



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

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

October 2020

1. You asked for the Committee's advice about taking up an appointment with the Food, Farming and Countryside Commission (FFCC).

The Committee's 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:
 - 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.
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.

Appointment details

5. You wish to take up an unpaid, part time appointment as Non-Executive Director of the Food, Farming and Countryside Commission Ltd (FFCC) . The FFCC is a Welsh environment, food and agriculture independent charitable organisation devoted to *'building connection between people and across disciplines...to find new ways to solve [the] current economic, health, climate and nature crisis'*.
6. You stated that you will have the usual duties as a Non-Executive Director and stated that the role is unlikely to involve contact with the Government.
7. You confirmed to the Committee that you had no official dealings with FFCC whilst in office, are not aware of a commercial relationship between the FFCC and the Welsh Government, and do not have access to commercially sensitive information on competitors.
8. The Welsh Government were contacted regarding this appointment and stated:
 - You were not involved in awarding funding or contracts to FFCC. There is no Welsh Government funding or contracts with the FFCC.
 - There is no evidence of any relationship between you and the FFCC in your capacity as First Minister and no evidence of official contact with them.
 - There is no evidence you had access to sensitive information on any of FFCC's competitors.
 - You met with other bodies such as NGOs and farming unions, however policy has developed considerably since you left office.
9. The Welsh Government stated no concerns with you taking up this appointment.

The Committee's consideration

10. The Committee¹ noted you did not meet with FFCC while in office and as noted by the department did not make any decisions specific to FFCC while in post. As such, the Committee considered the risk this appointment could be seen as a reward for decisions or actions taken in office is low.
11. The Committee considered the risk of you offering an unfair advantage to FFCC as a result of the information you were privy to is limited, given the Welsh Government's views you have no access to any specific sensitive information, the time that has passed since you were in office and all former Ministers are subject to a condition which prevents the use of privileged information gained in office.
12. However, given your seniority and influence as the former First Minister, it could be perceived there is a risk of unfair advantage in relation to your contacts gained whilst in post. The Committee would therefore draw your attention to the lobbying ban and the ban on advising on bids and contacts below, to make it clear that the use of your

¹ This application for advice was considered by Sir Alex Allan; Jonathan Baume; Dr Susan Liataud ; The Rt Hon Lord Pickles; Richard Thomas; Mike Weir; Lord Larry Whitty and John Wood.

contacts and influence across the Welsh Government to the unfair advantage of FFCC would be inappropriate.

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:

- that you should not draw on (disclose or use for the benefit of yourself or the organisation to which this advice refers) any privileged information available to you from Ministerial office;
- for two years from your last day in Ministerial office, you should not become personally involved in lobbying the Welsh Government on behalf of Food, Farming and Countryside Commission (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the Government and/or Ministerial office to influence policy, secure business/funding or otherwise unfairly advantage Food, Farming and Countryside Commission (including parent companies, subsidiaries, partners and clients); and
- for two years from your last day in Ministerial office you should not advise Food, Farming and Countryside Commission (including parent companies, subsidiaries, partners and clients) on the terms of, or with regard to the subject matter of, a bid or contract relating directly to the work of the Welsh 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 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 National Assembly for Wales.

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 where appropriate, refer to it in the relevant annual report.

The Rt Hon Lord Pickles

Rt Hon Carwyn Jones MS