

*From the Chair*



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

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You asked for the Committee's advice about taking up an appointment with the Authors Licensing & Collecting Society (ALCS). The Authors' Licensing and Collecting Society is a not-for-profit membership organisation. It collects royalties for writers across the UK and campaigns to ensure that writers' rights are recognised.

The Committee noted that you would work with ALCS as a consultant; this is a paid role with a time commitment of around 8 days a year. As a consultant to ALCS you would provide advice on policy issues and legislative proposals affecting authors and writers.

When considering the application, the Committee took into consideration that you have long-standing interest in the sector and you worked with ALCS between 2010-2015, during your time as Chairman of the All Party Parliamentary Writers group; a group which is sponsored by ALCS. They also noted that some of the advice you may offer could cover areas of policy for which you had responsibility in Government and that the role is likely to involve contact with your former department. You have assured the Committee that you will not be required to lobby Government in this role, and that the advice offered will only cover policy in a general sense.

ALCS has an active relationship with DCMS in relation to the Public Lending Right (PLR), which is a statutory scheme funded by Government and managed by the British Library. Through this scheme authors have the right to receive payment from the fund for the lending of books by public libraries in the UK. DCMS consults with ALCS, and other representatives of authors and libraries to confirm the technical adjustment of the rate depending on how many total loans have been made each year. The Committee noted that your former Department has confirmed that during your time as Secretary of State this change would have been signed off by the Minister for Culture and their view is that there are no concerns about the appointment. The Committee also took into account that 8 months have passed since you left Ministerial office.

Considering these factors, in accordance with the Government's Business Appointment Rules, the Committee advises the appointment be subject to the following conditions:

- you should not draw on (disclose or use for the benefit of himself or the organisation to which this advice refers) any privileged information available to you from your time in Ministerial office;
- for two years from your last day in Ministerial office, you should not become personally involved in lobbying the UK Government or make use, directly or indirectly, of your contacts in Government and/or Crown service to influence policy on behalf of the Authors Licensing & Collecting Society or its members; and
- you should not involve yourself in the work, or discussions with Government around, Public Lending Right Payments.

By 'privileged information' we mean official information to which a Minister or Crown servant 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.

The Business Appointment Rules explain that the restriction on lobbying means that the former Crown servant/Minister "*should not engage in communication with Government (Ministers, civil servants, including special advisers, and other relevant officials/public office holders) – wherever it takes place - with a view to influencing a Government decision, policy or contract award/grant in relation to their own interests or the interests of the organisation by which they are employed, or to whom they are contracted or with which they hold office.*"

I should be grateful if you would inform us as soon as you take up employment with this organisation, 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 that have not been taken up or announced. This could lead to a false assumption being made about whether you had complied with the Rules and the Ministerial Code.

Please also inform us if you propose to extend or otherwise change the nature of this role as, depending on the circumstances, it may be necessary for you to make a fresh application.

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.

The Baroness Browning

Rt Hon John Whittingdale OBE MP

