

ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

Minutes of the meeting held on Wednesday 24 February 2016

Present

Baroness Browning (Chair)
Sir Alex Allan
Lord German
Mary Jo Jacobi
Terence Jagger
Baroness Liddell
John Wood

Secretariat
Ekpe Attah
Catherine Millington
Maggie O'Boyle
Nicola Richardson
Clare Salters

Apologies

1. Mark Addison sent his apologies.

Chair's Update

2. The Chair had been invited to give evidence to the Public Administration and Constitutional Affairs Committee (PACAC) on the work of ACOBA. The date had not been set but it was likely to be after Easter recess.
3. The Chair would be meeting Derek Jones, Permanent Secretary at the Welsh Government next week and Simon McDonald, Permanent Secretary at the FCO in March. These meetings were part of ACOBA's on-going role to raise awareness of the Business Appointment Rules with Government departments.

Minutes of the last meeting

4. The minutes of the previous meeting, held on 9 December 2015, were approved.

Advising third parties how to lobby and whom to contact

5. The Committee discussed the potential for public concern that some organisations might be given an unfair advantage over others as a result of the contacts of the former Minister or Crown servants they employed. To address this the Committee decided to supplement the wording of the lobbying ban in all cases where a former Minister or Crown servant was seeking to take up employment in the sector which they were involved with while in office.
6. The new wording would make explicit that the individual should not make use, directly or indirectly, of his or her Whitehall contacts to influence policy or secure business for any organisations to which he or she moved. It would, therefore,

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preclude other people working for an organisation from taking advantage of the former Minister or official's privileged access (in addition to prohibiting individuals themselves from making a direct approach to government).

Retrospective applications

7. The Committee discussed its approach to retrospective applications. The Government had amended the Business Appointment Rules in 2014 to make clear that retrospective applications would not normally be accepted. The Committee had since only considered retrospective applications in exceptional circumstances. The Committee decided to tighten its approach even further. It would now only consider a retrospective application where it was clear in the particular case that the delay had not been the fault of the applicant.
8. The Committee would make public its concerns when applications were received retrospectively by publishing its letter to the individual concerned. The expectation was that noting an individual's failure to submit an application would encourage others to follow the correct process. It also meant that any improper appointment would not pass without comment. The Committee decided that it would as a matter of course express its concerns publically where it came to the Committee's attention that individuals had failed to submit applications before accepting jobs.

Implications of devolution on Committee's work

9. The Committee decided to maintain the general principle that the lobbying ban should apply to the particular administration within the UK that the applicant served while in Government. However, it agreed to clarify its approach in its next annual report that it retained the flexibility to extend the lobbying ban to cover other administrations if the circumstances of an applicant warranted this – for example, where a role had involved high levels of contact with that administration.

Communications

10. The Press Officer, Maggie O'Boyle, updated the Committee on recent press coverage.

Freedom of Information

11. There were no new FOI requests. The Information Commissioner's Office had recently ruled in favour of the Committee in relation to a complaint about the Committee's handling of a FOI request, although the complainant might still appeal the ICO's decision.

Any Other Business

12. The next Committee meeting would take place on Wednesday 11 May.

Committee Secretariat
February 2016