



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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Lin Homer
Chief Executive
H M Revenue and Customs

18 November 2013

Dear Ms Homer,

Business Appointment Application: Stephen Banyard

The Advisory Committee on Business Appointments has considered an application from Stephen Banyard, the former Acting Director General for personal tax for HM Revenue and Custom (HMRC), who is seeking permission to set up a general consultancy to provide advice to firms and organisations working with foreign tax authorities. Mr Banyard retired from Crown service on 31 August 2012, and he wishes to take up roles with the [REDACTED] (Australia) [REDACTED] forthwith.

The Committee noted that Mr Banyard's consultancy services will focus on foreign tax administrations and that the proposed roles with CapGemini (Australia) [REDACTED] are part-time. The Committee also considered his speculative commission with the International Monetary Fund.

When considering this application the Committee took into account that Mr Banyard has not had any direct, official or contractual dealings and he was not responsible for people who have had contractual dealings with his prospective employers during his last two years of service. The Committee noted that that the proposed work is unlikely to include contact/dealings with your Department/Government and that Mr Banyard has no plans to lobby UK Ministers or officials, and that his main interest will be to provide advice to foreign tax administrations. The Committee noted that HMRC had a contractual relationship with CapGemini - part of the ASPIRE contract. However, the Committee noted that, in his capacity as business Director, he had little or no involvement in the commercial arrangements with CapGemini, which were a matter for HMRC's CIO. He states that when the CapGemini contract was renegotiated in 2012, he (along with the rest of the Executive

Committee) kept in close contact with the negotiations. The Committee took into account that Mr Banyard was also the SRO for programmes where Cap Gemini delivered the IT and he was the Executive Committee member at the time of the renegotiation of the CapGemini part of the ASPIRE contract. Mr Banyard states that his proposed work will not touch on confidential commercial arrangements at all or make use of any confidential knowledge that he has of that nature. The Committee also noted he has not been involved in the development or administration of any policy or decisions (including the award of grants) that could affect his proposed employer.

The Prime Minister has accepted the recommendation that the application be approved subject to the following conditions;

- Mr Banyard should not draw on privileged information available to him as a Crown servant;
- that for the duration of his consultancy, Mr Banyard should not undertake any duties that involve advising on the terms of any bid or contract relating to HMRC or have contact with senior officials in HMRC in relation to any bids or contracts on behalf of his new employer;
- Mr Banyard should only provide general and not specific advice on the relationship with Government; and
- that for duration of his consultancy, he should not become personally involved in lobbying the UK Government on behalf of his new employer or its clients.

The Business Appointment Rules define lobbying in the following way: "Lobbying in this context means that the former civil servant should not engage in communication with Government - including Ministers, special advisers and officials - with a view to influencing a Government decision or policy 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 ensure that we are told when Mr Banyard takes up these posts or, if earlier, when it is announced that he will do so. 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, and this could lead to a false assumption being made about whether he had complied with the Rules. In line with our usual practice, we will then publish brief details on our website (<http://acoba.independent.gov.uk>) including a copy of this letter.

Finally, I should be grateful if you would ask that Mr Banyard informs us if he proposes to extend or otherwise change his roles with the International Monetary Fund, Cap Gemini (Australia) and Accenture because, depending on the circumstances, it may be necessary for him to make a fresh application.

Yours sincerely,

Raj Bahia
Committee Secretariat