



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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1. You approached the Committee for advice on taking up an appointment as a Patron at the South Wales Chamber of Commerce.

The Committee's role and remit

2. 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.

3. 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.

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

The Application

5. You sought the Committee's advice on taking up an unpaid, part-time position involving one day of work per month as a Patron for the South Wales Chamber of Commerce. You advised the Committee that *'the role is entirely ambassadorial, representing the organisation at various events'*, and will not involve contact with the Government.

6. The South Wales Chamber of Commerce is a membership organisation which aims to drive trade for Welsh business, connecting key people and businesses to each other locally, nationally and internationally.

7. You advised the Committee you had no official contact with the South Wales Chamber of Commerce; nor were you involved in relevant policy development, commercial or contractual or decisions regarding the business.

8. The Permanent Secretary at the Welsh Government was contacted about this application. The Welsh Government confirmed you did not meet with the South Wales Chamber of Commerce while in office and you were not involved in any policy or commercial decisions and developments regarding South Wales Chamber of Commerce.

9. The Department confirmed you had contact with two of the South Wales Chamber of Commerce's partner organisations within your duties as First Minister: the Celtic Manor Resort and Treforest Campus University of South Wales. The Welsh Government said while you would have had access to information about policy or funding decisions in relation to these organisations, you made no decisions regarding, nor is there any evidence that you had access to information that would confer advantage to South Wales Chamber of Commerce.

10. The Permanent Secretary noted you would have been privy to sensitive information relating to Brexit, however the landscape has changed significantly in the last 12 months and said it is unlikely you have access to information that would unfairly favour South Wales Chamber of Commerce and she does not have any concerns about this appointment.

The Committee's consideration

11. Both you and the Permanent Secretary confirmed you had no specific involvement in policy decisions and had no official dealings with the South Wales Chamber of Commerce. Further, the Welsh Government confirmed that while you met with two of its partner organisations, the Celtic Manor Resort and Treforest Campus University, this was within your duty as First Minister and you made no policy or contractual decisions regarding them. The Committee¹ therefore considered the risk this appointment could be seen as a reward for decisions taken in office is low.

12. The Committee noted there is a possible risk of unfair advantage in relation to access to the contacts you gained while in Ministerial office. The lobbying ban imposed below makes clear that it would be inappropriate for you to use your contacts across the Welsh

¹ This application for advice was considered by Sir Alex Allan; Jonathan Baume; Baroness Angela Browning; Terence Jagger; Richard Thomas; Mike Weir; Lord Larry Whitty and John Wood. Dr Susan Liataud was unavailable.

Government to the unfair advantage of the South Wales Chamber of Commerce. The Committee would also like to draw your attention to the ban on providing advice on bids and contracts relating to the work of the Welsh Government, including with regard to funding the South Wales Chamber of Commerce or its members may seek.

13. The Committee also considered, there is a risk you may confer an unfair advantage to the South Wales Chamber of Commerce due to your access to sensitive information in general, for example, information on Brexit and trade negotiations. However, the Permanent Secretary did not consider you had access to any specific information that was likely to provide an unfair advantage to the South Wales Chamber of Commerce; and it has been over a year since you have left office, with there being significant developments in the Brexit and trade negotiations and the UK administration, reducing the risk any information you have would be sufficiently up to date to confer an advantage. This risk is appropriately mitigated by the conditions below, which include a ban on using privileged information.

14. In accordance with the Government's Business Appointment Rules, the Committee advises this appointment as a Patron for the South Wales Chamber of Commerce be subject to the following conditions:

- that 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 Ministerial office. In the context of this general provision, the Committee considers you should specifically avoid giving South Wales Chamber of Commerce, or its members (including parent companies, subsidiaries, partners and clients), privileged insight into the Brexit related issues, insofar as it as it pertains to the negotiating position of the UK Government and other parties to the negotiations prior to the date upon which you left Ministerial office;
- for two years from your last day in Ministerial office, you should not become personally involved in lobbying the Welsh Government on behalf of the South Wales Chamber of Commerce or its members (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the Government and/or Ministerial office to influence policy, secure business/funding or otherwise unfairly advantage the South Wales Chamber of Commerce (including parent companies, subsidiaries, partners and clients; and
- for two years from your last day in Ministerial office you should not advise the South Wales Chamber of Commerce or its members on the terms of, or with regard to the subject matter of, a bid or contract relating directly to the work of the Welsh Government.

15. 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.

16. 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.”*

17. 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 National Assembly for Wales.

18. 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.

19. 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.

Mr Carwyn Jones AM

The Baroness Browning