



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Mr Huw William Merriman former Minister of State, Department for Transport. Paid appointment with Transport for Greater Manchester.

1. You approached the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointment Rules for Former Ministers (the Rules) seeking advice on taking up a paid role as Consultant at Transport for Greater Manchester (TfGM).
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 TfGM. 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 of the risks presented

5. As Rail Minister, DfT confirmed you made no policy, regulatory or commercial decisions specific to TfGM – which does not currently operate rail services.

However, it was also relevant to the Committee's¹ consideration that you had official dealings with TfGM in office; and you did take decisions impacting the transport sector it operates in, for example, including reconfirming the Liverpool-Manchester railway route via Warrington Bank Quay and Manchester Airport. Overall, the risk this work could reasonably be seen as a reward for decisions or actions taken in office is limited.

6. As a former Rail Minister with involvement in rail policy you will have had access to privileged information of relevance to TfGM, particularly as it plans to integrate local rail routes into its network. This is a general risk, rather than specific and DfT is not aware of any information that would offer TfGM an unfair advantage. There are factors that further reduce the risks of any information you were privy to:
 - it has been ten months since you left office, and a change of government. In that time, DfT considers the information you had access to has become irrelevant due to the change in government and subsequent major shift in the rail policy and operations landscape – including Great British Railways and the current government's plans to place all train operators in England under public ownership. As a result, the current rail services in and around Manchester are, and will continue to be, publicly run and non-competing – reducing the currency of any commercial information you hold; and
 - whilst TfGM has an interest in the Liverpool-Manchester railway, given it is part of a wider scheme to provide a strategic connection between different cities across the North, DfT considers it unlikely it would be of interest or appropriate for TfGM to operate this rail service.
7. Whilst there is a general overlap with your time in office as a minister, it is hard to argue with that the current government's plans to reform rail in the UK² limit your privileged insight in this area. Taking this into account – and recognising that your role is to advise on supporting infrastructure and not the running of rail services – the risk associated with you drawing on your general knowledge, skills and experience gained in office to advise TfGM generally on matters affecting the rail industry is therefore limited.
8. TfGM has a close working relationship with DfT on a number of policy areas and there are risks associated with your contacts and influence in government. As a former minister, it would not be appropriate for you to seek to influence the UK's transport policy or funding whilst you are subject to government's Rules. You stated you will have no contact with government, as

¹ This application for advice was considered by Isabel Doherty; Hedley Finn OBE; Sarah de Gay; Michael Prescott and The Baroness Thornton. Dawid Konotey-Ahulu CBE was unavailable.

²<https://labour.org.uk/wp-content/uploads/2024/04/GETTING-BRITAIN-MOVING-Labours-Plan-to-Fix-Britains-Railways.pdf>

this would be conducted via the Mayors of Manchester and Liverpool and their officials as needed. It is significant that there is already a framework of contact defined for such contact between TfGM and DfT.

The Committee's advice

9. The Committee determined that the risks in this application are somewhat limited because of the nature of the organisation – which operates in the wider public service to deliver a service for citizens of Greater Manchester. However, as TfGM plans to integrate rail into its network and you will be advising on infrastructure opportunities around the Liverpool-Manchester railway, there is some overlap with the organisation and your responsibilities as Rail Minister. The Committee considered it would be difficult to manage the risk of perceived lobbying should you be involved in the contact with the government on TfGM's behalf. Therefore, the Committee's advice is you should have no direct engagement with the government on behalf of TfGM whilst you are subject to the Rules, to mitigate the risk that you are seen to be making improper use of your time in office to the unfair benefit of your employer.
10. The Committee recognised the risks here are limited given you did not make any decisions specific to TfGM nor did you have access to privileged information that could now reasonably be considered to offer TfGM an unfair advantage. In the circumstances, the Committee considered that the ten months that have now passed provide a sufficient gap to help to mitigate the risks.
11. The remaining conditions below appropriately mitigate the residual risks associated with your access to privileged information and contacts from your time in government.
12. Taking these factors into account, in accordance with the government's Business Appointment Rules, the Committee's advice is this appointment with **Transport for Greater Manchester** 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;
 - for two years from your last day in ministerial office, you should not become personally involved in lobbying the UK government or its arm's length bodies on behalf of Transport for Greater Manchester (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the government and/or ministerial office to

influence policy, secure business/funding or otherwise unfairly advantage Transport for Greater Manchester (including parent companies, subsidiaries, partners and clients);

- for two years from your last day in ministerial office you should not undertake any work with Transport for Greater Manchester (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 arm's length bodies; and
- for two years from your last day in ministerial office you should not have any engagement on behalf of Transport for Greater Manchester (including parent companies, subsidiaries, partners, clients and members) with the UK government.

13. The advice and the conditions under the government's Business Appointment Rules relate to your previous role in government only; they are separate from rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists, the Parliamentary Commissioner for Standards and the Registrar of Lords' Interests³. It is an applicant's personal responsibility to understand any other rules and regulations they may be subject to in parallel with this Committee's advice.

