



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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You asked for the Committee's advice about taking up a part-time, unpaid, appointment as a voluntary board member of Irvine Housing Association's board of trustees.

The Committee noted that Irvine Housing Association (IHA) is a provider of homes and services in south west Scotland, with 2,200 properties. As well as providing properties for rent and shared ownership, it supports its customers with employment, financial and affordable warmth advice.

It noted that the appointment is unlikely to include any contact or dealings with the Scottish Government and that the level of contact you had with IHA while in office was the same as with any social landlord in Scotland. That is to say, you had no direct ministerial contact with them other than opening new housing developments.

The Committee further noted that the Scottish Government's housing policy, for which you were responsible, affected every social landlord in Scotland equally and accrued no specific benefit to IHA. Like all social landlords in Scotland, IHA is eligible for Scottish Government development funds. However, the level of Government funding for housebuilding per local authority is determined by a formula agreed with the Convention of Scottish Local Authorities (COSLA) and the disbursement of funding in local areas is dependent on the local housing strategies, which are determined by local authorities and not directly between the Scottish Government and housing associations.

Taking into account all of the circumstances, the Committee sees no reason why you should not take up this appointment, subject to the following conditions:

- That you should not draw on (disclose or use for the benefit of yourself or the organisation to which this advice refers) any privileged information available to you from your time in ministerial office; and

- For two years from your last day in ministerial office you should not become personally involved in lobbying the Scottish Government on behalf of IHA or its clients; or make use, directly or indirectly, of your contacts in the Scottish Government to influence policy or secure funding on behalf of IHA.

By 'privileged information' we mean official information to which a Minister 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.

It might be helpful if I add that the Business Appointment Rules explain that the restriction on lobbying means that former Ministers "should not engage in communication with Government – including Ministers, special advisers and officials – with a view to influencing a Government decision or policy [including applications for awards or grants] in relation to their own interests, or the interests of the organisation by which they are employed, or to whom they are contracted".

I should be grateful if you would inform us as soon as you take up this appointment, 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 which have not been taken up or announced. This could lead to a false assumption being made about whether you had complied with the Scottish Ministerial Code. Similarly, I should be grateful if you would inform us if you propose to extend or otherwise change this role as, depending on the circumstances, it may be necessary for you to seek fresh advice.

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

Ms Margaret Burgess