



## **OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS**

G/7 Ground Floor, 1 Horse Guards Road SW1A 2HQ

Telephone: 020 7271 0839

Email: [acoba@acoba.gov.uk](mailto:acoba@acoba.gov.uk)

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

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### **BUSINESS APPOINTMENT APPLICATION: Eileen Milner - Cambridgeshire and Peterborough Combined Authority**

1. Eileen Milner, the Chief Executive Officer of Education and Skills Funding Agency (ESFA) has sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former Civil Servants (the Rules) on an appointment she wishes to take up with Cambridgeshire and Peterborough Combined Authority (CPCA) as Chief Executive Officer. The material information taken into consideration by the Committee is set out in the annex.
2. The purpose of the Rules is to protect the integrity of the government. Under the Rules, the Committee's remit is to consider the risks associated with the actions and decisions made during her time in office, alongside the information and influence she may offer CPCA.
3. The Rules set out that Crown servants must abide by the Committee's advice<sup>1</sup>. It is an applicant's personal responsibility to manage the propriety of any appointment. Former Crown servants are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.

#### **The Committee's consideration of the risks presented**

4. When considering this application the Committee<sup>2</sup> took into account that Ms Milner did not meet with CPCA while in service and did not make any policy or regulatory decisions specifically affecting CPCA. While ESFA is responsible for the regime surrounding the funded adult education budget - this is devolved to CPCA and the process of allocation is based on population was a ministerial decision, before Ms Milner took on her role with ESFA. Both the department

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<sup>1</sup> Which apply by virtue of the Civil Service Management Code, The Code of Conduct for Special Advisers, The Queen's Regulations and the Diplomatic Service Code

<sup>2</sup> This application for advice was considered by Jonathan Baume; Andrew Cumpsty; Sarah de Gay; Isabel Kiddy; Dr Susan Liautaud; The Rt Hon Lord Pickles; Richard Thomas; Mike Weir; and Lord Larry Whitty .

and Ms Milner confirmed she had no role in the process - though the regime sits within the Funding Directorate in the ESFA. Therefore, the Committee considered the risk she could be seen to have been offered this role as a reward for decisions made, or actions taken in office, was low.

5. Given Ms Milner's role as CEO of ESFA there is a risk she had access to a broad range of general information that could unfairly benefit any local government authority, including CPCA. However the Committee noted the Department for Education (DfE) raised no specific concern regarding her access to information and she has an ongoing duty of confidentiality.
6. The Committee recognised this appointment is likely to include contact with the government, in particular with the Ministry of Housing, Communities and Local Government (MHCLG) and Department for Transport (DfT). The Committee noted this contact already exists between local government authorities and central government and as such there is a framework already in place for this contact. Given this established framework, though there are inherent risks associated with Ms Milner's contact from her time in office, the risk of undue influence here was considered limited.
7. Further, the proposed contact is not directly with her former department or agency. The Committee considered it would be inappropriate for her to use her contacts improperly to influence the government, for example in relation to educational funding. However, the contact she described in undertaking her duties as CEO would not be improper subject to the conditions below.

### **The Committee's advice**

8. The Committee's advice, under the government's Business Appointment Rules is that this appointment with **Cambridgeshire and Peterborough Combined Authority**, is subject to the following conditions:
  - for two years from her last day in Crown service she can draw on skills and experience gained from her time in office. However she must not, at any time, draw on any privileged information gained in office. Any contact with the government, directly or indirectly, must only be where it could not reasonably be perceived as improper use of her time in government service to lobby;
  - for two years from her last day in Crown service, she must not work or advise on any bids to secure governmental funding or contracts. She may only work on or advise on the subject matter of contracts Cambridgeshire and Peterborough Combined Authority may have with the government (or related matters), provided she does not draw on any privileged information or contacts from her time in office (as per the condition above).
9. Government in this context, means the government you served in office and its arm's length bodies except in respect of any responsibilities you had for

policy in another administration, in which case it refers to the relevant government.

10. 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.
11. 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.*"
12. I should be grateful if you would inform us as soon as Ms Milner takes up employment with this organisation, or if it is announced that she 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 he has complied with the Rules.
13. Once the 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.

Yours sincerely,

Isabella Wynn  
**Committee Secretariat**

## **Annex - Material information**

### The role

1. Ms Milner said CPCA is a local government. The website states CPCA works with local councils, the Business Board (Local Enterprise Partnership), local public services, government departments and agencies, universities and businesses to grow the local and national economy. It is made up of a directly elected Mayor and the following seven local authorities and the Business Board:
  - Cambridge City Council
  - Cambridgeshire County Council
  - East Cambridgeshire District Council

- Fenland District Council
  - Huntingdonshire District Council
  - Peterborough City Council
  - South Cambridgeshire District Council
2. Ms Milner said under the devolution deal signed in 2017, CPCA is responsible for Housing and Transport policy across a landscape made up of seven local authorities who, with the Mayor, form the political governance of the organisation. There is a commitment to double gross value added over the next 25 years, so the CPCA is rooted in an expectation around leading an ambitious agenda around economic growth. Accountability into government is via MHCLG. She noted CPCA also has devolved responsibilities in respect of the Adult Education budget and the wider Skills agenda. As CEO she said it will be her responsibility to ensure that the organisation is well led, that effective governance exists and that performance is well-described and monitored effectively. There will be an extensive need for partnership working with employers, investors, other parts of the public service landscape, as well as building community and citizen confidence that the role of the CPCA is one that they recognise as being both valuable and value-adding.
  3. Ms Milner also stated she did expect her role to involve contact with government. She said there will undoubtedly be a need for engagement with MHCLG, DfT and possibly HMT. She said these would be very much part of the natural rhythm of the way in which local government works with relevant central government departments. She said that budgets for Adult Education are devolved and based upon a population related formula; the ESFA currently has a very light touch engagement with all the Combined Authorities and London Assembly (with the link being the funding flow based on a calculation); and she would not envisage that her new role would shift to her having a need for any further engagement than that which already exists. .

#### Dealings in office

4. Ms Milner said she did not meet with CPCA while in service and made no policy or regulatory decisions affecting CPCA. She said ESFA provides funding for the Adult Education Budget, the value of this is £7m per annum. Ms Milner said the funding process (based on population) for the Adult Education Budget was signed off by ministers in 2017, before her arrival in the ESFA. She confirmed she has no role in this process, though the regmetsits in the Funding Directorate in the ESFA. She also confirmed policy around Adult Education Budget sits in the DfE rather than with her at ESFA.
5. Ms Milner also told the Committee she did not meet with competitors of CPCA nor did she have access to commercially sensitive information affecting these competitors.

#### Department Assessment

6. The Department for Education (DfE) confirmed the details given by Ms Milner. It confirmed it provides funding and assurance in relation to the Adult Education Budget but stated while the ESFA CEO role has oversight of the funding regime

for adult education budgets, this is determined by a population-based formula. Further it confirmed the policy for this area sits with another Director General in DfE (not ESFA).

7. The department confirmed Ms Milner's accumulated leave means her last day in the role will be mid-July 2021.
8. The department had no concerns with regards to this application and recommended the Committee apply the standard conditions.