



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Michael Driver CB, former Chief Financial Officer, Head of the Government Finance Function and interim Permanent Secretary at the Ministry of Justice (MOJ) and former acting Permanent Secretary at the MOJ. Appointment with Liverpool City Council.

1. Mr Driver 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 an appointment he wishes to take up with Liverpool City Council as a Member of the Finance Improvement Steering Board. 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 time in office, alongside the information and influence a former minister may offer Liverpool City Council.
3. The Rules set out that Crown servants must abide by the Committee's advice¹. 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

4. When considering this application, the Committee² took into account this role as a Member of the Finance Improvement Steering Board is unpaid³. Generally, the Committee's experience is that the risks related to unpaid roles

¹ 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

² This application for advice was considered by Jonathan Baume; Andrew Cumptsy; Sarah de Gay; Isabel Doverty; The Rt Hon Lord Pickles; Richard Thomas; Dr Susan Liautaud; Mike Weir; Lord Larry Whitty.

³ By unpaid the Committee means that no remuneration of any kind is received for the role. Applicants must declare where it is agreed or anticipated they may receive remuneration or some other compensation at some stage in the future.

are limited. The purpose of the Rules is to protect the integrity of the government by considering the real and perceived risks associated with former ministers using privileged access to contacts and information to the benefit of themselves or those they represent; and to mitigate the risks that individuals may make decisions or take action in office to in expectation of rewards, on leaving government. These risks are significantly limited in unpaid cases due to the lack of financial gain to the individual.

The Committee's advice

5. The Committee did not consider this appointment raises any particular proprietary concerns under the government's Business Appointment Rules. The standard conditions below, preventing Mr Driver from drawing on his privileged information and using his contacts to the unfair advantage of their new employer, will sufficiently mitigate the risks in this case. The Committee would draw his attention to the below lobbying and contracts and bids ban that prevent Mr Driver from using the contacts you made while in government to the unfair advantage of the Institute.
6. The Committee advises, under the Government's Business Appointment Rules, that Mr Alty's role with Liverpool City Council should be subject to the following conditions:
 - He should not draw on (disclose or use for the benefit of himself or the persons or organisations to which this advice refers) any privileged information available to him from his time in Crown service;
 - for two years from his last day in Crown service, he should not become personally involved in lobbying the UK government on behalf of Liverpool City Council (including parent companies, subsidiaries, partners and clients); nor should he make use, directly or indirectly, of his contacts in the government and/or ministerial contacts to influence policy, secure business/funding or otherwise unfairly advantage Liverpool City Council (including parent companies, subsidiaries, partners and clients); and
 - for two years from his last day in Crown service, he should not provide advice to Liverpool City Council (including parent companies, subsidiaries, partners and 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.
7. 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.
8. 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."

9. I should be grateful if you would inform us as soon as Mr Driver takes up employment with this organisation, or if it is announced that Mr Driver 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 Mr Driver has complied with the Rules.
10. Please also inform us if Mr Driver proposes to extend or otherwise change the nature of his role as, depending on the circumstances, it may be necessary for him to make a fresh application.
11. 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. Mr Driver describes Liverpool City Council as a local government.
2. Mr Driver said the purpose of the role is to support the successful implementation and delivery of an ambitious Finance Improvement Programme across the City Council. As a member of the Steering Board the role will cover the following key responsibilities:
 - To provide advice, challenge and support to the SRO in achieving the outcomes associated with the improvement plan;
 - To provide assurance to Commissioners on the delivery of the outcomes associated with the improvement plan
3. Mr Driver does not expect his role to involve contact with government.

Dealings in office

4. Mr Driver confirmed he had had no contact with Liverpool Council when he was in government and said he:
 - did not have any involvement in any relevant policy development or decisions that would have affected Liverpool Council;
 - does not have access to sensitive information that would provide an unfair advantage;
 - had no commercial or contractual responsibilities relating to the Liverpool Council; and
 - did not meet with competitors of Liverpool Council nor have access to sensitive information regarding competitors.

Department Assessment

5. The Ministry of Justice (MOJ) confirmed the details Mr Driver provided and confirmed he did not have access to information that could provide an unfair advantage but noted as the Government Finance lead he would be aware of the wider Government Finance Function capability programme and wider programme for talent management etc and the extent to which this could be used to support functional/professional development.
6. Both the MOJ and Department for Health and Social Care confirmed it did not have any concerns.