



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 NEC Europe Ltd (NEC Europe).

The Committee's remit

As you will be aware, it is the Committee's role to advise on any conditions that should apply to appointments or employment under the Government's Business Appointments Rules for Former Ministers (the Rules), which apply to former Ministers for two years after they leave office.

The Rules seek to counter suspicion that:

- a) the decisions and statements of a serving Minister might be influenced by the hope or expectation of future employment with a particular firm or organisation; or
- b) an employer could make improper use of official information to which a former Minister has had access; or
- c) there may be cause for concern about the appointment in some other particular respect.

When the Committee considers applications it must have in mind that Government has judged that it is in the public interest that former Ministers with experience in Government should be able to move into business or into other areas of public life, and to be able to start a new career or resume a former one. It is equally important that when a former Minister takes up a particular appointment or employment, there should be no cause for any suspicion of impropriety.

Appointment details

You are seeking to take up a paid and part-time role as a Member of the Advisory Board at NEC Europe.

NEC Europe is the regional headquarters of the parent company 'NEC', an electronics company, headquartered in Japan, which is a multinational provider of IT services and products to various organisations and businesses including telecom carriers, public institutions, government agencies, financial institutions, manufacturing and retail services. NEC Europe's operations include the sales and marketing of ICT products and solutions.

You told the Committee your role will be to: provide and make recommendations to the Management of NEC Europe Ltd to expand the Public Safety & Public IT Service Businesses; oversee and provide advice on the business strategies that are associated with the Public Safety & Public IT Service businesses; make recommendations for pursuing specific opportunities; and advise NEC on future trends. You do not expect to have contact with Government in this role.

You confirmed that you are not aware of a relationship between your former department and NEC Europe. You said that whilst at DCMS you had one meeting with NEC Europe, as part of the wider technology sector with which you had dealings in Government.

Your ministerial role spanned DCMS and BIS, whose policy responsibilities in this area have now been subsumed by the Department for Business, Energy and Industrial Strategy (BEIS). Therefore, a view was sought on this application from both Departments.

DCMS confirmed that existing ministers have met with the company on one occasion and attended a conference hosted by it. DCMS also confirmed you met with NEC Europe whilst you were a Minister to discuss DCMS policy responsibilities where NEC Europe has an interest, in particular smart cities. DCMS is not aware of any other meetings you had with the company during your time in office.

BEIS said its Permanent Secretary met the Chairman of the Board of the NEC Corporation in 2017. The Department for International Trade is likely to have had contact with the NEC Corporation at official level.

Both Departments confirmed they are not aware of any commercially sensitive information that you would have; and neither raised any concerns about this appointment.

The Committee's consideration

The Committee noted DCMS confirmed you met with NEC Europe whilst in office to discuss DCMS policy responsibilities where NEC Europe has an interest, but that as far as the Department is aware, this was a one-off meeting. The Committee also noted both DCMS and BEIS confirmed they do not have a relationship with NEC Europe and that they raised no concerns about you taking up this role. As such, the Committee considered there is little risk you took actions or made decisions in office in expectation of being offered a role with this organisation.

NEC Europe's work is related to areas for which you had responsibility whilst in office. However, the Committee considered that both Departments confirmed they are not aware of you holding any commercially sensitive information which would give NEC Europe an unfair advantage over its competitors. The Committee also recognised that approximately 18 months have now passed since you left ministerial office. This lessens the potential risk that NEC Europe or its parent company might gain an unfair advantage as a result of any specific knowledge gained from your time in office.

The Committee also took into account, that given NEC Europe operates within the same sector for which you had responsibility whilst in office, there may be a perceived risk of unfair advantage as a result of the contacts you gained as a Minister, should NEC Europe look to influence government policy or seek further business with Government. The conditions imposed prohibiting making use of your contacts of behalf of NEC Europe, would appropriately mitigate this risk.

Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises these appointments be subject to the following conditions:

- you should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you as a Minister; and
- for two years from your last day in Crown service, you should not become personally involved in lobbying the UK Government on behalf of NEC Europe Ltd or its parent company, partners or subsidiaries, nor should you make use, directly or indirectly, of your contacts in Government and/or Crown service to influence policy or secure business on behalf of NEC Europe Ltd or its parent company, partners or subsidiaries.

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 NEC 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 your 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

The Rt Hon Ed Vaizey
