



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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1. You approached the Committee seeking advice on taking up an appointment with Edge Investments as a Member of the Advisors Group.

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:
 - 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
 - an employer could make improper use of official information to which a former Minister has had access; or
 - 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 seek to take up an unpaid, part time role at Edge Investments (Edge) as a Member of Advisors Group. You said Edge is an investment company that invests in start-ups and early stage companies with '*...exceptional management operating in the creative industries and enabling technologies*'. The linkedin page says its '*... philosophy is to identify trends and technology advances which will impact on the creative industries and back and mentor those businesses which will benefit*'. An example of sectors it invests in:

From the Chair

- computer gaming
 - fashion
 - screen based entertainment
 - advertising and ad tech
 - Publishing
 - music
6. You said you would join a roster of senior executives in the creative and technology field who meet once or twice a year to offer advice and counsel to the management team and who are available to talk with by phone on an ad hoc basis. You do not expect your role to involve contact with government.
 7. You informed the Committee you had no official contact with Edge, contractual or otherwise; made no decisions involving Edge and did not meet with competitors of Edge nor did you have access to commercial information regarding their competitors.
 8. Your former department, Department for International Trade (DIT), was contacted regarding this application. DIT informed the Committee that you did not meet with Edge while in office nor with competitors of Edge and as such did not have access to sensitive information regarding these competitors. DIT did confirm it has had contact with Edge. This has been through normal business as usual industry events, round-tables, promotion events etc. There is no formal, contractual relationship with Edge.
 9. DIT also said you were involved in decision making on the Export Strategy¹ and associated policy as well as the policy on continuity trade agreements. It said while these may have had a specific impact on Edge, it believes the risk is low as any/all decisions were taken at a high level (looking at total market, rather than by sector), and you were never the sole decision maker. It further confirmed you did not have any knowledge about unannounced Government policy that could give Edge an unfair advantage.
 10. The Department has no concerns regarding you taking up this post.

The Committee's consideration

11. The Committee² considered that while you made decisions impacting Edge, these decisions impacted all businesses looking to export to the global market. Further, the Committee put weight behind the department's comments that the risks here are low, as decisions were taken at a high level and you were never the sole decision maker. The Committee considered the risk you were offered this unpaid role for decisions made in office is low.
12. The Committee noted that whilst this role is unrelated to your time in office, there may be a risk around the nature of the information you had access to by virtue of your ministerial portfolio. The Committee noted that as Minister for State for Trade and Export Promotion you were exposed to a broad range of insight and information, including policy on export promotion. However, the Committee noted the amount of time that has passed since you were in office (14 months) and the department's

¹ The Department for International Trade (DIT) in June 2018 launched a new Export Strategy to support British businesses looking to export to the global market. The strategy sets out how the government will support businesses of all sizes to make the most of export opportunities around the world.

² This application for advice was considered by Sir Alex Allan; Jonathan Baume; Dr Susan Liautaud; The Rt Hon Lord Pickles; Richard Thomas; Mike Weir; Lord Larry Whitty and John Wood.

From the Chair

comments that you do not have access to sensitive information that could unfairly benefit Edge. Further, the Committee would draw your attention to the condition below which makes it clear that it would be improper for you to use privileged information to unfairly benefit Edge.

13. Given your seniority, the Committee noted you would have had access to a wide range of contacts across Whitehall and within the Government. The Committee would therefore like to draw your attention to the lobbying ban below which makes it clear that you must not make use of your contacts gained in office to the unfair advantage of Edge. Although the department confirmed it has no contractual relationship with Edge, it is a stakeholder in the department so there is a risk it may seek to work with the department in the future. As such the Committee has imposed a ban on providing advice on the terms of a bid or contract relating directly to the work of the UK Government.
14. Taking into account the specific facts in this case, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment with **Edge Investments** be subject to the following conditions:
 - 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 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 Edge Investments (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 Edge Investments (including parent companies, subsidiaries, partners and clients); and
 - for two years from your last day in office you should not advise Edge Investments or its partners or clients on the terms of, or with regard to the subject matter of, a bid or contract with, or relating directly to the work of the UK 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 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. 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. 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

From the Chair

with the organisation as depending on the circumstances, it might be necessary for you to seek fresh advice.

18. Once this appointment has been publicly announced or taken up, we will publish this letter on the Committee's website and in the relevant next annual report.

The Rt Hon Lord Pickles

Baroness Rona Fairhead