

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Fourth Delegated Legislation Committee

ELECTORAL COMMISSION: APPOINTMENTS

Wednesday 13 July 2022

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Sunday 17 July 2022

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The Committee consisted of the following Members:

Chair: DEREK TWIGG

Abbott, Ms Diane (*Hackney North and Stoke Newington*) (Lab)
 † Afolami, Bim (*Hitchin and Harpenden*) (Con)
 De Cordova, Marsha (*Battersea*) (Lab)
 † Debonnaire, Thangam (*Bristol West*) (Lab)
 † Gardiner, Barry (*Brent North*) (Lab)
 † Hollern, Kate (*Blackburn*) (Lab)
 † Hollinrake, Kevin (*Thirsk and Malton*) (Con)
 † Jones, Mr David (*Clwyd West*) (Con)
 † Jones, Fay (*Brecon and Radnorshire*) (Con)
 † Jupp, Simon (*East Devon*) (Con)

† Mackrory, Cherilyn (*Truro and Falmouth*) (Con)
 Smith, Henry (*Crawley*) (Con)
 † Spencer, Mark (*Leader of the House of Commons*)
 † Syms, Sir Robert (*Poole*) (Con)
 † Tami, Mark (*Alyn and Deeside*) (Lab)
 Thomson, Richard (*Gordon*) (SNP)
 Vickers, Martin (*Cleethorpes*) (Con)

Bradley Albrow, Foeke Noppert, *Committee Clerks*

† **attended the Committee**

Fourth Delegated Legislation Committee

Wednesday 13 July 2022

[DEREK TWIGG *in the Chair*]

Electoral Commission: Appointments

9.25 am

The Leader of the House of Commons (Mark Spencer): I beg to move,

That the Committee has considered the motion, That an humble address be presented to Her Majesty, praying that Her Majesty will re-appoint Lord Gilbert of Panteg as an Electoral Commissioner with effect from 1 November 2022 for the period ending 31 October 2026; appoint Roseanna Cunningham as an Electoral Commissioner with effect from 1 October 2022 for the period ending 30 September 2026; and appoint Chris Ruane as an Electoral Commissioner with effect from 1 November 2022 for the period ending 31 October 2026.

Mr Twigg, you will see that, on page 12 of the Order Paper, the Fourth Delegated Legislation Committee is to

“consider the motion in the name of Sir Mark Spencer”.

I am delighted to have had that premonition. I thought I would draw it to the Committee’s attention.

Thangam Debbonaire (Bristol West) (Lab): I was shocked.

Mark Spencer: Not as shocked as I was, to be honest.

The Speaker’s Committee on the Electoral Commission has produced its second report of 2022 in respect of these appointments, which I am sure hon. Members read with great interest. Electoral commissioners are appointed under the Political Parties, Elections and Referendums Act 2000, as amended by the Political Parties and Elections Act 2009. Under the 2000 Act, the Speaker’s Committee has a responsibility to oversee the selection of candidates for appointment to the Electoral Commission. Any reappointments can be made only on the Committee’s recommendation.

Lord Gilbert, Roseanna Cunningham and Chris Ruane will be three of four nominated commissioners, who are persons put forward by the registered leader of a political party. The term of office for the current nominated commissioner for the Conservative party, Lord Gilbert, ends on 31 October. Following a positive appraisal of Lord Gilbert’s performance as a commissioner from the chair of the Electoral Commission, the Speaker’s Committee agreed in November 2021 to progress with his reappointment, subject to the statutory consultation with party leaders.

I will turn to the Labour and SNP nominations. The term of office for the current nominated commissioner for the Labour party, Joan Walley—a great lady—expires on 31 October. The term of office of the current nominated commissioner for the Scottish National party, Alasdair Morgan, expires on 30 September. The Speaker appointed a panel to consider the Labour and SNP nominees and make recommendations to the Speaker’s Committee on their appointability. I am grateful to the panel for its work and unanimous recommendations.

Roseanna Cunningham was a Member of the Scottish Parliament from 1999 until her retirement in 2021, and she was elected as an SNP Member of Parliament between 1995 and 2001. Overall, the panel considered that Ms Cunningham was eminently appointable and that she would bring strong political experience and effective challenge to the commission board.

