

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: former Parliamentary Under Secretary of State at the Department for Science, Innovation and Technology (DSIT) & former Parliamentary Under Secretary of State for Technology, Innovation and Life Sciences at the Department of Health and Social Care (DHSC). Unpaid appointment with Coalition for a Digital Economy (COADEC) as a member of the Advisory Board.

1. You sought advice from the Advisory Committee on Business Appointments (the Committee) under the Government's Business Appointments Rules for Former Ministers (the Rules) on an unpaid role you want to take up with COADEC.
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 your time in office, alongside the information and influence you may offer to COADEC. 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 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.

The Committee's consideration

5. When considering this application, the Committee¹ took into account this role as Member of the Advisory Board to COADEC is unpaid². Generally, the Committee's experience is that the risks related to unpaid roles are limited. The purpose of the Rules is to protect the integrity of the government by considering the real and perceived risks associated with the former ministers joining outside organisations. Those risks include: using privileged access to contacts and information to the benefit of themselves or those they represent. The Rules also seek 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.

6. As a former minister, this role may have some overlap with your time in office. There are risks associated with your access information and your network within government. The Committee notes COADEC has an influencing agenda.

7. There are significant mitigations to these risks:

- You are returning to a role you held before joining government.
- The unpaid nature of this appointment limits the real and perceived risks associated with the improper use of contacts or information from your time in office for personal benefit.
- COADEC confirmed to the Committee your unpaid role on the Advisory Board will be separated from its policy and influencing work.

The Committee's advice

8. The Committee did not consider this appointment raises any particular proprietary concerns under the government's Business Appointment Rules. The standard conditions below, preventing you from drawing on your privileged information and contacts to the unfair advantage of COADEC, will sufficiently mitigate the risks in this case.

9. Taking into account these factors, in accordance with the government's Business Appointment Rules, the Committee advises this appointment with the **Coalition for a Digital Economy** be subject to the following conditions:

- 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 ministerial office;

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

² 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.

- for two years from your last day in ministerial office, you should not become personally involved in lobbying the UK government or its arms' length bodies on behalf of the Coalition for a Digital Economy (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 the Coalition for a Digital Economy (including parent companies, subsidiaries, partners and clients); and
- for two years from your last day in ministerial office you should not undertake any work with the Coalition for a Digital Economy (including parent companies, subsidiaries, partners and clients) that involves providing advice 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 its arms' length bodies.

10. The advice and the conditions under the government's Business Appointment Rules relate to his 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 his personal responsibility to understand any other rules and regulations he 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 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.*" This Rule is separate and not a replacement for the Rules in the House.

13. You must inform us as soon as you take up this role, 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 Rules and the Ministerial Code.

14. You must 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.

15. 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.

The Rt Hon Lord Pickles

Annex - Material information

The role

1. You said the COADEC is a non-profit based in London, campaigns for policies to support digital startups in the UK and conduct research, host events, and run campaigns on behalf of the UK's startup community, and works with digital startups and policymakers to create better policies for the digital economy.
2. You informed the Committee that your role as Member of the Advisory Board of COADEC will be to provide input and feedback on the organisation's strategy and certain high-level operational matters such as the appointment of senior executives.
3. You said your role will not involve any contact or dealings with government.

Dealings in office

4. You confirmed you had had no official contact with COADEC when you were Parliamentary Under Secretary of State at DHSC, and DSIT³ and said you:
 - did not have any direct involvement in any relevant policy development or decisions that would have affected COADEC - though note you worked on matters that could be of relevance to its members;
 - do not have access to sensitive information that would provide an unfair advantage;
 - had no commercial or contractual responsibilities relating to COADEC; and
 - did not meet with competitors of COADEC nor have access to sensitive information regarding competitors.

Department Assessment

5. The departments confirmed the details you provided.
6. DHSC and DSIT confirmed it has no concerns regarding this application.

³ Following the recent Machinery of Government Changes, DCMS was replaced by the Department for Science, Innovation and Technology (DSIT) & Department for Culture, Media and Sport.

Correspondence from COADEC to the Committee

7. Mr Jeff Lynn, Chairman of COADEC wrote to the Committee and said the following:

'Members of our Advisory Board (which we also sometimes refer to as our Steering Board) have no direct involvement in any of the policy initiatives on which we work. The role of the Advisory Board is solely to provide input and feedback on Coadec's strategy and certain high-level operational matters (such as the appointment of a senior executive). All of the work involved in influencing policy outcomes is performed by the paid staff and contractors of Coadec and not by the Advisory Board.'