



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

G/7 Ground Floor, 1 Horse Guards Road SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

Website: <http://www.gov.uk/acoba>

March 2020

1. You sought the Committee's advice about taking up a role with Great Central Railway PLC (Great Central Railway) as a Non-Executive Director.
2. Your last day in office was 13 February 2020.

The Committee's remit

3. It is the Committee's role to advise on any 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.
4. 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.
5. 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.
6. It is not the Committee's role to pass judgment on whether an appointment is appropriate or suitable in any other regard.

Appointment details

7. You wish to take up an unpaid, role with Great Central Railway, a heritage and tourist railway running in Leicestershire running full size steam engines. As Non-Executive Director, you stated your role will be to attend board meetings and advise the company and railway on current and future plans. You do not expect to have contact with the Government in this role
8. You confirmed you had no official contact with the company whilst in office; and that you hold no sensitive information related to Great Central Railway or their competitors.
9. DCMS confirmed it does not hold any relationship with Great Central Railway; contractual or otherwise; that within your last two years in office you had no involvement in awards or grants involving Great Central Railway; you did not meet with competitors of Great British Railway and did not have access to sensitive information in competitors nor did you have access to unannounced policy or information of sensitivity that could unfairly benefit Great British Railway. The department did not state any concerns with you taking up this role.

The Committee's consideration

10. When considering your application, the Committee¹ took into account that you had no official dealings with Great Central Railway whilst in ministerial office and made no decisions, contractual or otherwise regarding Great Central Railway. The Committee therefore considered the risk you were offered the role as a reward for decisions made in office as low.
11. The Committee noted that given your seniority, you would have had access to privileged information, including general policy information that could provide Great Central Railway with an unfair advantage. The Committee would like to draw your attention to the restrictions below, specifically, that you should not draw on privileged information available to you from your time in office. Noting the area in which it operates, the Committee also imposed a ban on advising Great Central Railway on a bid or contract relating to the UK Government, or its Arms' Length Bodies, should it wish to apply.
12. The Committee also took into account that, as a former Cabinet Minister, you are subject to a standard three-month waiting period before taking up any outside appointment and consider the conditions below sufficiently mitigate the risks in this case.
13. Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment be subject to the following conditions:
 - A three-month waiting period from your last day in Ministerial office;
 - you should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you from your time in ministerial office;
 - for two years from your last day in Ministerial office, you should not become personally involved in lobbying the UK Government on behalf of Great

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

Central Railway PLC (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the Government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage Great Central Railway PLC (including parent companies, subsidiaries, partners and clients).;

- for two years from your last day in Ministerial office you should not undertake any work with Great Central Railway PLC that involves providing advice on the terms of, or with regard to the subject matter of a bid with, or contract relating directly to the work of, the UK Government.

14. 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 Ministerial code/ Civil Service Code or otherwise.
15. 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.*"
16. 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 Lords.
17. I should be grateful if you would inform us as soon as you take up this role, 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 Rules and the Ministerial Code.
18. Please also inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application.
19. Once the 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

The Baroness Morgan of Cotes