointing nominated Commissioner's is appended to this report.

The nomination and selection process

7. Since 2009 the Speaker's Committee has been responsible for the establishment and oversight of a procedure for the selection of prospective Electoral Commissioners and the

¹ A qualifying party is a party with two or more Members of the House of Commons at the time of the person's appointment.

² Mr Howarth was initially the Liberal Democrat nominated Commissioner but, following changes to party representation at Westminster after the 2015 General Election, became the de facto Commissioner nominated by the smaller parties.

Commission chairman. The consent of the Speaker and consultation with the registered leaders of each political party to which two or more members of the House of Commons belong are also required before a motion for an Address may be presented to the House.³

8. In November 2017 the Speaker wrote to the leaders of the Conservative Party, the Labour Party and of the 'smaller parties' - that is, those registered parties with two or more Members of the House of Commons - asking for their nominations to replace the outgoing nominated Commissioners.

9. The Speaker's Committee, and the panel appointed to interview the nominated candidates, were disappointed at the length of time it took for the political parties to respond to the Speaker's letter. It took nearly five months to receive all nominations. As a result, the schedule of interviews could only be arranged for an already busy period in the parliamentary timetable. It also meant that the remaining statutory stages in the appointment process could not be completed by the time the outgoing Commissioners' terms ended in September 2018.

10. In response to Mr Speaker's letter, the Leader of the Conservative Party put forward three candidates, although one candidate later withdrew from the process. The Leader of the Labour Party put forward three candidates. The smaller parties put forward six candidates between them.

11. Once the nominations had been received, Mr Speaker appointed a panel to consider the nominees, interview each nominee, and make recommendations to the Speaker's Committee on who should be appointed. The interview panel was comprised of the following:

- Dame Denise Platt (independent Chair)
- Sir John Holmes (Chair of the Electoral Commission)
- Andrea Jenkyns MP (member of the Speaker's Committee on the Electoral Commission)
- Jessica Morden MP (member of the Speaker's Committee on the Electoral Commission)

12. The panel interviewed the Labour nominated candidates on 24 May⁴, the smaller party nominated candidates on 14 June, and the Conservative nominated candidates on 25 June⁵.

13. The role specification, qualities and experiences that the panel considered the candidates against can be found in appendix B.

3 Section 3 of the Political Parties, Elections and Referendums Act 2000, as amended by section 4(2) of the Political Parties and Elections Act 2009.

4 Jessica Morden MP was unable to attend the interviews on this date. The panel was comprised of Dame Denise Platt, Sir John Holmes and Andrea Jenkyns MP.

5 Andrea Jenkyns MP was unable to attend interviews on this date. The panel was comprised of Dame Denise Platt, Sir John Holmes and Jessica Morden MP.

The recommended candidates

14. The panel's unanimous recommendation was that Lord Gilbert of Panteg should go forward as the Conservative nominated Commissioner. Lord Gilbert of Panteg is a member of the House of Lords and chairs the Communications Select Committee. He has over 30 years' experience of political service and has held a number of senior roles in the Conservative Party, including Director of Campaigning, Deputy Chairman, and Political Secretary to the Prime Minister. The panel felt Lord Gilbert would bring a fresh perspective and challenge to the Board, born out of his passion and commitments to public service.

15. The panel's unanimous recommendation was that Joan Walley should go forward as the Labour nominated Commissioner. Joan Walley is a former MP for Stoke North on Trent, and a former chair of the Environmental Audit Select Committee. The panel found that she had a good blend of political and electoral experience. Since leaving Parliament Ms Walley has also taken on several non-executive roles which has given her relevant Board experience.

16. The panel's unanimous recommendation was that Alastair Ross should go forward as the nominated Commissioner for the smaller parties. Mr Ross was a member of the Northern Ireland Assembly until 2017 and held ministerial office in the Executive Office. He chaired the Justice Committee and the Standards and Privileges Committee. He has also been a member of the Northern Ireland Policing Commission. The panel agreed that Mr Ross was an impressive candidate who met all the essential criteria for the position. The panel also felt that he would bring the perspective of being an elected representative in a different jurisdiction, as well as knowledge of political campaigning and membership of a smaller party.

17. Having considered the panel's report and recommendations, the Speaker's Committee agreed to recommend that Lord Gilbert of Panteg, Alastair Ross and Joan Walley be appointed Electoral Commissioners.