14. 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.

15. 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.*'

16. You must inform us as soon as you take up this role, or if it is announced that you will do so. 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

³All Peers and Members of Parliament are prevented from paid lobbying under the House of Commons Code of Conduct and the Code of Conduct for Members of the House of Lords.

necessary for you to make a fresh application.

17. 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.

Isabel Doverty

**Interim Chair
ACOBA**

Annex – material information

The role

1. TfGM is a local government body responsible for transport in Greater Manchester. Owing to devolution, it oversees local control of the bus and tram network, manages 400 miles of Greater Manchester's busiest roads, and informs Greater Manchester's planning authorities on ways to improve transport and land use.
2. TfGM does not currently operate a rail network, although as part of its Bee Network (TfGM's new, joined-up transport network for Greater Manchester encompassing rail, bus and tram), TfGM aims to integrate eight local rail routes and 64 Greater Manchester train stations by 2028. Other rail lines and the remaining 32 Greater Manchester stations will join the Bee Network by 2030. The rail routes are planned between Ashton-under-Lyne and Stalybridge; Glossop, Hadfield and Rose Hill Marple via Guide Bridge; Manchester Piccadilly to Manchester Airport; and Alderley Edge to Buxton via Stockport.
3. Network Rail (an arm's length body of government) owns, operates, maintains and develops the railway infrastructure in England, including Greater Manchester.
4. In your paid, part-time role as Consultant, you stated your role will have no link to the running of transport services, including rail. You said you will be providing ideas to maximise the Liverpool-Manchester railway opportunity, via new jobs, homes and finance for the region – looking at private sector investment in the new rail corridor between Liverpool and Manchester.
5. You said you will have no contact with government in this role, and the Mayors of Manchester and Liverpool and their officials would hold conversation with government as needed.

Information in the public domain

6. Cancellation of High Speed Two (HS2) rail and Network North – Network North is a £36 billion plan announced in October 2023 as a replacement for the northern legs of the High Speed Two rail project, specifically Phase 2a (West Midlands to Crewe), Phase 2b (Crewe to Manchester and West Midlands to Leeds) which were cancelled due to escalating costs and significant delays. Instead of high-speed rail extensions, the funding is being redirected into a range of other transport improvements not restricted to rail. Network North was announced by Prime Minister Sunak.^{4,5}
7. Northern Powerhouse Rail (NPR) and the Liverpool-Manchester Railway – NPR is a major strategic rail programme proposed by Transport for the North (a sub-national transport body formed to transform the transport system across the North of England) aimed at improving rail connectivity between the North of England's major economic centres – Manchester, Liverpool, Hull, Newcastle, Sheffield and Leeds. Transport for the North and DfT, with delivery partners Network Rail and High Speed Two Limited (the company responsible for developing HS2, sponsored by DfT⁶), have developed options for each NPR corridor – Liverpool-Manchester, Manchester-Leeds, Manchester-Sheffield, Leeds-Sheffield, Leeds-Newcastle, Hull-Leeds and Hull-Sheffield. The proposed Liverpool-Manchester railway will run via Warrington and Manchester Airport, including a new underground station at Manchester Piccadilly. The Transport for the North Board constitutes representatives from the public and private sectors, local transport authorities from outside the Transport for the North area and its delivery partners.⁷
8. Greater Manchester 'trailblazer' devolution deal and rail devolution – This deal, agreed in March 2023 between Greater Manchester Combined Authority and the UK government, transferred more control and influence over local transport systems, skills, employment, housing, regeneration, trade, investment, innovation, business support and finance to the Mayor and Greater Manchester Combined Authority.⁸ According to TfGM's website, rail station devolution will provide TfGM with the opportunity to take '*an active role in the management and control of rail stations in Greater Manchester*'. With local oversight as a result of rail devolution, TfGM hopes to get '*better value*

⁴<https://www.gov.uk/government/publications/network-north>

⁵<https://www.gov.uk/government/speeches/what-the-plan-to-launch-network-north-means-for-you#:~:text=Rather%20than%20just%20connecting%20Birmingham,rural%20areas%20across%20our%20whole>

⁶<https://www.gov.uk/government/organisations/high-speed-two-limited>

⁷<https://www.transportforthenorth.com/wp-content/uploads/STP-Transforming-the-North-2024.pdf>

⁸<https://www.gov.uk/government/publications/greater-manchester-combined-authority-trailblazer-deep-rail-devolution-deal>

*from tailored investment.*⁹

9. Great British Railways – The current government has announced plans to place all train operators in England under public ownership; a new, arm's length public body, Great British Railways, which will manage competing cross-network planning and operations. The contracts currently held by private train operators will be folded into Great British Railways, as they expire over the next few years or if they are broken by operators failing to deliver for passengers.²

