



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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1. You approached the Committee for advice on taking up an appointment with D2D Ltd as an Advisor with the prospect of becoming a non-executive director if the company is successfully established.

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 Appointment 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.

The Application

5. You sought the Committee's advice on taking up a paid, part-time position as an Advisor and possibly as non-executive director at D2D Ltd (D2D). You said D2D is a speculative idea / proposal from The Auckland Project¹ (TAP), which wants to explore the feasibility of a rural regeneration development corporation to drive the regeneration of the Weardale to Bishop Auckland railway line 'corridor'.

6. You said this organisation is at very early stages and as yet there is no formal company or role that exists. The TAP and D2D team have contacted you through The Big Tent Foundation² as a champion of rural regeneration to ask if you:

- would help them design the appropriate corporate vehicle and raise private finance for it; and
- use the Big Tent to hold a local regeneration festival event to help build local public and civic engagement.

7. You said your role will be focused on commercial feasibility: designing, structuring and helping secure private finance for the possible project. Also using the Big Tent Foundation and festival to grow strong local community engagement via a railway regeneration festival. You do not expect this role to involve any contact with government. You informed the Committee that if the project is feasible and takes off, you believe there will be '*significant interest*' from No.10; the Chancellor; and the Ministry of Housing, Communities and Local Government in the potential for this being a '*...flagship rural Regeneration corridor 'freeport' development corporation*'.

8. You confirmed you neither met, nor made any commercial or contractual decisions with or on D2D while in office. Nor did you have any involvement in relevant policy development or decisions. You also said you did not meet with competitors, nor did you have access to sensitive information on these competitors.

9. You also informed the Committee that you are currently an adviser to the Prime Minister for the Taskforce on Innovation, Growth and Regulatory Reform in your role as an MP backbencher.

10. The Department for Transport (DfT) was contacted regarding your application. DfT confirmed the details you provided in your application and also confirmed you would have no access to unannounced policy or information of specific sensitivity that could be seen to benefit D2D. DfT did not have any concerns with you taking up this work and recommended the standard conditions.

The Committee's consideration

¹ A major heritage and tourism regeneration project in County Durham

² A charitable foundation, that you have been involved with for several years, dedicated to creating space for non-partisan conversations about big policy issues and giving a voice to places and people left-behind, particularly focussed on regeneration

11. The Committee³ noted DfT does not have a relationship with D2D and as such you were not involved in any decisions that benefitted D2D. Therefore, the Committee considered the risk this appointment could be seen as a reward for decisions taken in office is low.

12. When considering your application, the Committee noted this appointment is not directly related to your most recent time in office. However, Given your role as Minister of State at DfT and your ongoing role as an adviser for the Taskforce on Innovation, Growth and Regulatory Reform, you may have access to sensitive information that would present an unfair advantage to D2D. However, the Committee put weight behind the department's confirmation you had no access to relevant sensitive information. Further, it noted the amount of time that has now passed since you were in office (14 months). The Committee noted that you are prevented from drawing on your privileged information as with all former ministers which helps to mitigate this risk.

13. The Committee noted you do not intend to have contact with government in this role but you envisage the government may show interest in this project if it is successful. The Committee would like to draw your attention to the below conditions preventing you from lobbying and advising on contracts and bids. These conditions make it clear that you should not use your contacts and influence across government to the unfair advantage of D2D.

14. In accordance with the government's Business Appointment Rules, the Committee advises this appointment with **D2D Ltd** be subject to the following conditions:

- you should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you from your time in ministerial office or in any capacity in which you continue to work with the UK Government;
- for two years from your last day in ministerial office, you should not become personally involved in lobbying the UK government on behalf of D2D Ltd (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the government and/or ministerial contacts to influence policy, secure business/funding or otherwise unfairly advantage D2D Ltd (including parent companies, subsidiaries, partners and clients); and

³ This application for advice was considered by Jonathan Baume; Andrew Cumpsty; Isabel Doverty; Sarah de Gay; The Rt Hon Lord Pickles; Richard Thomas; Mike Weir; and Lord Larry Whitty. Dr Susan Liataud was unavailable.

- for two years from your last day in office you should not provide advice to D2D Ltd 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. 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 as a member of the House of Commons.

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.*" This Rule is separate and not a replacement for the Rules in the House.

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

19. Once this 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.

The Rt Hon Lord Pickles

George Freeman MP