



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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Rt Hon Angela Rayner MP
Deputy Leader, Shadow Chancellor of the Duchy
of Lancaster and Shadow Secretary of
State for the Future of Work
By email

23 February 2022

Dear Angela

Write today with an update to my letter of 4 February.

I wrote to the Rt Hon Esther McVey MP to clarify the position with her speaking event with the Council for Aluminium in Building and compliance with the governments' Business Appointment Rules.

This exchange of correspondence is enclosed below, with the correspondence referring this matter to the Cabinet Office, as owner of the government's Business Appointment Rules (the Rules).

All correspondence on this matter will be published on ACOBA's website in line with our commitment to transparency.

Best wishes

The Rt Hon Lord Pickles



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The Rt Hon Steve Barclay MP
Chancellor of the Duchy of Lancaster and Minister for Cabinet Office

23 February 2022

Dear Steve

I am writing to you in my capacity as Chair of the Advisory Committee on Business Appointments (the Committee) to bring to your attention the correspondence I have exchanged with the Rt Hon Esther McVey MP, enclosed.

The Business Appointment Rules (the Rules) are set by the government, with the policy owned by the Cabinet Office. The Committee is independent, with a remit to consider applications received under those Rules, consider the risks and advise on the conditions that should apply.

Ms McVey did not seek ACOBA's advice for signing up to a speaking agency, noting that she has only carried out one speaking event. There has been press coverage suggesting Ms McVey was providing advice on lobbying in this case, though Ms McVey has, in contrast, said the speech in question concerned '*How to run a successful campaign as a backbench MP*' and that she did not discuss her ministerial role in government, nor lobbying.

ACOBA's guidance is clear that, if someone intends to enter into a longer term arrangement, including joining a speaking agency then an application is required. Not seeking advice was therefore a breach of the government's Rules here.

ACOPA's experience is that joining a speaking agency does not raise any particular concerns under the government's Business Appointment Rules, provided it is subject to a set of minimum conditions to mitigate the risks. Had Ms McVey sought advice as guidance sets out, a set of conditions would have been attached to make it clear when undertaking this work she must be careful not to offer any unfair insight influence as a result of her time in government service. This would also have been a matter of public record.

Whilst this appears to me a minor breach in the circumstances, it is the second such breach by Ms McVey. It is also another illustration that not all former ministers and Crown servants are sufficiently clear on the various standards of behaviour, rules and legislation that are incumbent on them.

It is a matter for you to decide what appropriate action to take. Given Ms McVey has explained the nature of the speaking engagement, speaking agencies raise few problems under the Rules and this is a minor infringement; I believe it would be disproportionate to take any further action in this case.

It is the Committee's policy to act transparently, including making public any failure to follow the Rules, or the Committee's advice, that it is made aware of.

Yours ever
Eric Pickles

The Rt Hon Lord Pickles

Copied to: Darren Tierney, Director general, Propriety and Ethics, Cabinet Office and Lord True CBE, Minister of State, Cabinet Office.

Annex - Correspondence between the Rt Hon Lord Pickles and the the Rt Hon Esther McVey MP



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The Rt Hon Esther McVey MP
House of Commons
London
SW1A 0AA

23 February 2022

Dear Esther

Thank you for your response to my letter as Chair of the Advisory Committee on Business Appointments (the Committee), dated 4 February, attached below.

You informed the Committee you signed up to a speaker's agency, but having only carried out one speaking engagement since leaving government you would class it as a 'one-off'.

ACOBA's guidance is clear that if you intend to enter into a longer term arrangement, including joining a speaking agency, an application for advice is required. Whilst I appreciate you only carried out one speech, that is said now with the benefit of hindsight. Not seeking advice on a longer term arrangement was therefore a breach of the government's Rules.

In ACOBA's experience, joining a speaking agency does not raise any particular concerns under the government's Business Appointment Rules - provided it is subject to a set of minimum conditions to mitigate the inherent risks. These conditions seek to prevent individuals from offering unfair insight or influence as a result of their time in government service.

It is ultimately an applicant's responsibility to manage the propriety of specific pieces of work undertaken whether as a one-off or in a longer term arrangement. You state the speech in question concerned '*How to run a successful campaign as a backbench MP*' and you did not discuss your ministerial role, nor lobbying.

At the time you joined the agency, there was an expectation under the Rules and guidance that you seek advice from ACOBA. Had you done so, this application and the conditions imposed would have been a matter of public record.

In line with the Committee's policy of transparency, correspondence on this matter will be published on our website (enclosed below); and this letter will be copied to the Cabinet Office, as the owner of the Rules. It is for the government to decide what is

appropriate, although I have recommended that no further action is necessary in this case.

Yours ever
Eric Pickles

The Rt Hon Lord Pickles

Correspondence from Esther McVey to Lord Pickles, 10 February 2022

Dear Eric,

Thank you for your letter.

Although I have signed up to a speakers agency, given that this is the only speaking engagement I have carried out since I left government I believe that this engagement would be classed as a one-off event. I should add there are no obligations on me from the speaker agency to whom I have signed up.

If you wish I am very happy to send to your committee the slides from the event - I did not speak about my DHCLG role nor was it about lobbying. I had spoken with the organisers and changed the speaking event content to 'How to run a successful campaign' as a backbench MP.

Best wishes

Esther

Correspondence from Lord Pickles to Esther McVey, 4 February 2022



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The Rt Hon Esther McVey MP
House of Commons
London
SW1A 0AA

4 February 2022

Dear Esther

I am writing to you, as Chair of the Advisory Committee on Business Appointments (ACOBA) following media interest in a speaking event¹. It was reported that your parliamentary register of interests lists a speaking event with the Council for Aluminium in Building (via a speaking agency - Speakers Corner).

ACOBA does not regard one-off activities such as speeches, broadcasts or newspaper articles as an appointment or employment requiring an application for advice under the government's Business Appointment Rules (the Rules)². ACOBA's guidance is clear that, if you intend to enter into a longer term arrangement, e.g. to join a speaking agency, plan a series of remunerated speeches or write a regular newspaper column, an application is required.

I am not certain if this speech could be considered a 'one-off' or is a longer-term arrangement. I would be grateful for clarification on this point. Please provide any other information you wish ACOBA to be aware of by Friday 11 February 2022.

In line with our policy of transparency, I will be publishing our correspondence in due course.

Yours ever
Sue

¹ <https://www.businessinsider.com/ex-housing-minister-told-trade-association-how-to-lobby-government-2022-1?r=US&IR=T>

² <https://www.gov.uk/government/publications/governments-business-appointment-rules-for-former-ministers/guidance-on-making-an-application-to-acoba-ministers>

The Rt Hon Lord Pickles