



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Lord Forst, former Minister Of State in the Cabinet Office. Paid appointment with JCB Limited.

1. You approached the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former ministers (the Rules) seeking advice on taking up a paid role as an External Adviser with JCB Limited. The material information taken into consideration by the Committee is set out in the below 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 JCB Limited.

3. The Ministerial Code sets out that ministers must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former ministers of the Crown, and Members of Parliament, are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.

4. It should also be noted that in addition to the conditions imposed on this appointment under the government's Business Appointment Rules, there are separate rules in place with regard to your role as a member of the House of Lords.

The Committee's consideration of the risk presented

5. There is a broad crossover in relation to JCB's interest in the UK's trading arrangements having left the UK and your role as the Minister responsible for this. However, you did not have any official contact with JCB Limited whilst in office and your former department confirmed you did not make any policy or contractual decisions that would have specifically affected JCB Limited. Therefore the

Committee¹ considered the risk that this appointment could be reasonably perceived as a reward for actions taken in office is low.

6. As the former Minister Of State in the Cabinet Office with responsibility for various matters connected to trade in light of the UK's exit from the EU - there is risk you could be seen to have privileged information which could unfairly benefit JCB Limited. In particular the Committee noted the potential overlap between this and you offering political advice to JCB on matters related to the UK's exit from the EU. The Committee gave weight to the department's confirmation you had no access to privileged information that would provide a particular unfair advantage. Further, this is a broad risk that could apply to any company with similar interests and 6 months have passed since you had access to privileged information. Further you have an ongoing duty of confidentiality. The real and perceived risk of you making improper use of information you had access to while in office is therefore limited.

7. The Committee also noted there are risks associated with your contacts and influence within government - though your role will not include any contact with your former department or government more widely.

The Committee's advice

8. As above there is a general overlap with your time in office and the organisation's likely interest (alongside any other similar organisation) in the work you were doing at the Cabinet Office. The Committee considered the below conditions would appropriately mitigate the risks associated with your access to information and influence within government. However, given the possible overlap in work, the Committee would remind you to specifically avoid giving JCB any privileged insight into the UK's exit from the EU deriving from your time in office.

9. In accordance with the government's Business Appointment Rules, the Committee advises this role with **JCB Limited** be 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 office;
- for two years from your last day in ministerial office, you should not become personally involved in lobbying the government or any of its Arm's Length Bodies on behalf of JCB Limited (including clients, parent companies,

¹ This application for advice was considered by Jonathan Baume; Andrew Cumpsty; Sarah de Gay; Isabel Doverty; The Rt Hon Lord Pickles; Dr Susan Liataud; Mike Weir; Lord Larry Whitty. Richard Thomas was unavailable

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 JCB Limited (including clients, parent companies, subsidiaries and partners); and

- for two years from your last day in ministerial office, you should not provide advice to JCB Limited (including clients, parent companies, subsidiaries and partners) 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 or any of its Arm's Length Bodies.

10. The advice and the conditions under the government's Business Appointment Rules relate to your previous role in government only; they are separate to rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists or the Parliamentary Commissioner for Standards. It is an applicant's personal responsibility to understand any other rules and regulations you may be subject to in parallel with this Committee's advice.

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. You must inform us as soon as you take up this work 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 Lord Pickles

Annex - material information

The role

1. You wish to take up a paid part time role as an External Adviser with JCB Limited. The website states JCB is a British manufacturer of equipment for construction, agriculture, waste handling, and demolition, founded in 1945 and based in Rocester. You said JCB is a manufacturer of earth-moving equipment and similar. It has a number of other related companies, including in insurance and finance. JCB Finance has been accredited by the British Business Bank to provide the Government Coronavirus Business Interruption Loan Scheme (CBILS) – designed to support the continued provision of finance to UK smaller businesses (SMEs) during the COVID-19 outbreak - responsibility for this is held by BEIS.
2. You told the Committee you will be an adviser to the Chair and Board on economic, political, and global issues. The purpose of an advisor is to obtain external views on commercial, economic and political issues throughout the

world. This role would involve attending executive Board Meetings roughly quarterly and ad hoc contacts with the Chairman and other executives.

3. You informed the Committee your role would not involve contact with government.

Dealings in office

4. You stated you did not have any official dealings with JCB while in government and confirmed there is no relationship between your former department and JCB.
5. You confirmed you did not make any contractual or policy decisions specific to JCB but did note JCB, like any other manufacturing company, was of course affected by the Brexit negotiations and regulatory decisions stemming from them. You also stated you did not have access to information that could provide you with an unfair advantage.

Department Assessment

6. The Cabinet Office was consulted on this appointment and confirmed the details you provided. It confirmed you did not have access to information that would provide an unfair advantage to JCB; you made no decisions specifically impacting JCB; and it has no concerns about you taking up this role subject to the standard conditions.