



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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You asked for the Committee's advice about taking up an appointment as a non-executive director on the board of The Water Retail Company.

The Committee noted The Water Retail Company is a new organisation, set up to deliver water and sewerage services to non-domestic customers, following the liberalisation of water retail, which will come into effect on 1 April 2017. This is a part-time role and will be unpaid initially, although it is likely to be remunerated at a later date.

When considering this application the Committee took into account that you had no dealings with your proposed employer, or the sector in which it will operate while in Government and that the role is not likely to include contact with Government. It was also mindful that the Director of the Office of the Advocate General has no concerns about you taking up this role.

Taking into account the specific facts in this case, the Committee advises that, in accordance with the Government's Business Appointment Rules, the appointment be subject to the following conditions:

- that 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
- for two years from your last day in ministerial office you should not become personally involved in lobbying the UK Government on behalf of The Water Retail Company.

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.

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 this 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 that 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 this role 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.

The Baroness Browning

Rt Hon Lord Wallace of Tankerness QC