Statutory consultation

18. Section 3(2)(b) of PPERA, as amended, requires that the proposal to appoint a member of the Electoral Commission be the subject of consultation with the leaders 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 24 July 2018. No objections were received in response.

19. The Speaker's Committee is confident that Lord Gilbert of Panteg, Alastair Ross and Joan Walley, for each of whom a curriculum vitae is appended to this Report, have the experience and personal qualities to be effective members of the Electoral Commission. The Committee therefore invites the House to agree that Lord Gilbert of Panteg, Alastair Ross and Joan Walley be appointed for a term ending on 31 October 2022.

Appendix A: Procedure for the appointment of nominated Electoral Commissioners

Section 3(3) of the Political Parties, Elections and Referendums Act 2000 (PPERA) states that the period of appointment of an Electoral Commissioner requested in a humble Address shall not exceed ten years.

Section 3(5) of the Act provides that an Electoral Commissioner may be re-appointed or further re-appointed.

It has been the practice of the Speaker's Committee ordinarily to recommend the appointment of Electoral Commissioners for a standard four year term and, where requested and found appropriate, to recommend re-appointment for a further four year term, giving an ordinary maximum term of eight years. While not regulated by the Office of the Commissioner for Public Appointments, the Committee's practice falls within OCPA's guidance that appointments in the public service should not exceed ten years.

Appointments drawn from nominations by the leaders of the three largest nominating parties: Initiation

1. The Speaker writes to the leaders of the relevant Westminster parties advising of the opportunity to nominate and requesting advice as to their intentions in respect of re-nomination, or the presentation of new candidates. This letter will include the role and person specification for appointment as an Electoral Commissioner, and any further advice and guidance which may be required on (for example) the interpretation of the relevant parts of PERA.
2. The party leader will respond accordingly.

(a) If the party leader intends to present new candidates:

1. The Speaker's Committee will appoint an independent panel to manage a closed competition and make recommendations for its consideration. The panel will include:
 - An independent Chair;
 - The Chair of the Electoral Commission;
 - Two or three backbench members of the Speaker's Committee drawn from different parties
2. The party leader will submit to the Speaker the names and CVs of at least three candidates, with evidence as to each individual's suitability for appointment, for consideration by the independent panel.
3. The independent panel will interview the candidates and make recommendations to the Speaker's Committee on the merits of appointable candidates. If the panel should decide that it cannot fully recommend any of the candidates put forward by a party leader it may recommend that new nominations should be sought.

4. The Speaker's Committee will consider the panel's report and will select a candidate who may be recommended for appointment to each available post, on the basis of merit.
5. The Speaker will consult the qualifying parties on the names of successful candidates in accordance with s3(2)(b) of PPERA, as amended.
6. Subject to the outcome of the statutory consultation, the Speaker's Committee will report its recommendation to the House, together with responses received to the statutory consultation.
7. The Speaker will ask the Leader of the House to table a motion for an humble Address for the appointment of the recommended candidate(s). Such motions are normally referred to a delegated legislation committee for debate.
8. If the motion is agreed to by the House, the appointment is completed by Royal Warrant.

(b) If the party leader intends to re-nominate a serving Commissioner

1. The party leader may submit the name of the serving Commissioner alone to the Speaker.
2. The Speaker's Committee will seek such evidence as it considers appropriate, including evidence from the Chair of the Electoral Commission, relating to the Commissioner's effectiveness in post. This may include the Chair's assessment of the Commissioner's performance, measured against agreed objectives through regular appraisal, and measures such as the percentage of Commission meetings attended by the Commissioner, and complaints upheld against the Commissioner.
3. If the Committee is not satisfied as to the appropriateness of re-appointment, the Speaker will write to the party leader requesting that three new candidates be offered.
4. If the Committee is satisfied as to the appropriateness of re-appointment, it will formally agree to recommend the candidate, subject to the outcome of the statutory consultation.
5. The Speaker will consult the qualifying parties on the names of successful candidates in accordance with s3(2)(b) of PPERA, as amended.
6. Subject to the outcome of the statutory consultation, the Speaker's Committee will report its recommendation to the House, together with responses received to the statutory consultation.
7. The Speaker will ask the Leader of the House to table a motion for an humble Address for the appointment of the recommended candidate(s). Such motions are normally referred to a delegated legislation committee for debate.
8. If the motion is agreed to by the House, the appointment is completed by Royal Warrant.

