



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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30 May 2018

You asked for the Committee's advice on providing services to Arriva UK Trains Limited (Arriva) in your capacity as a Partner at Hanbury Strategy and Communications Limited (Hanbury).

The Committee noted that Hanbury offers companies; interest groups; and charities strategic, campaigns and policy advice.

Appointment details

You explained that Hanbury is considering entering into a formal advisory services agreement with Arriva, the multinational public transport company, which is headquartered in the UK. You said you will be providing strategic communications advice, for an initial period of six months.

You confirmed that during your time in Government, you had no dealings with Arriva; and you stated you will not draw on any privileged information available to you during your time in Government or lobby the current Government on behalf of Arriva in any way. Hanbury confirmed it does not expect to have any contact with Government during this work.

The Permanent Secretaries at both the Cabinet Office (CO) and the Department for Transport (DfT) were contacted about this application.

DfT confirmed:

- It has contracted four subsidiaries of Arriva UK Trains (Arriva Rail North; Arriva Train Wales; Chiltern Railways; and Cross Country) to operate four of the UK rail franchises (Northern, Wales and Border; Chiltern; and Cross Country).
- It requires Arriva UK Trains to take on commercial risk in the form of Parent Company Support (PCS), which is a major part of the protection for taxpayers included in the franchise agreement.
- It meets regularly with Arriva UK Trains Managing Director (also the Chair of Rail Delivery Group) who provides leadership to Britain's Rail Industry.
- Arriva is one of the 'big 5' bus operators, providing services across the UK. It is a joint market leader in London and the third largest bus provider on the regional bus market.

- Arriva is one of the companies bidding to operate the next East Midlands rail franchise from August 2019.
- Government had no involvement in the awarding of London Overground Rail Operations (LORO) contracts, or any of TfL's bus franchises that may be operated by Arriva.
- Whilst Government has provided funding to TfL, this was not ring-fenced and DfT said it cannot be directly linked to the money TfL has put into LORO or any of its bus franchises.

CO stated it is not aware of you having any official contact or dealings with Arriva whilst you were in office; or of you having access to any commercially sensitive information or knowledge about unannounced government policy that could give Arriva an unfair advantage; or that you had any influence, responsibility, or accountability for Arriva contracts whilst you were in office. CO has no concerns about this appointment.

The Committee's consideration

The Committee sees no reason it would be perceived this commission is a reward for decisions you made in office. Whilst there are significant contracts held by Arriva with Government, the responsibility for these lie with DfT (and at arms length, with TfL for example). You confirmed you had no dealing with Arriva whilst in office and your former department is not aware of any influence, responsibility or accountability that would be relevant.

The Committee took into account that CO stated it is not aware of you having access to any commercially sensitive information or knowledge about unannounced government policy that could give Arriva an unfair advantage. The Committee also noted that a significant amount of time has passed since you left office (approximately 22 months), which limits the currency of any privileged information you may have had access to while in post.

Arriva is a major transport company in the UK and has several contracts with Government. Whilst neither you nor Hanbury expects to have contact with Government during this work; and you said you will not lobby Government on behalf of Arriva, the Committee considered there may be a potential risk you could offer the company an unfair advantage as a result of the contacts you will have gained during your time in office. The conditions applied make clear that any use of your contacts for these reasons, would be inappropriate.

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

- you should not draw on (disclose or use for the benefit of yourself or the organisation to which this advice refers) any privileged information available to you from your time in Crown service; and
- for two years from your last day in service, you should not become personally involved in lobbying the UK Government on behalf of Arriva UK Trains Limited, its partners or subsidiaries. You should not make use, directly or indirectly, of your contacts in Government to influence policy or secure business on behalf of Arriva UK Trains Limited, its partners or subsidiaries.

The Committee would expect you to seek further advice if you propose to extend or otherwise change the nature of your commission and in relation to any new commissions, before taking them up.

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. (As with all Special Advisers, the Committee makes this recommendation on the understanding that, if you have not already done so, you must confirm in writing to your former department that you recognise that you continue to be bound by the provisions of the criminal law (including the Official Secrets Act), which protect certain categories of information, and by your duty of confidentiality owed to the Crown.)

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 commission, 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.

Once this commission has been publicly announced or taken up, we will publish this letter on the Committee's website and, where appropriate, refer to it in the relevant annual report.

Yours sincerely

Sarah Parkington
Committee Secretariat

