

ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

Minutes of Committee meeting held on Wednesday 4 December 2019

Present

Baroness Browning (Chair)
Sir Alex Allan
Jonathan Baume
Terence Jagger
Richard Thomas
Lord Whitty
John Wood
Mike Weir

Apologies

Dr Susan Liautaud

Secretariat

Tiffany Amusu
Andrea Benjamin
Peter Lawrence
Cat Marshall
Maggie O'Boyle
Isabella Wynn

Chair's update

1. The Chair welcomed the Committee's new SNP member, Mike Weir, to the Committee, and also welcomed Lord Larry Whitty (Labour) to his first formal meeting, having joined the Committee in July this year.
2. The Chair also introduced a new member of the Secretariat - Isabella Wynn.
3. The Chair updated members on the Cabinet Office's recruitment for a new Chair of the Committee, which had been placed on hold, to be revisited when the new administration is in place, post election. In the meantime the Cabinet Office had asked, and the Chair had agreed, to extend her term as Chair for a limited period.
4. The Chair also thanked Alex and John who had agreed to extend their terms (for a 12 month period) to provide consistency during the period of transition with new members joining and with the upcoming change in Chair.

5. The Chair noted that recruitment was also underway for another member of staff within the Secretariat to increase capacity in the team with the likely increase in work that goes along with changes in administration and training new members of staff.
6. The Chair reflected on her meeting with the Permanent Secretary at the Department for International Trade (DIT), Antonia Romeo, and the Department's HR Director earlier this year, noting it was a useful meeting to raise the profile of BARs in the department.
7. Issues discussed included:
 - a. the possible risks associated with individuals' contacts developed in roles at DIT through stakeholder engagement; and possible exposure to policy that is of significant interest to business.
 - b. the importance of the information provided by the Department to the Committee (for example, granular detail about meetings held with relevant parties and work on unannounced policies).
 - c. the process introduced last year by the Cabinet Office, for departmental Audit and Risk Committee to have oversight of BARs issues within each department.
8. The Chair informed members she had written to the new administration in September, following the Cabinet reshuffle. The Secretariat noted there had been some early approaches and discussions with those who have since stepped down.
9. Further to this, and in advance of the election, the Chair noted she had also written again to those ministers not standing in the election.
10. The Chair referred to the Committee's correspondence to the Cabinet Office in April, setting out the Committee's recommendations on how the Government's Business Appointment Rules could be implemented more effectively. The letter focussed on improving governance and increasing transparency and was copied to Sir Bernard Jenkin, Chair, Public Administration and Select Committee and Lord Jonathan Evans KCB DL, Chair of the Committee on Standards in Public Life. Whilst there had not been a formal response, Helen MacNamara had confirmed the Cabinet Office was carefully considering the recommendations proposed and how these could be taken forward in the financial year 20/21.

Minutes of the last meeting

11. The minutes of the previous meeting, held on 22 May 2019, were approved.

Annual Report

12. The Committee discussed the 2018-2019 Annual Report and noted there was a delay on its production and publication due to resourcing. Having missed

the opportunity to publish before recess, ACOBA was minded to publish a two year annual report as the Committee had done previously.

Compliance

5. The Committee discussed the challenges faced by the Government's Business Appointments framework, a principles based system which seeks to strike a balance between the right of people to earn a living after leaving government; and any justified public concern about the circumstances of outside employment/appointments. Specifically, that it does not provide for formal monitoring of (non)compliance with the application process or of (non)compliance with the conditions the Committee or the Government advises should be imposed under the Rules (noting government departments advise on the majority of applications - those below Committee level). Nor does it provide for any enforcement powers, such as penalties for non-compliance.
6. The Committee noted its approach - to use maximum transparency and publish the advice in cases where the appointment/ employment is taken up; so the conditions applied to each appointment/ employment are in the public domain and individuals can be held to account for their actions. The Committee is also focused on publishing extensive details about an appointment and the Committee's consideration in its advice letters.

Conditions

6. The Committee discussed its approach to applying conditions specific to the individual risks raised, on a case by case approach.
7. With reference to applications to work with consultancy/ communications/ advisory firms, the Committee noted there is a potential additional risk associated with the unknown aspect of these companies' clients. The conditions most often applied to applications to work with a consultancy type firm (or to set up an independent consultancy) prevent: the use of privileged information gained in office; lobbying the UK Government on behalf of clients; and advising on bids and contracts with the UK Government. The Committee noted these restrictions limit the risk individuals could offer any particular unfair advantage.
8. When individuals set up their own independent consultancies, the risks associated with the unknown clients is mitigated by asking applicants to return to the Committee for advice on each commission - at which point the risks can be considered and assessed. In relation to applications for individuals to work with consultancy/ communications/ advisory firms, the Committee agreed there is no blanket set of conditions that can be applied across every application that would guarantee the right balance, and so it must continue to consider the potential conflict with an applicant's time in office based on the specific circumstances of their role in office and the work they seek to do in future for the proposed consultancy/communications/advisory firm. For example, the Committee may advise a condition is imposed to limit the

sectors in which the applicant can advise that company (and its clients), to limit the unknown risks presented.

Governance

9. The Committee reviewed its governance processes, as set out in the Code of Practice which is published on its website. The Committee discussed its approach to how all members should deal with the offer or receipt of gifts and hospitality in light of best practice and as is expected of all public office holders. The Committee agreed it would be appropriate and in line with its commitment to transparency to declare all and any gifts and hospitality offered, and the Secretariat would update the Committee's Code of Practice accordingly.

FOI

10. The Secretariat updated the Committee on requests for information received to date.

Communications

11. The Press Officer, Maggie O'Boyle, updated the Committee on recent press coverage.

**Committee Secretariat
December 2019**