



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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1. You approached the Committee on taking up a role with AP Wireless UK as Co-Chair of the Protect and Connect Campaign.

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:

- 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. AP Wireless UK (AP Wireless) is a mobile phone mast lease investment company. It has a number of different sites in 19 countries. It is part of the Protect and Connect Campaign, a consortium of land owners and businesses, which seeks to raise awareness around current rules for land valuation and the impact these have on small landowners who provide sites for mobile phone masts. Its website states it aims to help '*small landowners – including farmers, churches and community groups – who lease their land to telecoms companies*' to get a fair deal on the rent for their land. You stated your role as Co-Chair will

be to engage with the media and be a representative of the campaign.

6. You informed the Committee that as Minister for the Armed Forces, you had no official dealings with AP Wireless (no meetings and no involvement with policy or regulatory work affecting AP Wireless); nor did you have any involvement in awarding contracts or funding to the AP Wireless. You further noted you did not meet with competitors of the AP Wireless and do not have access to sensitive information regarding these competitors.

7. The MOD was contacted in relation to this application and it confirmed the information you provided. The MOD said it holds no contracts with AP Wireless. It stated that decisions relating to the use of masts on MOD estate are managed below ministerial level without direct ministerial involvement. It stated it had no concerns with this appointment.

The Committee's consideration

8. When considering this application the Committee noted you had no dealings with the company while in office, nor any involvement in decisions impacting them. Therefore, the Committee considered the risk this appointment could reasonably be perceived as a reward for decision or actions taken while in office was low.

9. The Committee noted there is a general risk that you may offer an unfair advantage by virtue of the sensitive information and influence you may have access to as a former minister. However, as any MOD consideration around the subject matter of this role was below ministerial level, the risk here is limited. It would nevertheless draw your attention to the conditions in place which prevent you from drawing on privileged information or using your influence to lobby the Government or advise on bids or contracts with the Government. The Committee also advises that where you are endorsing the Protect and Connect campaign, you must make it clear this in your personal capacity and does not represent the views of the Government.

10. Under the Government's Business Appointment Rules, the Committee advises this appointment be made subject to the following conditions:

- that 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 MOD on behalf of AP Wireless UK or its clients (including parent companies, subsidiaries, partners and other members of the Protect and Connect campaign); nor should you make use directly or indirectly, of your Government/Whitehall contacts to influence policy, secure funding/business or otherwise unfairly benefit A P Wireless UK or its clients (including clients, parent companies, subsidiaries, partners and other members of the Protect and Connect campaign);
- for two years from your last day in ministerial office, you should not provide advice to A P Wireless UK or its clients 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, UK MOD or their trading funds

11. 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 Ministerial Code/Civil Service Code or otherwise.

12. 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.*"

13. 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.

14. 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 The Lord Pickles

The Rt Hon Lord Lancaster