



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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Dear Dr Wright,

1. You sought the Committee's advice about taking up a commission with the National Air Traffic Services (NATS) under your independent consultancy. The Committee has now considered this commission.
2. You seek to work with NATS as an advisor, assisting with their ongoing appeal to the Competition and Markets Authority (CMA) regarding the latest Civil Aviation Authority (CAA) price control decision. This commission will be for around 2 days a month for up to 6 months.
3. NATS describes itself as the UK's leading provider of air traffic control services. Each year it handles approximately 2.4 million flights and 250 million passengers in UK airspace. In addition to providing services to 14 UK airports, and managing all upper airspace in the UK, NATS provide services around the world spanning Europe, the Middle East, Asia and North America.
4. You informed the Committee that NATS is not active in the energy sector and are not regulated by Ofgem. Rather, it is regulated by the CAA under a distinct legal and regulatory framework. You further advised that you had no dealings with NATS in any capacity while at Ofgem; and
5. In relation to your engagement with the CMA, you informed the Committee that 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).
6. Previous 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 that the relationship between Ofgem and the CMA is at arms length to maintain impartiality should they hear appeals against Ofgem's regulatory decisions. Lastly, you have no plans to engage with the CMA as a part of your work as an advisor to NATS or on any other work.

Committee's consideration

7. The Committee¹ considered this commission to be consistent with the description of your consultancy which you described as advisory work in relation to the energy industry (including interactions with other sectors, such as transport, housing).
8. 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 NATS whilst in office; and it is aware of no objective reason it might be perceived this appointment is a reward for decisions or actions taken in office.
9. The Committee has considered the risk that it may be perceived you may offer NATS an unfair advantage by virtue of your relationship with the CMA. The Committee has noted you had some 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 the CMA in your capacity as an advisor. However, 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 CMA.
10. It is assessed it is unlikely you are aware of any specific information that might unfairly assist NATS, 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).
11. Given your seniority there is a risk it could be perceived your contacts might assist NATS unfairly. Therefore, the Committee imposed the conditions below, to make it clear that any use of your contacts gained in Government/Crown Service to the advantage of NATS would be inappropriate.
12. In accordance with the Government's Business Appointment Rules, the Committee advises your work with National Air Traffic Service 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 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

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

- 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 NATS 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 Central Markets Authority in your capacity as an Advisor to the National Air Traffic Service 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 the National Air Traffic Service.
13. 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.
 14. 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.*"
 15. 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

Tiffany Amusu
Committee Secretariat