Chris Ruane was the Labour Member of Parliament for the Vale of Clwyd from 1997 to 2015, and from 2017 to 2019. Before Mr Ruane’s political career, he was a deputy headteacher. The panel considered Mr Ruane a strong candidate who would bring passion, understanding and constructive challenge to the role. The Speaker’s Committee is confident that Ms Cunningham and Mr Ruane have the experience and personal qualities to be effective members of the commission.

Statute requires that the proposed appointments or reappointments to the Electoral Commission be subject to consultation with the registered leader of each party to which two or more Members of the House of Commons belong. The statutory consultation provides an opportunity for the party leaders to comment, but they are not required to do so. Mr Speaker accordingly wrote to the leaders of the qualifying parties on 1 November 2021 and on 28 April 2022. No objections or concerns were received in response to the Speaker’s consultation.

As is required under the Act, Mr Speaker has given his agreement for this motion. I hope that the appointments will have the Committee’s support, and ultimately the House’s support. I wish the appointees well in their important roles.

9.29 am

Thangam Debbonaire: It is a pleasure to serve under your authority in the Chair, Mr Twigg, and please do advise me if I stray beyond the bounds of my role. I know that the commissioners have been properly scrutinised and recruited. That is set out well in the document, which I have eagerly read. However, I note that the background to their appointment is the Government’s treatment towards commissioners as a whole, partly in the passage of the Elections Bill—now the Elections Act 2022. Also, in the run-up over the past few years, there have been numerous calls by people on the Government side to abolish the Electoral Commission. In fact, that unfortunately includes the Leader of the House’s new deputy, the hon. Member for Wellingborough (Mr Bone), who is on the record—from 2018, I think—as having called for the Electoral Commission to be abolished. The Electoral Commission and all commissioners, with the exception of the chair, who recused himself—

The Chair: Order. I interrupt to advise the hon. Member that she is straying from the matter. The debate is about the appointments, not the Electoral Commission itself.

Thangam Debbonaire: It is about the appointments. How can the Leader of the House assure the new commissioners being appointed that they will have the proper independence that they should be allowed, given the background of the Elections Act, given that Government Members, including Ministers now, undermine them, and given that the commission itself, which will include the new members being appointed as a result of today’s motion, expressed serious concern about the strategy in a policy statement laid out in statute under part 3 of the Elections Act?

Given that the existing commissioners, including one of the members now being reappointed today under this motion, expressed their concerns in their policy document, I would like the Leader of the House to answer various questions. How can he assure the new commissioners, who are being appointed today by the motion he is laying, that the Government will not interfere with their independence? Can he guarantee that there will be no further undermining of the Electoral Commission as a whole? In order for new commissioners to take up their role with enthusiasm, they at least need to know that they are part of a body that the Government does not intend to abolish. How will the Secretary of State's considerable anti-democratic powers in part 3 of the Act affect the new and existing commissioners, in particular the role of the chair, who is being reappointed under the terms of this motion?

Will the Leader of the House undertake to discuss with his colleagues, including his new deputy, the importance of the independence of the new commissioners who are being appointed by this motion? Can he further guarantee that there will be no further attempts to undermine the good work of these new commissioners, alongside their existing colleagues? I would be grateful if he answered those questions.

Mark Spencer: I am delighted to reassure the hon. Lady that the Electoral Commission is an independent regulatory body. It is actually not accountable to the

Government; it is independent of Government and only accountable to Parliament through the Speaker's Committee. Those commissioners are completely right to act independently and are encouraged to do so. The Electoral Commission is not accountable to the Government; it is accountable to Parliament.

Thangam Debbonaire: The Act does state:

"The Secretary of State may designate a statement for the purposes of this section",

and that will affect the new commissioners that he is appointing, particularly the new chair.

The Chair: Order. Again, I will have to rule on that. We are talking about the specific appointments, not the general policy.

Mark Spencer: Thank you for that guidance, Mr Twigg. We are appointing three commissioners here, who are highly skilled and experienced. They will deliver their role with true independence and I encourage them to do so. I am sure that Parliament will continue to monitor how they and the Electoral Commission perform in future, and I wish them well in their roles.

Question put and agreed to.

9.34 am

Committee rose.

