



**OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS**

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16 December 2015

*Dear Esther,*

You asked for the Committee's advice about taking up an appointment as Chair of the British Transport Police Authority (BTPA). BTPA is the independent body responsible for ensuring an efficient and effective police force for rail operators, their staff and passengers.

First, I would like to note the Committee's concern that your appointment was announced before we had the opportunity to provide our advice on it. I appreciate that this situation is very likely to have arisen due to a genuine oversight, and that you contacted us at the earliest opportunity once your appointment had been confirmed. In a case where the outside appointment is also a public appointment I would expect the responsible department to be aware of the requirements of the business appointment rules and ensure all necessary checks have been completed before an announcement is made (I have written separately to the Department for Transport to express the Committee's concerns).

The rules are clear that all approaches to the Committee will be handled in strict confidence and will remain confidential until the appointment or employment is announced or taken up (I reiterated this point in my letter in June to all former Ministers who had left the Government after the general election). We are always happy to be approached for advice on speculative appointments.

Had the appointment not been announced before the Committee could offer its advice, the Committee would have advised that it saw no reason why you should not take up the appointment subject to the following conditions:

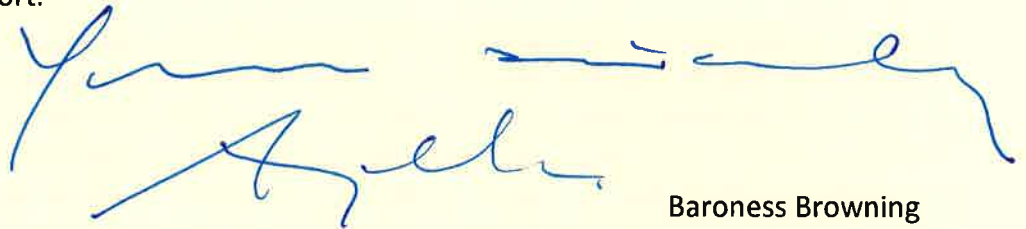
- you should not draw on (disclose or use for the benefit of yourself or the organisations or persons to which this advice refers) any privileged information available to you as a Minister; and
- while the Committee recognised that your responsibilities as Chair will include representing BTPA in discussions with the Department of Transport, you should not

otherwise, for two years from your last day in ministerial office, become involved in lobbying the UK government on behalf of BTPA.

By 'privileged information' we mean official information to which a Minister has had access as a consequence of his or her office or employment and which has not been made publicly available. Applicants are also reminded that they may be subject to other duties of confidentiality, whether under the Official Secrets Act, the Civil Service Code or otherwise.

Also, 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".

You have confirmed to the Committee that you accept these conditions. I should be grateful if you would inform us if you propose to extend or otherwise change your roles as, depending on the circumstances, it may be necessary for you to seek fresh advice. As your appointment has already been announced, we will now publish this letter on the Committee's website and include the main details of the application, together with the Advisory Committee's advice, in the regularly updated consolidated list on our website and in the next annual report.

A handwritten signature in blue ink, appearing to read 'Baroness Browning', written in a cursive style.

Baroness Browning

Rt Hon Esther McVey