

ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

**Minutes of the meeting held in the Cabinet Office
35 Great Smith Street
Wednesday 12 May 2010 at 2.30pm**

PRESENT

**The Rt Hon Lord Lang of Monkton DL (Chairman)
Lord Dholakia OBE DL
Hugh Stevenson
The Rt Hon Lord Macdonald of Tradeston CBE
General The Lord Walker of Aldringham GCB CMG DL**

Secretariat

**Ms Sue Pither
Mrs Navita Seedhar
Mr Roger Sampson
Ms Beth Watson**

Press Officer

Ms M O'Boyle

Apologies

**Sir Colin Budd KCMG
Dame Juliet Wheldon DCB**

Item 1 – Meeting with a former Minister

The Committee met with a former Minister to discuss her request for advice.

ACTION : The Secretary will inform the former Minister of the Committee's final advice.

Item 2 - Chairman's Update

The Chairman's log was discussed.

Military Cases

The Chairman noted that there were still some issues arising from the handling of military cases, particularly around the appropriateness of using an individual's last day in post or last day of service as the start of any waiting period or behavioural condition.

ACTION: The Chairman and the Secretary will meet with representatives of MOD to discuss a way forward. Lord Walker agreed to participate if necessary.

Rules and Guidelines

The Secretary updated the Committee on the progress made in finalising the new rules for Crown servants and the guidelines for Ministers, and confirmed that the Cabinet Office is committed to having them in place by the summer recess. She also circulated a note on the Conservative Party's commitments on regulating appointments taken up by former Ministers.

All political parties were expecting tougher measures on business appointments and it is likely that the new Government will take a tougher line. The Committee thought that it may be advisable for them [ACOBA] to look at ways in which the rules and guidelines could be tightened and put their suggestions to the Prime Minister. The Secretary explained that the new draft is tougher than the previous versions that the Committee had seen..

ACTION 1: The Secretary will circulate the latest drafts of the rules and guidelines to the Committee.

ACTION 2: The Chairman and Secretary will consider possible approaches to the new Government and the Head of the Home Civil Service.

Item 3 – Minutes of the last meeting and matters arising

The minutes of the meeting held on 23 March were agreed.

Item 4 – Annual Report 2010

The Committee considered Navita Seedhar's paper on the content and the production of the Annual Report.

Maggie O'Boyle recommended a more narrative style which would help to create a 'mental picture' of the Committee's ways of working rather than focussing on lists of appointments and statistics. This could be done without raising the Committee's profile significantly. Lord Dholakia pointed to the House of Lords Appointments Commission's Reports as an example of where this approach has been used effectively. Although some concern was expressed about highlighting specific cases, the Committee were positive about this approach and requested that a mocked-up version be produced.

The Secretariat asked for the Committee's view on whether the report should continue to include statistics on the number of applications received from Crown servants at all levels (i.e. the figures in Table 1), given the increasing problems in obtaining accurate information from departments. While the Committee believed that the collection of this information was important, they felt that it should perhaps be the responsibility of the Cabinet Office.

The Chairman stated that he would like the Report to be published before the Summer Recess. Maggie recommended that, if the new rules and guidelines were ready by that

point, then it would be a natural point to introduce a new-style report. If they were not, then the Committee may wish to produce a short report in the traditional format.

ACTION 1: The Secretariat in conjunction with Maggie O'Boyle to produce a mock-up of new style of report.

ACTION 2: The Secretariat will discuss with the Cabinet Office the collection of statistics on the number of applications received across the Civil Service.

ACTION 3: The Secretariat will review the proposed publication date in June.

Item 5 – Post Election Ministerial Cases

The Committee discussed two applications for advice from former Ministers.

In the case of **M154**, the Committee agreed that the original advice set out in the Secretariat's letter was too lenient given the fact that the individual was intending to take up a post with a company that had established links with his former department. It was agreed that the Committee should advise that he observe an 18 month waiting period and a 2 year lobbying ban from his last day in office.

ACTION 1: The Secretary will speak to the Minister to check whether he is content to accept this advice or if he wishes to meet with the Committee.

The Secretariat asked for the Committee for guidance on an application received from **M163**. The Committee postponed consideration of the case until the views of the Head of the Home Civil Service and the Permanent Secretary of his former department have been received.

ACTION 2: The Secretariat to write to the Committee in the usual way once views have been received.

The Committee were of the view that, in general, where a former Minister was intended to undertake work in a sector which was linked to the work of their former department(s), they should be expected to observe a waiting period (the length to be determined by the specifics of the case).

Item 6 – Any Other Business/Outstanding Cases

The Committee considered two outstanding non-Ministerial cases.

With regard to **Ref: 3973**. They were of the view that, while the nature of the work he wished to undertake was not necessarily controversial, any approaches he made to his former departments could lead to criticism and that any possible approaches to MOD were particularly sensitive. Therefore any recommendation made to the Prime Minister should reflect this.

ACTION 1: Roger Sampson to write a further letter to the Committee on this case reflecting the discussion and highlighting any relevant precedents.

In the case of **Ref: 3860** the Committee agreed that they should recommend unconditional approval. The Chairman recused himself from consideration of this application as he has shares in a competitor company.

ACTION 2: The Secretariat will write to the Prime Minister with the Committee's recommendation.

Item 7 – Date of the next meeting

The date of the next meeting was agreed as 7 July 2010 at 2:30pm at 35 Great Smith Street.