



**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. Paid appointment with Transport for London (TFL).**

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 Transport for London.
2. The purpose of the Rules is to protect the integrity of the government. The Committee has considered the risks associated with the actions and decisions made during Mr Driver's time in office, alongside the information and influence he may offer TFL. The material information taken into consideration by the Committee is set out in the annex.
3. The Committee's advice is not an endorsement of the appointment - it imposes a number of conditions to mitigate the potential risks to the government associated with the appointment under the Rules.
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 risks 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 King's Regulations and the Diplomatic Service Code

5. The Committee<sup>2</sup> noted neither the Ministry of Justice (MOJ) nor the Department of Health and Social Care (DHSC) have any contractual relationship with TFL, and Mr Driver did not meet with or make any decisions specifically affecting TFL. The Committee considered the risk of this appointment being offered as a reward or decisions made in post as low.
6. There is no overlap with this role and Mr Driver's time in government service. The Committee noted the inherent risks associated with access to information and his network of contacts in government service. However, neither the MOJ nor DHSC had any concerns relating to Mr Driver's access to information and noted 17 months have passed since Mr Driver left government service. The Committee also noted his proposed role does not involve contact with the government. The nature of the organisation is a mitigating factor as it is a local government body responsible for the transport network in London.

### The Committee's advice

7. The Committee did not consider this appointment raises any particular proprietary concerns under the government's Business Appointment Rules. The standard conditions below will sufficiently mitigate the risks in this case. These seek to prevent Mr Driver from drawing on his privileged information, contacts and influence gained in ministerial office to the unfair advantage of TFL.
8. Taking into account these factors, in accordance with the government's Business Appointment Rules, the Committee advises this appointment with the **Transport for London** 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 or any of its Arm's Length Bodies on behalf of Transport for London (including parent companies, subsidiaries, partners, clients and members); nor should he make use, directly or indirectly, of his contacts in the government and/or Crown service contacts to influence policy, secure business/funding or otherwise unfairly advantage Transport for London (including parent companies, subsidiaries, partners, clients and members); and
  - for two years from his last day in Crown service, he should not provide advice to Transport for London (including parent companies, subsidiaries, partners, clients and members) 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.

### 14. The advice and the conditions under the government's Business Appointment

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

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 Mr Driver's personal responsibility to understand any other rules and regulations he may be subject to in parallel with this Committee's advice.

15. 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 or otherwise.
16. 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." This Rule is separate and not a replacement for the Rules in the house
17. Mr Driver must inform us as soon as he takes up employment with this organisation(s), or if it is announced that he will do so. Mr Driver must also tell us if he 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.
18. Once the appointment(s) 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 stated TFL is responsible for running the transport network in London. The website states TFL is a local government body responsible for most of the transport network in London.
2. Mr Driver stated he will:

- Provide advice and support to the CFO and her team as she builds a new functional model across TFL corporate services.
- Provide advice and group coaching to the CFO and her team at meetings and Awaydays.
- Provide 1-2-1 coaching as necessary.

3. He confirmed his role would not involve contact with government.

#### Dealings in office

4. Mr Driver stated he did not meet with, have any specific information about or make specific decisions on TFL or its competitors while in post.

#### Department Assessment

5. The MOJ and DHSC provided their views on this application. Both departments confirmed the details above.

6. The MOJ and DHSC had no concerns with you taking up this appointment and recommended the application should the standard conditions preventing using privileged, commercial or contractual information or lobbying contacts gained in post to the unfair advantage of TFL be applied.