



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

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**BUSINESS APPOINTMENT APPLICATION: Lee Cain, commission with Coalition for a Digital Economy under your Independent Consultancy.**

1. You sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former Crown servants (the Rules) on taking up a role with the Coalition for a Digital Economy (COADEC) under your independent consultancy (Charlesbye). 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 your time in office, alongside the information and influence you may offer COADEC.
3. The Committee has advised that a number of conditions be imposed to mitigate the potential risks associated with this work under the Rules; this does not imply the Committee has taken a view on the appropriateness of this appointment in any other respect.
4. The Rules<sup>1</sup> set out that Crown servants must abide by the Committee's advice. 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 risk presented

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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

5. The Committee<sup>2</sup> considered this commission to be consistent with the communications aspect of the description of your consultancy which you described as offering '*strategic counsel to CEOs and senior executives - giving advice on corporate strategy, crisis management, reputational safeguarding and effective communication campaigns*'.
6. When considering this application, the Committee noted there is no relationship between COADEC and the Cabinet Office. It also noted you did not meet with, nor make any decisions specific to, COADEC whilst you were in office. Therefore, the Committee considered there is no reason it might be perceived that this appointment is a reward for decisions made or actions taken from your time in government service.
7. As the former Director of Communications at No. 10, the Committee noted you would have had access to privileged information which may be seen to benefit any company you choose to join. The Committee recognised any company operating in the UK and internationally may be considered to be gaining from your insight at the centre of government that is unavailable to its competitors. However, the Committee considered it significant that:
  - a. this is a general risk, you had no specific responsibilities for this sector in office as confirmed by No.10;
  - b. almost 10 months have passed since you had access to information in office;
  - c. you have an ongoing duty of confidentiality;
  - d. COADEC confirmed that it would put in place '*...appropriate measures in order to ensure that any restrictions, conditions and limitations that are placed upon Charlesbye by ACOBA as a condition of employment are applied in full within our organisation*';
  - e. COADEC also confirmed that its work with Charlesbye will comply in full with the conditions placed on your work by ACOBA.
8. The Committee noted there is a risk associated with the former Director of Communications at No. 10 joining an organisation that campaigns government on behalf of digital start-ups. It noted that your seniority and influence at the centre of the government could be perceived to unfairly assist COADEC in its influencing agenda. The Committee took into account that your role would not involve lobbying government and would be limited to solely offering strategic communications advice, such as media handling. However, where any individual is subject to the lobbying ban, and joins an organisation with a significant interest in influencing government, this risk must be mitigated. In this case the Committee considered it is significant that there is no direct overlap with your work at No.10, and is continuing your pre-No.10 career in media and communications.

### The Committee's advice

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<sup>2</sup> 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.

9. The Committee determined the risks above can be appropriately mitigated by the conditions that apply to your consultancy, below. Further, the Committee wishes to make it explicit that it would be inappropriate for you make contact with the government on behalf of COADEC. However, the Committee notes this is in keeping with your role as described.
10. The Committee advises, under the Government's Business Appointment Rules, that your role with **Coalition for a Digital Economy** should be subject to the same conditions which were previously applied to your independent consultancy:
- 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 Crown service. In the context of this general provision, the Committee considers you should specifically avoid giving your independent consultancy or its clients, privileged insight based on information from your time in Crown service into Brexit related issues, insofar as it as it pertains to UK's negotiating strategy post its departure from the EU;
  - for two years from your last day in Crown service, you should not become personally involved in lobbying the UK government or any of its Arm's Length Bodies on behalf of those you advise under your independent consultancy (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage those you advise under your independent consultancy (including parent companies, subsidiaries, partners and clients);
  - for two years from your last day in Crown service you should not provide advice to any company or organisation 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 or any of its Arm's Length Bodies; and
  - for two years from your last day in Crown service, 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.
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 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. As with all Special Advisers, the Committee makes this recommendation on the understanding that, if you have not already done so, you must confirm in writing to your department that you recognise that you continue to be bound by the provisions of the criminal law (including the Official Secrets Act) which protect certain categories of information, and by your duty of confidentiality owed to the Crown.
14. You must inform us as soon as you take up this work, or it is announced you will do so.
15. 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.
16. Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website.

Yours Sincerely,

Isabella Wynn  
**Committee Secretariat**

## **Annex - Material information**

### The role

1. The website states COADEC works with digital startups and policymakers to create better policy for the digital economy. It says it was founded by tech entrepreneurs and is a non-profit that campaigns for policies to support digital startups in the UK. It states it conducts research, hosts events, and runs campaigns on behalf of the UK's startup community.
2. You seek to take up a paid commission with COADEC providing senior strategic counsel and communications support, with no contact with government. While this organisation does interact with policymakers to create better policy for the digital economy, you were explicit that your role will involve no policy involvement and your role will be focussed on media strategy issues and communications. You said this role will not involve influencing government on any level.
3. COADEC confirmed that it would put in place '*...appropriate measures in order to ensure that any restrictions, conditions and limitations that are placed upon*

*Charlesbye by ACOBA as a condition of employment are applied in full within our organisation'. COADEC also confirmed that its work with Charlesbye will comply in full with the conditions placed on your work by ACOBA.*

#### Dealings in office

4. You told the Committee you did not meet with COADEC while in office and there is no known relationship between the Cabinet Office and COADEC. Further, you said you:
  - a. did not have any involvement in any relevant policy development or decisions that would have affected COADEC
  - b. had no commercial or contractual responsibilities relating to COADEC; and
  - c. did not meet with competitors of the COADEC nor have access to sensitive information regarding competitors.

#### Department Assessment

5. The Cabinet Office and No.10 confirmed you had no official dealings with COADEC and confirmed you had no access to information that could provide an unfair advantage. The departments said that almost a year had passed since your time in government and that the policy landscape has changed.
6. The Cabinet Office recommended the same conditions should be applied as were previously applied to your consultancy.