Dealings in office

10. As minister, you said you met with the Mayor of Manchester and TfGM officials regarding HS2 deferral and, ultimately, its cancellation; Network North project replacement; Transpennine Upgrade; NPR, including preferred routes; and performance of rail operators and industrial action. Further, you had meetings with train operators about their performance.
11. You said you had regular bi-monthly meetings with Network Rail and train operators to improve communications and stakeholder engagement, so they better understood the impact of various decisions. You said that no decision-making occurred as a result of these meetings.
12. As minister, you said you were involved with Network North project replacement; Transpennine Upgrade; NPR, including preferred routes; and performance of rail operators and industrial action.
13. You said you were not responsible for the decision to devolve more powers locally in Manchester – which was led by the MHCLG and its Secretary of State, Michael Gove – you said the devolution package came only to your attention immediately prior to full announcement and that major decisions fell to Prime Minister Sunak. Nor were you involved in the decision to commence the Liverpool-Manchester railway project, as this was announced by the Johnson government, before you became Rail Minister.
14. You said you did not make any funding, commercial or grant decisions in respect of TfGM.
15. You said you did not have access to commercially sensitive information or any privileged information relevant to TfGM as TfGM operates bus and trams and no rail service, with no competitors for bus/tram services.

⁹<https://tfgm.com/devolution>

Departmental assessment

16. DfT said TfGM has no specific role in the NPR scheme, though is an advocate for NPR and a petitioner to the High Speed Rail (Crewe-Manchester) Bill¹⁰, which will deliver the first stage of NPR between Liverpool and Manchester. Given NPR is expected to provide a strategic connection between different cities across the North, DfT viewed it as unlikely it would be of interest or appropriate for TfGM to take over the operation.
17. DfT confirmed you met with the Mayor of Greater Manchester and TfGM's officials on multiple occasions and that no specific decision-making occurred as a result of these meetings.
18. DfT did not consider you made any decisions specific to TfGM or non-rail transport modes; DfT did consider you were involved in decisions affecting the Liverpool-Manchester railway – specifically:
- you were the minister responsible during the Network North announcement which committed to the NPR route east of Manchester and included Bradford, alongside other transport related investments; and
 - Network North committed the government to consult with Northern leaders on the best route for the Liverpool-Manchester railway. You led this consultation process and took the decision, alongside the Secretary of State, to re-confirm the route should be via Warrington Bank Quay and Manchester Airport.
19. DfT confirmed you did not have direct responsibility for the 'trailblazer' devolution deal, though you were latterly responsible for devolution once it was agreed. DfT said the deal was agreed by Minister Holden and the then Secretary of State. DfT said you were involved in agreeing the rail elements of the devolution deal, limited to a 'pay-as-you-go' ticketing pilot¹¹ (similar to the 'tap-in tap-out' pay system used for Transport for London).
20. DfT confirmed you were not involved in the key decision-making process for the cancellation of HS2; this was conducted under conditions of strict confidentiality led by the Prime Minister Sunak and the then Secretary of State, Mark Harper. DfT said you were included in the final stages of the process and sighted on the financial and wider implications for the project post-decision.

¹⁰<https://www.gov.uk/government/collections/hs2-phase-2b-high-speed-rail-crewe-manchester-bill-2022>

¹¹<https://www.gov.uk/government/publications/greater-manchester-combined-authority-trailblazer-deeper-devolution-deal/greater-manchester-combined-authority-trailblazer-deeper-devolution-deal>

21. DfT confirmed you made no funding decisions impacting TfGM – whilst an £18 million settlement was agreed for TfGM whilst you were minister, this was agreed with the Secretary of State at the time, Mark Harper, and you had no role in the decision-making.
22. DfT said you were involved in policy decisions affecting TfGM and therefore could be considered to have access to privileged information, but did not consider this would offer an unfair advantage to TfGM because:
- it has been ten months since you held post in government and due to the change in government and Great British Railways plan, there has been a major shift in policy direction.
23. DfT said that, following the Network North announcement, you received advice from officials which was not in the public domain detailing the estimated costs and benefits of the proposed NPR route and their alternatives. The department considered you likely have a good understanding of departmental officials working in this area but did not consider this information would offer TfGM an unfair advantage because:
- TfGM does not currently operate rail services;
 - key decisions to be taken on the rail part of the network relate to eight commuter lines into Manchester (Bee Network) and the rail corridor between Liverpool and Manchester. Your knowledge of these discussions is now out of date, and the information upon which any decisions will be based is now public; and
 - TfGM is very unlikely to operate services as part of NPR, including the Liverpool to Manchester route, as these are major rail routes across the North of England, and it is not likely it would be of interest or appropriate for TfGM to take over the operation.
24. DfT did not consider you had access to any commercially sensitive information relevant to TfGM because:
- your access to commercial information on train operating companies across the UK is now in the public domain and no longer sensitive; and
 - the current rail services in and around greater Manchester are already operated by DfT operators and there is no plan for these to be recompeted and transitioned back to the private sector, as outlined by the Great British Railways Plan.
25. DfT did not consider there are any specific areas from which you should be restricted from working on with TfGM.
26. DfT recommended the standard conditions.