



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 AP Wireless (UK) Ltd under your independent consultancy.

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. You sought the Committee's advice on taking up a paid, part-time position as a Senior Political Advisor at AP Wireless (UK) Ltd (AP Wireless). You said AP Wireless is a telecoms infrastructure operator. If an individual has a mobile phone mast on their property, they will receive rent on a monthly or perhaps yearly basis. AP Wireless is buying the right to receive this rent for a specific amount of time, after which the individual resumes collecting rent. This transaction is known as a lease premium. It does not affect the ownership of the property, nor the rights that the operator has in the lease agreement.

6. You said you will provide advice and political insight to AP Wireless and its advisory team in responding to DCMS' consultation on the Electronic communications Code¹, you said it is a short term assignment. Through this consultation, DCMS wants to hear views on whether changes to the Electronic Communications Code can help ensure that the UK has sufficiently robust electronic communications networks to deliver the coverage and connectivity consumers and businesses need. You stated this work will not involve contact with the Government.

7. You advised the Committee you neither met with, nor made any commercial or contractual decisions directly affecting AP Wireless while in office. You said you were not involved in specific policy development or decision but said as Chancellor you met representatives of the telecoms infrastructure industry. But confirmed you did not have access to sensitive information on these companies.

8. HM Treasury (HMT) were contacted regarding your application. HMT confirmed you did not meet with AP Wireless while in office and it has no relationship with AP Wireless. It did confirm you had a role in telecoms sector-wide spending decisions, such as the Digital Infrastructure Investment and the government's 5G Strategy. It also confirmed you were also involved in digital infrastructure policy, alongside DCMS, and provided the following examples:

- the Future Telecoms Infrastructure Review; ensuring tenants' access to gigabit-capable connections - which set out the Government's strategy for telecoms infrastructure (published July 2018); and
- the 2017 reforms to the Electronic Communications Code (the legal framework underpinning consensual agreements between telcos and landowners on rights to install and keep electronic comms apparatus on public and private land).

9. However, HMT confirmed the Department for Digital, Culture, Media and Sport (DCMS) lead on both the policy and funding decisions regarding this sector. It said HMT is not the lead department for digital policy and your role here would have

¹ The Electronic Communications Code regulates the rights of telecommunications operators to install and maintain their apparatus on public and private land.

been mainly through the collective agreement process. It further confirmed these decisions applied and affected the sector as a whole.

10. HMT also confirmed you had meetings with telecoms companies, however, not any which were immediate competitors. It informed the Committee any commercially sensitive information you did have access to would no longer offer any unfair advantage now due to the amount of time that has passed.

11. The Department said it has no concerns about you taking up this role, under the Business Appointment Rules.

12. As this work is related to DCMS the Committee reached out to the Department to get its view. It confirmed it had no concerns in regards to you taking up this work.

The Committee's consideration

13. The Committee² noted that this appointment is consistent with the description of your consultancy which you described as a vehicle for development of an advisory and consultancy business, offering advice to companies and organisations in the UK and overseas.

14. When considering this application, the Committee took into account that you did not meet with AP Wireless. Although, the Committee did note you were involved in both digital infrastructure policy and telecoms sector-wide spending decisions. However, the Committee put weight behind the Department's comments that DCMS led on these decisions and your role would have been mainly through the collective agreement process. The Committee also noted these decisions were not specific to AP wireless and affected the sector as a whole. HMT does not have a relationship with AP Wireless and has no concerns about you taking up this appointment. The Committee therefore considered the risk this appointment could be seen as a reward for decisions taken in office is low.

15. This role is limited to providing advice and political insight to AP Wireless and its advisory team in responding to DCMS' consultation on the Electronic Communications Code. Therefore the Committee noted there is a perception risk here of a former minister advising a private company on how to respond to government policy. However, DCMS raised no concerns with this proposed work and you did not work for the relevant department. The Rules do not seek to prevent individuals drawing on skills and experience gained from government; and support

² 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.

this where the risks can be appropriately mitigated. However, the Committee noted the risk you could be seen to offer unfair influence in respect of your insight into relevant policy and your access to contacts.

16. The Committee was mindful that any Chancellor inevitably is involved in policy and decision making that impacts widely on the UK economy and almost all sectors including telecoms. It considered your wider involvement in DCMS lead policy could provide you with access to general sensitive information that may be seen to provide an unfair advantage to AP Wireless. Further your meetings with telecoms companies may have offered access to commercially sensitive information. However, the Committee put weight behind the Department's comment that digital infrastructure policy has evolved since you were in office and any commercially sensitive information he did have would be unlikely to offer any advantage now due to the amount of time that has passed. The Committee noted the amount of time that has now passed since you were in office (20 months) and the HMT is not aware of any specific issues relating to specific information you might be privy to.

17. The Committee would like to draw your attention to the below conditions which prevent you from lobbying the UK Government, making improper use of your contacts, advising on contracts and bids related to the UK Government. Further as with all former ministers you are prevented from making use of privileged information to the benefit of your future employer.

18. In accordance with the Government's Business Appointment Rules, the Committee advises this appointment with **AP Wireless (UK) Ltd** be subject to the same conditions as your independent consultancy:

- 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. In the context of this general provision, the Committee considers you should specifically avoid giving those you advise under your independent consultancy, or its subsidiaries, partners or clients, privileged insight into Brexit related issues, insofar as it as it pertains to UK's negotiating strategy post its departure from the EU, whether generally or regarding fiscal matters;
- for two years from your last day in ministerial office, you should not become personally involved in lobbying the Government on behalf of those you advise under your independent consultancy (including parent companies, subsidiaries and partners). Nor should you make use, directly or indirectly, of your government and/or Ministerial contacts to influence policy, secure funding/business or otherwise unfairly benefit those you advice under your independent consultancy (including parent companies, subsidiaries and partners);

- for two years from your last day in ministerial office, you should not become personally involved in lobbying contacts you have developed during your time in office and in other Governments and organisations for the purpose of securing business for any company or organisation (including parent companies, subsidiaries and partners);
- for two years from your last day in ministerial office, you should not provide advice to any company or organisation 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; and
- for two years from your last day in ministerial office, before accepting any commissions for your independent consultancy and or/before extending or otherwise changing the nature of your commissions, you should seek advice from the Committee. The Committee will decide whether each commission is consistent with the terms of the consultancy and consider any relevant factors under the Business Appointment Rules.

19. 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.

20. 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."*

21. 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 House of Lords.

22. 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, 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 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.

23. 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

The Rt Hon Lord Philip Hammond of Runnymede