

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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16 December 2015

You asked for the Committee's advice about taking up a paid, part-time appointment with MHP Communications, having left your ministerial position in May 2015. With MHP you would act as a consultant, assisting MHP with the development of its business, and providing the clients of MHP with strategic advice on communications and government relations. The role would see you interact with senior executives from a variety of companies to help them gauge the impact of major political developments on their businesses. You expect that there would be a time commitment of around two days a month.

The Committee noted that you did not have any contractual dealings with MHP or its competitors in your time as a Minister. It noted that EDF Energy is a client of MHP and that you had dealings with EDF while in office, notably in relation to Hinkley Point C. However, you have been clear that you will not have any involvement with EDF whatsoever in relation to their generating business prior to the announcement of a final investment decision in relation to Hinkley Point C. It also took into account your assurance that you would not be required to lobby the UK Government on behalf of MHP or any of their clients in this role.

Taking into account all of the circumstances, and having sought the opinion of your former department, which did not have any concerns regarding the propriety of this appointment, the Committee sees 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;
- You should not involve yourself in work related to Hinkley Point C or any commercial deal in which DECC is currently involved; and

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- For two years from your last day in ministerial office you should not become personally involved in lobbying the UK Government on behalf of MHP Communications, its parent company or its clients.

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".

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 MHP Communications 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 application, together with the Advisory Committee's advice, in the regularly updated consolidated list on our website and in the next annual report.

Baroness Browning

Rt Hon Edward Davey

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