

ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

Minutes of the meeting held in the Cabinet Office

35 Great Smith Street

Tuesday 23rd March 2010 at 3.00pm

PRESENT

The Rt Hon Lord Lang of Monkton DL (Chairman)

Sir Colin Budd KCMG

Lord Dholakia OBE DL

The Rt Hon Lord Macdonald of Tradeston CBE

Sir Bryan Nicholson GBE

General the Lord Walker of Aldringham GCB CMG DL

APOLOGIES

Dame Juliet Wheldon DCB QC

Secretariat

Ms Sue Pither

Mrs Navita Seedhar

Mr Roger Sampson

Ms Beth Watson

Press Officer

Ms M O'Boyle*

Item 1 - Chairman's Update

Lord Lang opened the meeting by welcoming Navita Seedhar to her first meeting, and asking that thanks be passed to Eamonn for all his hard work supporting this and the previous Committee.

The Chairman's Log was circulated and two main issues were discussed:

Tony Blair – The Committee had recently published the advice given in respect of the appointments with the Kuwaiti Government and UI Energy. Although Mr Blair had taken up these appointments up in 2008, the previous Committee had delayed publication on the request of Tony Blair's office for reasons of 'confidentiality' and 'market sensitivity'. Having reviewed the position and with the endorsement of the Committee the Chairman had written to Mr Blair advising him that publication could no longer be withheld. Publication had prompted considerable press interest.

Sir Bryan Nicholson explained that the previous Committee had initially only agreed to a brief delay in respect of the Kuwaiti government appointment in response to a request from the Kuwaiti's themselves via Mr Blair's office that his involvement should remain confidential. The Committee had agreed a 3-month delay in respect to Mr Blair's UI Energy role as knowledge of the negotiation in which he was involved was not in the public domain: revealing Mr Blair's involvement would have drawn attention to the wider picture and could have impacted on a commercial deal. Following this initial agreement it became difficult to obtain information from Mr Blair's office in relation to the taking up of these appointments and whether the issues of confidentiality and market sensitivity were still relevant.

ACTION: The Committee agreed that two lessons had been learnt from this case; an accurate and full audit trail was needed for all cases and a clear written statement must be provided by any applicant wishing to make a case that an appointment should remain confidential and therefore unpublished.

Channel 4's 'Dispatches' – This programme had highlighted the issue of former Ministers and MPs lobbying Government, and included some undercover filming of interviews with a fictitious company. Lord Lang advised that he had taken part in an interview but had made it absolutely clear that he had never lobbied Government on behalf of any company; nor would he do so.

A paper on lobbying by Navita Seedhar: 'Positions of Political Parties on Lobbying and Tightening The Rules for Former Ministers' was considered, and during the ensuing discussion the following points were made:

- It was important to distinguish between the issues of when an appointment could be taken up and conditions that might apply after that date. Lobbying was something that could carry on long after the Committee's remit to address it had expired, but there was a case to extend the amount of time allowable for a condition to be applied after an appointment had been taken up, while maintaining the current maximum delay that it was possible to recommend before an appointment could be taken up. At the moment the maximum period in both these respects was set at 2 years.
- Public concern in relation to lobbying sits, in particular, with Parliamentarians.
- The Committee could be involved in the consultation process concerning new legislation that was proposed, but it would be for the Government of the day to seek to define lobbying in the way it sought fit to achieve its objectives.
- Given that new legislation was being promised there was no need for the Committee to change its position on lobbying. The Committee would revisit the subject after the forthcoming General Election.

Business Member - It was hoped that a new 'business' representative for the Committee would be confirmed soon. Meanwhile, Sir Bryan Nicholson agreed to carry on until further notice.

Item 2 – Minutes of the last meeting and matters arising

The minutes of the meetings held on 11 November 2009 and 12 January 2010 were agreed.

Item 3 – Media update

Maggie O'Boyle gave a media update including follow on from the 'Dispatches' programme. She was dealing with requests for information on individuals, the powers of the Committee and what they proposed to do in response to recent revelations.

The Committee noted that when the Ministers concerned were 'out of time' - ie more than 2 years had elapsed since they had left office so they were outside the time limit in which the Committee could provide them with advice about any appointments they wished to pursue - this should be made clear to any journalist. The point should also be made that the Committee does recommend lobbying bans for 2 years where they are considered necessary. With regard to cases that might arise in future, it was noted that the Human Rights Act as presently constituted could stand in the way of harsher measures being implemented.

Maggie then left the meeting.

ACTION: Secretariat to circulate existing legal advice and seek further clarification, if necessary.

Item 4 – Data Protection

Members considered the paper on Data Protection that had been prepared by Roger Sampson. They noted that the official Cabinet Office guidance was written mainly for civil servants working in offices. It was agreed that members would be responsible for destroying the paperwork on cases sent to them when it was no longer needed.

ACTION: A best practice guide would be prepared by the Secretariat and issued to Members.

Item 5 – Code of Practice and Register of Interests

Members considered some further amendments in relation to the Code of Practice, Register of Interests and Declaration of Interests:

Code of Practice

Para 5 states: "Members should at all times, and in particular when engaging in political activity, remain conscious of their role and general responsibilities and should exercise discretion". Members agreed that the intention was not to prevent them from speaking in a general debate.

ACTION: Para 6 – the second bullet to be amended to reflect that the Committee’s advice depends on *notification* from Ministers that they wish to accept certain posts.

Register of Interests

ACTION: The 4th bullet point to read: “the remunerated and unremunerated interests and clients of close members of their family”.

It was agreed that close members of the family could include, for example, sons in law but there may be issues of confidentiality regarding clients of companies which would need to be taken into account

ACTION: Once amendments were made the Secretariat would publish them on the ACOBA website.

Declaration of interests

Para. 11. It was agreed that this meant that any Member could recuse themselves from a case if they had declared an interest in it, but that, additionally, the Committee could decide that a Member should be recused if that Member had such an interest, whether or not the Member considered that the interest warranted recusal.

All members confirmed that they were happy with their personal entries in the register.

Item 6 - Cases

A new case was distributed to Members.

One applicant in an existing case had indicated their wish to meet the Committee to discuss a condition the Committee were minded to recommend on it. It was agreed to try to arrange a meeting with the applicant at the next scheduled Committee meeting on 12 May.

Sir Colin stated that unfortunately he would not be able to attend that meeting.

Item 7 – Any Other Business

Beth Watson confirmed that honorariums were now being paid to Members on a 6-monthly basis.

The date of the next meeting and dates of future meetings were agreed:

12 May 2010

7 July 2010

27 October 2010

8 December 2010

SUE PITHER
SECRETARY