



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

G/7 Ground Floor, 1 Horse Guards Road SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

Website: <http://www.gov.uk/acoba>

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You asked for the Committee's advice about accepting a part time, paid appointment as Chair of Wessex Water Partnership.

The Committee noted that your position would be as Chair of the company's customer panel, which was set up to offer challenge and scrutiny to Wessex Water and its board, and that you would be ensuring that all representatives of stakeholders and customers get a chance to input. They also noted that you have described the role as being advisory in nature and that you would not be seeking to give the company any unfair advantage.

When considering your application, the Committee took into account that, as the Minister responsible for water in Defra, you did have some dealings with Wessex Water. These included attending conferences with them and other water companies, and writing to them, along with all water companies. The Committee also took into account that you will have taken decisions that affected Wessex Water including the passage of the Water Act 2014, issues to do with bathing water quality, and during the extreme weather events in the winter of 2013/14. However, Defra has confirmed that the decisions you took will have affected all in the water industry equally and there is no way you could reasonably be seen as having favoured Wessex Water during your time in office.

You also wanted to bring to the Committee's attention the fact that the panel that interviewed you for this role was chaired by a former colleague and former Minister in Defra, David Heath, who now holds a public appointment with the Consumer Council for Water. The Committee sought clarification from Defra with regard to your appointment and were informed that the department had concluded that the conflict of interest was recognised and declared and that, so far as they could tell, it was a robust and fair recruitment process.

However, given your former responsibilities as a Minister, the Committee believes that it is appropriate for there to be a gap between that role and your new position with a water company.

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

- That you should not take up this post until 1 January 2016;
- 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 as a Minister; and
- For two years from your last day in ministerial office, you should not become personally involved in lobbying the UK Government on behalf of your new employer, its parent company or its clients.

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 the 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 Ministerial Code. Similarly, I should be grateful if you would inform us if you propose to extend or otherwise change your role with Wessex Water, 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 applications, together with the Advisory Committee's advice, in the regularly updated consolidated list on our website and in the next annual report.

Baroness Browning

Dan Rogerson