



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Dame Sue Owen DCB

1. The Committee has been asked to consider an application for Dame Sue Owen DCB, former Permanent Secretary for the Department for Culture, Media and Sport (DCMS) between 01 October 2013 - 24 April 2019. Her last day in service was 24 April 2019.

Appointment Details

2. Dame Sue sought the Committee's advice on taking up a part-time role, involving 20 days per year with Methera Global Communications Ltd (Methera), as a Non-Executive Board Member. She stated that whilst an unpaid role, all non-executives have an interest in a pool of 5% of the shares of the company, which may rise in value depending on the long-term success of the company.
3. Methera is a Satellite Communications start-up company with a mission to enable governments, telecom companies and internet service providers to deliver digital applications with fibre speeds in developing countries.
4. They also lead a UK consortium comprising Arqiva, InSpace Missions, Surrey Satellite Technology and Global Ivacom. According to their website, Methera and their consortium received grant funding from The UK Space Agency and Innovate UK in 2017.
5. As a Non-Executive board member, Dame Sue stated her role will be to: '**provide experienced advice on governance, strategy, finance and leadership generally**'. She

also confirmed that while Methera may contact Government, her role will not include making contact with the Government.

6. Dame Sue noted Methera are **'pre revenue with UK governments grants, and have seed/ founder/Director investments covering working capital and the required research and development'**; additionally she noted they are currently applying for a UK export loan to fund system procurement.
7. Dame Sue stated the company may have interactions with Government in that:
 - there could be minor contact with DCMS as the department responsible for UK communications technology policy generally;
 - the proposed technology may be of interest to very remote areas in the UK, mainly the Highlands & Islands of Scotland which may need interaction with the Scottish Government;
 - the more likely contact might be with the Department for International Development (DfID), Ministry of Defence (MoD) or Export Finance at HM Treasury.
8. Dame Sue also noted that she was responsible for officials in the Department who were responsible for the awarding of a £150M contract with Arqiva (in April 2012) to build mobile infrastructure to be operated by network operators. Dame Sue stated she became Permanent Secretary, and accounting officer after this was awarded, in October 2013. Further, with a £36M spend of the originally allocated £150M, the project was closed in 2016, as it was determined unlikely to provide further value for money.
9. Dame Sue stated she did not have official contact with Methera during her last two years in post; nor did she have official dealings with or access to commercially sensitive information on their competitors.
10. DCMS were consulted on this application and Helen MacNamara, Director General, Secretariat and Deputy Secretary to the Cabinet countersigned this application on behalf of the Cabinet Secretary. Both departments:
 - had no reservations on the appointment being taken up;
 - confirmed the details in the application, including that Dame Sue had no contact with the company herself;
 - confirmed DCMS has no current relationship with the company;
 - noted Dame Sue may have seen or had access to a wide range of sector specific information possibly relevant to the company, but there was no

direct conflict or relevant unannounced policy that Dame Sue was responsible for;

- noted that Dame Sue stated the company currently have UK Government grants; and
- suggested the Committee may wish to apply conditions which prevent the applicant's involvement in any other UK Government grant bidding activities for a period of time

The Committee's Consideration

11. The Committee¹ noted that whilst Dame Sue stated she had no official contact with Methera, she was responsible for officials who awarded a £150M contract, therefore potentially giving rise to the perceived risk she was offered the role as a reward for decisions made in office. However, the contract was awarded before Dame Sue became accounting officer in 2013; and the project was subsequently closed early, in 2016, due to the unlikelihood of return in value for money. Given this decision could not be seen to be of benefit to the company, the Committee considered the risk of the appointment being seen as a reward as low.
12. Due to Dame Sue's seniority as Permanent Secretary, she would have had access to privileged information which may be seen to be of general use to the company - for example, access to general information related to telecoms or privileged information on policy might be perceived to offer insight into that market. However, neither department had any concerns in this area and considered the ban on privileged information, sufficient mitigation to ensure such retained general and policy information would not be shared. Further, it was confirmed Dame Sue had no access to commercially sensitive information on competitors and the Committee also considered it relevant that over three months have now passed since Dame Sue left office, therefore reducing the risk of such information being current. As such, in line with the departments' views, the Committee considered a ban on the use of privileged information sufficiently mitigates this risk. Additionally, although not her stated intention, the Committee would draw Dame Sue's attention to the lobbying ban which makes it clear that she should not make use of contacts gained during office, mitigating the risk of her using such contacts to the unfair advantage of her new employer.
13. The Committee noted Dame Sue's seniority would mean she had oversight of, and likely knowledge on government grants, funding and bids. In line with the Departments' deliberations, the Committee considered that a ban on advising on bids and contracts relating to the UK Government, in addition to the aforementioned ban

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

on the use of privileged information, sufficiently mitigates this risk and would be in keeping with Dame Sue's proposed role, which, as a Non-Executive Director, would not involve advising on such.

14. The Committee also noted that due to her seniority as Permanent Secretary, Dame Sue is subject to a three-month waiting period from her last day in Crown service before taking up an appointment. This Committee noted that this period has already passed and a further period need not be applied, given the below conditions sufficiently mitigate the risks in this case.
15. Under the Government's Business Appointment Rules, the Prime Minister accepted the Committee's advice that this appointment with Methera Global Communications Ltd should be subject to the following conditions:
 - Dame Sue Owen DCB should not draw on (disclose or use for the benefit of herself or the organisations to which this advice refers) any privileged information available to her from her time in Crown service;
 - for two years from her last day in Crown Service she should not undertake any work with Methera Global Communications Ltd 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;
 - for two years from her last day of service she should not become personally involved in lobbying the UK Government on behalf of Methera Global Communications Ltd, its subsidiaries, partners or clients (including a consortium in which it is involved), nor should she make use, directly or indirectly, of Government and/or Crown Service contacts gained during office.
16. 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.
17. 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."**
18. I should be grateful if you would inform us as soon as Dame Sue takes up employment with this organisation, or if it is announced that Dame Sue 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 Dame Sue has complied with the Rules.

19. Please also inform us if the Dame Sue proposes to extend or otherwise change the nature of her role as, depending on the circumstances, it may be necessary for her to make a fresh application.
20. 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.

Andrea Benjamin
Committee Secretariat