Appointments drawn from nominations by the leaders of the smaller nominating parties: Initiation

1. The Speaker writes to the leaders of the relevant Westminster parties advising of the opportunity to nominate and requesting advice as to their intentions in respect of re-nomination, or the presentation of one or more new candidates. This letter will include the role and person specification for appointment as an Electoral Commissioner, and any further advice and guidance which may be required on (for example) the interpretation of the relevant parts of PPERA.
2. The party leaders will respond accordingly. Where a party leader wishes to offer one or more candidates for appointment the name, CV and evidence of suitability for appointment for each candidate should be submitted to the Speaker.

If only one nomination is received, not being the current Commissioner, or if more than one nomination is received:

1. The Speaker's Committee will appoint an independent panel to manage a closed competition and make recommendations for its consideration. The panel will include:
 - An independent Chair;
 - The Chair of the Electoral Commission;
 - Two or three backbench members of the Speaker's Committee drawn from different parties
2. The independent panel will interview the candidates and make recommendations to the Speaker's Committee on the merits of appointable candidates. If the panel should decide that it cannot fully recommend any of the candidates put forward it may recommend that new nominations should be sought.
3. The Speaker's Committee will consider the panel's report and will select a candidate who may be recommended for appointment. The decision will be made on the basis of merit. If there are two candidates of broadly equal merit, the Committee may also have regard to the desirability of rotating the post between the nominees of different party leaders.
4. The Speaker will consult the qualifying parties on the name of the successful candidate in accordance with s3(2)(b) of PPERA, as amended.
5. Subject to the outcome of the statutory consultation, the Speaker's Committee will report its recommendation to the House, together with responses received to the statutory consultation.
6. The Speaker will ask the Leader of the House to table a motion for an humble Address for the appointment of the recommended candidate(s). Such motions are normally referred to a delegated legislation committee for debate.
7. If the motion is agreed to by the House, the appointment is completed by Royal Warrant.

If only one nomination is received, being the current Commissioner:

1. The Speaker's Committee will seek such evidence as it considers appropriate, including evidence from the Chair of the Electoral Commission, relating to the Commissioner's effectiveness in post. This may include the Chair's assessment of the Commissioner's performance, measured against agreed objectives through regular appraisal, and measures such as the percentage of Commission meetings attended by the Commissioner, and complaints upheld against the Commissioner.
2. If the Committee is not satisfied as to the appropriateness of re-appointment, the Speaker will write to the party leaders requesting that new candidates be offered.
3. If the Committee is satisfied as to the appropriateness of re-appointment, it will formally agree to recommend the candidate, subject to the outcome of the statutory consultation.
4. The Speaker will consult the qualifying parties on the name of the successful candidate in accordance with s3(2)(b) of PPERA, as amended.
5. Subject to the outcome of the statutory consultation, the Speaker's Committee will report its recommendation to the House, together with responses received to the statutory consultation.
6. The Speaker will ask the Leader of the House to table a motion for an humble Address for the appointment of the recommended candidate(s). Such motions are normally referred to a delegated legislation committee for debate.
7. If the motion is agreed to by the House, the appointment is completed by Royal Warrant.

Appendix B: Duties and responsibilities of Commissioners

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.
- 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.
- From time to time, taking regulatory decisions on key issues within the Commission's remit. This may include deciding the appropriate response to significant breaches of the regulatory framework for political parties and candidates.
- 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 on the Audit or Remuneration and Human Resources Committees if required and participating in informal reference groups from time to time.
- Performing any other roles or functions which the Commission asks them to discharge personally.

Skills and Experiences

It is desirable that, in common with other Commissioners, nominees for the post of nominated Commissioner should be able to demonstrate substantial successful experience and/or understanding of:

- Contributing to the leadership and strategic direction of a complex organisation with multiple stakeholders operating in a political environment. This could include experience in a non-executive role, or as an elected member of a local authority.
- Understanding the regulatory environment, from a regulator or regulated perspective.
- Operating in an environment where decisions taken by the organisation are under constant scrutiny, from the regulated community and from the media.
- Corporate governance, including reviewing financial and other resource plans.
- Equality and diversity and an understanding of its relevance to the work of the Electoral Commission.

