



**OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS**

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You asked for the Committee's advice about a new appointment as a Consultant at the Federation of International Polo (FIP).

The Committee's remit

As you will be aware, it is the Committee's role to advise on any conditions that should apply to appointments or employment under the Government's Business Appointments Rules for Former Ministers (the Rules), which apply to former Ministers for two years after they leave office.

The Rules seek to counter suspicion that:

- a) the decisions and statements of a serving Minister might be influenced by the hope or expectation of future employment with a particular firm or organisation; or
- b) an employer could make improper use of official information to which a former Minister has had access; or
- c) there may be cause for concern about the appointment in some other particular respect.

When the Committee considers applications it must have in mind that Government has judged that it is in the public interest that former Ministers with experience in Government should be able to move into business or into other areas of public life, and to be able to start a new career or resume a former one. It is equally important that when a former Minister takes up a particular appointment or employment, there should be no cause for any suspicion of impropriety.

Appointment details

You stated your role at the FIP is paid and part-time. Your role will be to advise on possible legislation and other Government policy developments as they affect the sport of Polo in the UK and internationally; advise on how best to ensure that the interests of the sport are taken into account by the Departments; and to help arrange for relevant Ministers and officials to receive briefings.

The FIP is the worldwide governing body of Polo and represents the national polo associations of more than 80 countries. It organises several tournaments each year, including the FIP World Polo Championship and the Super Nations Cup.

You stated that you had no involvement or contact with polo organisations during your time in Government; are not aware of a relationship between Government and the FIP; had no dealings with the organisation's competitors whilst in office; and have no knowledge or information from your time in office of any relevance to polo. In addition, you stated that the legislation of concern to Polo relates to the change in the visa requirements which were introduced in autumn 2016 and the future arrangement for visas. You confirmed that you do not intend to lobby on behalf of the sport but will advise those involved on how to best present their cases and to whom.

Permanent Secretary at DCMS, Sue Owen, was contacted about this application. DCMS confirmed it is not aware of you having any access to sensitive information about unannounced policy or sensitive information, and that it is not aware of you having worked with the Home Office on immigration policy changes specific to polo or funding decisions that would affect the FIP whilst you were in office. The Department has no concerns about this appointment.

#### The Committee's consideration

The Committee took into account that this role is within the same sector for which you had responsibility whilst you were in office, but that you confirmed you had no previous contact with the FIP or its competitors, and that you had no involvement or contact with polo organisations during your time in office. DCMS confirmed this and, although as Secretary of State you had a broad responsibility across DCMS, there is nothing to suggest your time in office benefitted the FIP (or any other polo organisation). Therefore, the Committee does not consider that the role could reasonably be perceived as a reward for your time in office.

DCMS confirmed you had no access to sensitive information or unannounced policy, nor were you involved with the Home Office in relation to immigration policy changes or funding decisions that would directly affect polo. The Committee also noted that the government policy on which you will likely be advising came into effect in Autumn 2016 and is therefore already in the public domain. Further, as you left office approximately 13 months ago, you are not privy to any information that would affect the FIP and it is likely that government policy will have moved on. These factors lessen any potential risk that the FIP, or indeed the polo associations within it, would gain an unfair advantage as a result of your time in office.

However, as you held a very senior position whilst in office, and you noted that you intend to have contact with Government going forward, it could be perceived the FIP may gain an unfair advantage from your employment, should it seek to influence policy or secure future funding from Government whilst you are in post. The Committee noted that you said you will not be lobbying Government on behalf of the sport, and that as a Member of Parliament, you will also be subject to the MPs Code of Conduct and Rules of the House, which place some restrictions on lobbying. However, the Committee would also like to draw your attention to the condition below which prevents use of contacts made in Government/Whitehall to influence Government on FIP's behalf.

Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment be subject to the following conditions:

- you should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you as a Minister;
- for two years from your last day in service, you should not become personally involved in lobbying the UK Government on behalf of the Federation for International Polo, its partners or subsidiaries, or make use, directly or indirectly, of your contacts in Government/Whitehall to influence policy or secure funding on behalf of the Federation for International Polo, its partners or subsidiaries.

By 'privileged information' we mean official information to which a Minister or Crown servant has had access as a consequence of his or her office or employment and which has not been made publicly available. Applicants are also reminded that they may be subject to other duties of confidentiality, whether under the Official Secrets Act, the Civil Service Code or otherwise.

The Business Appointment Rules explain that the restriction on lobbying means that the former Crown servant/Minister *"should not engage in communication with Government (Ministers, civil servants, including special advisers, and other relevant officials/public office holders) – wherever it takes place - with a view to influencing a Government decision, policy or contract award/grant in relation to their own interests or the interests of the organisation by which they are employed, or to whom they are contracted or with which they hold office."*

I should be grateful if you would inform us as soon as you take up employment with the Federation of International Polo, or if it is announced that you will do so, either by returning the enclosed form or by emailing the office at the above address. We shall otherwise not be able to deal with any enquiries, since we do not release information about appointments that have not been taken up or announced. This could lead to a false assumption being made about whether you had complied with the Rules and the Ministerial Code.

Please also inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application.

Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website and include the main details of the application, together with the Advisory Committee's advice, in the regularly updated consolidated list on our website and in the next annual report.

The Baroness Browning

The Right Honourable John Whittingdale OBE MP

