



## OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

Room G/8, 1 Horse Guards Road, London, SW1A 2HQ

Telephone: 020 7271 0839

Email: [acoba@acoba.gov.uk](mailto:acoba@acoba.gov.uk)

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

3 March 2020

Dear Dr Wright,

1. You sought the Committee's advice about taking up a commission with Northumbrian Water under your independent consultancy. The Committee has now considered this commission.
2. You seek to work with the company as an advisor, assisting with an appeal to OFWAT (the energy and sewage regulator), which will then be referred to the Competition and Markets Authority (CMA) regarding OFWAT's price control decision. This commission will be for around 2-4 days a month for up to 6 months. You informed the Committee you will have no engagement with the CMA as part of this work.
3. You informed the Committee that the company is not active in the energy sector and are not regulated by Ofgem. Rather, it is regulated by OFWAT under a distinct legal and regulatory framework. You further advised that you had no dealings with the company in any capacity while at Ofgem.
4. In relation to your engagement with the CMA, you previously informed the Committee you had some engagement with the CMA whilst at Ofgem, by way of attending a formal hearing of an appeal by the Commissioners (of a decision you were responsible for).
5. Prior to this you had some more substantial engagement with senior staff at the CMA on a range of generic competition related issues, though you note this was six years ago. You further informed the Committee that the relationship between Ofgem and the CMA is at arms length to maintain impartiality should they hear appeals against Ofgem's regulatory decisions.

Committee's consideration

6. The Committee<sup>1</sup> considered this commission to be broadly consistent with the description of your consultancy which you described as advisory work in relation to the energy industry (including interactions with other sectors).
7. When considering this application the Committee took into account that this appointment has no connection with your role in Crown service. It particularly noted you had no dealings with the company whilst in office; and it is aware of no reason it might be perceived this appointment is a reward for decisions or actions taken in office.
8. The Committee has considered the risk that it may be perceived you may offer the company an unfair advantage by virtue of your relationship with the CMA. The Committee has noted you had some previous contact with the CMA, however the risk here was assessed as low given you did not have significant engagement with the CMA who operate at arms length from Ofgem. The Committee has also given weight to the fact that you do not intend to have any contact with Ofgem or the CMA in your capacity as an advisor. However, the appeals process will be considered by the CMA and the Committee considered it appropriate to apply a condition which reflects your intention not to have contact with the CMA, to mitigate any inherent risk with you working with the organisation on this commission.
9. It is assessed it is unlikely you are aware of any specific information that might unfairly assist Northumbrian Water, given your role and responsibilities whilst in office were unrelated; and the time that has lapsed (it has been approximately 18 months since you left Crown service).
10. Given your seniority there is a risk it could be perceived your contacts might assist the company unfairly. However, the conditions below make it clear that any use of your contacts gained in Government/Crown Service to the advantage of the company would be inappropriate.
11. In accordance with the Government's Business Appointment Rules, the Committee advises this commission with Northumbrian Water be subject to the same conditions as your independent consultancy:
  - 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 Crown office;
  - for two years from your last day in Crown service, you should not provide advice to any company or organisation on the terms of, or with regard to the subject matter of, a bid or contract relating directly to the work of Ofgem or any matter involving regulatory engagement with Ofgem;
  - for two years from your last day in Crown service you should not become personally involved in lobbying the UK Government on behalf of those you

---

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

advise under your independent consultancy or their subsidiaries, partners or clients. Nor should you make use, directly or indirectly, of your Government and/or Crown Service contacts to influence policy or secure business or funding on their behalf; and

- for two years from your last day in Crown service, before accepting any commissions and or/before extending or otherwise changing the nature of any commission, you should seek advice from the Committee. The Committee will decide whether each commission is consistent with the terms of the consultancy and consider any relevant factors under the Business Appointment Rules, including whether additional conditions should be imposed.

Additionally, the commission with Northumbrian Water should be subject to the following condition:

- for two years from your last day in Crown service, you should not have any engagement with the Competition and Markets Authority or any government departments or agencies, known to you by virtue of your time in Crown service, to actively assist the appeals process on behalf of your employer.

12. 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.

13. 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."*

14. I should be grateful if you could let me know when you take up this commission, or if it is announced that you are to do so. This will enable the Committee to publish this letter on the Committee's website, and where appropriate, refer to it in the relevant annual report.

Yours sincerely

Andrea Benjamin  
**Committee Secretariat**

