



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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You approached the Committee about taking up an appointment as an Advisory Board Member at Executive Director at Noric Swiss GmbH.

The Committee's role and remit

As you will be aware, it is the Committee's role to advise on the 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.

It is not the Committee's role to pass judgment on whether an appointment is appropriate or suitable in any other regard.

The Application

You sought the Committee's advice on an Advisory Board Member role with Noric Swiss GmbH (NSG). You said this is a paid, part-time position, 2 days a month.

NSG is an iron and steel making company. According to their website, they are an international organisation with offices in Dubai, Germany, Pakistan and their headquarters in Switzerland. They also have a partner who specialises in metals forecasting, feasibility studies and steel, and metals market research.

As an advisory board member, you stated your responsibilities will include aspects of developing a feasibility study as well as producing related project reports for new production facilities.

You stated you had no contact with NSG or their competitors while in office; that through your official duties you did not have access to commercially sensitive information in regards to NSG or their competitors; and that you were unaware of any relationship between NSG and your former departments.

Departmental View

The Committee contacted BEIS and DfT in relation to this application, given your recent ministerial portfolio at both departments.

BEIS confirmed that you had no involvement with NSG, their competitors, decisions related to steel or steel companies, while in post.

DfT also echoed this, however stated there were two potentially overlapping policy areas you work on:

- you were party to and involved in rail investment and funding; and
- a high level scoping exercise for a large transport infrastructure project, which did not go ahead.

DfT said you made no decisions relevant to this application and explained these policy areas were only relevant in so far as they related to wider investments in infrastructure and do not relate specifically to NSG or its competitors.

Both stated they did not have any concerns about you taking up this post.

The Committee's Consideration

The Committee¹ considered the area in which NSG operates could potentially relate to your previous role as both have aspects of infrastructure and the materials sector. Both DfT and BEIS confirmed you had no dealings with NSG nor access to commercially sensitive information about their competitors while in post.

¹ This application for advice was considered by Sir Alex Allan; Jonathan Baume; Baroness Angela Browning; Terence Jagger; Baroness Helen Liddell; Richard Thomas and John Wood. Dr Susan Liautaud and Lord Michael German were unavailable.

Further, DfT have confirmed that whilst there was some possible overlapping policy, none of this information would confer a particular advantage, as the information was only relevant in so far as it related to possible investments in transport infrastructure. The Committee considered the usual ban on the use of privileged information appropriately mitigates this risk.

The Committee noted there may be a risk you could be seen to offer an unfair advantage through the use of your contacts gained in office to influence industrial or transport infrastructure strategy. However, applying the lobbying ban below, which makes it clear you must not use contacts gained in office to influence policy or secure business on behalf of your employer, appropriately mitigates this risk.

The Committee noted that both DfT and BEIS have confirmed that you did not make decisions impacting NSG or their competitors, nor did you meet with them whilst in office. The Committee considered the risk you were offered this post as a reward for actions taken in office is low.

Under the Government's Business Appointment Rules, the Committee's advice is your appointment with Noric Swiss GmbH should be subject to the following conditions:

- that you should not draw on (disclose or use for the benefit of yourself or the organisations to which this advice refers) any privileged information available to you from your time in ministerial office; 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 Noric Swiss GmbH or its subsidiaries. Nor should you make use, directly or indirectly, of your Government and/or Whitehall contacts to influence policy or secure business on their behalf

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 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.*"

The Committee also notes that in addition to the conditions imposed on this appointment, there are separate rules in place with regard to your role in the House of Commons.

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 your role with the organisation as depending on the circumstances, it might be necessary for you to seek fresh advice.

Once this appointment 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.

The Baroness Browning

Mr Jo Johnson MP