In addition, nominees for the post of nominated Commissioner should be able to demonstrate that they have:

- Highly-developed political understanding and awareness including the ability to work closely and productively with colleagues from other political parties.
- Excellent analytical ability and in particular the ability to think clearly about regulatory decisions from a principles based perspective.
- The ability to apply regulatory frameworks in and to a political environment.
- The ability to scrutinise and challenge from a non-executive perspective, including the ability to comment on issues involving a wide range of conflicting viewpoints.
- Knowledge of key corporate governance issues including those with particular relevance to the work of the Commission.
- Excellent interpersonal and communication skills with the ability to win the confidence of colleagues and operate as a team player.
- Complete integrity and a commitment to transparency in decision making and a knowledge of, and commitment to, the principles of public life.

Appendix C: Recommended candidates' CVs

Lord Gilbert of Panteg

Current roles

- Chair, Communications Select Committee, House of Lords, Sept 2016–present
- Member of the House of Lords, September 2015–present

Previous roles or employment

- Deputy Chairman (non-executive), Conservative Party, June 2015–March 2016
- Consultant (including to the Conservative Party), June 2015–December 2017
- Political Secretary to the Prime Minister, June 2010–June 2015
- Consultant (including to the Conservative Party), May 2003–June 2010
- Director of Campaigning and Deputy Chief Executive, Conservative Party, July 1998–May 2003
- Chief of Staff to Deputy Chairman, Conservative Party, August 1997–July 1998
- Head of Campaigning, Conservative Party, March 1993–July 1997
- Scottish Campaign Director, Scottish Conservative Party, January 1991–February 1993
- Constituency Agent, Conservative Party, June 1984–December 1990
- Bank Management Trainee, September 1981–June 1984

Alastair Ross

Current roles

- Consultant, Weber Shandwick, April 2017–present

I provide advice to clients of Weber Shandwick on how best to engage with politicians in Northern Ireland. This does not involve direct meetings with politicians.

- Public Affairs, Leonard Cheshire, June 2018–present

I assist the charity with engaging with politicians to raise awareness of the charity and the services they run throughout Northern Ireland. Any occasional meetings with Members of the Legislative Assembly relate exclusively to the work of the charity.

Previous roles and employment

- Junior Minister, Executive Office, Northern Ireland Executive, May 2016–March 2017
- Chair, Justice Committee, Northern Ireland Assembly, November 2014–April 2016
- Chair, Ad Hoc Committee on Mental Capacity Bill, May 2015–April 2016
- Chair, Standards and Privileges Committee, Northern Ireland Assembly, May 2011–November 2014
- Assembly Private Secretary, Department for Enterprise, Trade and Investment, May 2011– November 2014
- Member of the Northern Ireland Policing Board, 2009–2010; 2013–2014
- Chair, All Party Group on Rugby, November 2011–March 2017
- Member of the Legislative Assembly, Northern Ireland, 2007–2017

Education

- MA, Irish Politics, Queen’s University Belfast, 2004
- MA, Political Science, University of Dundee, 2003

Joan Walley DL

Current roles

- Honorary Chairman, Aldersgate Group, 2015–present
- Non-Executive Director, NHS Combined Healthcare Trust, 2016–present
- Director, City Learning Trust, 2015–present
- Member of College of Fellows, Keele University, 2015–present

Previous roles

- Chair, House of Commons Environmental Audit Select Committee, 2010–2015
- Member of Parliament for Stoke on Trent North, 1987–2015
- Member of the Liaison Committee, 2010–2015
- Member of the Speaker’s Panel, 2005–2010
- Shadow spokesperson (Transport), 1993–1997
- Shadow spokesperson (Environment, Food and Rural Affairs), 1989–1993

- Herne Hill ward councillor, Lambeth Council, 1982–1985
- Employment Development Officer, National Association Care and Resettlement of Offenders (NACRO), 1978–1981
- Community Development Officer, Wandsworth Borough Council, 1977–1978
- Community Development Officer, Swansea City Council, 1975–1978
- Project Officer, Alcoholics Recovery Project, 1970–1973

Education

- Honorary Doctorate in recognition of services to the regeneration of the local community and contribution to the environment, Staffordshire University, July 2007
- Diploma in Community Development, University College of Wales, 1975
- BA (Hons), Social Administration, University of Hull, 1970