

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: The Lord Markham CBE, former Parliamentary Under Secretary of State, Department for Health and Social Care. Unpaid appointment with the British Fluoridation Society.

1. You sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointment Rules for Former Ministers (the Rules) on an unpaid role with the British Fluoridation Society (BFS) as President.
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 taken during your time in office, alongside the information and influence you may offer BFS as a former minister. 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. When considering this application, the Committee¹ took into account this appointment is unpaid.² 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 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 risk that individuals may make decisions or take action in office 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. There are inherent risks associated with any former minister's access to information, network of contacts and influence in government. It is significant that whilst this charity operates in the wider health landscape, there is no direct overlap between your ministerial responsibilities and your proposed role with BFS, and you will not have any contact with government.

The Committee's advice

7. The Committee did not consider this appointment raises any particular concerns under the government's Business Appointment Rules. Whilst there are inherent risks associated with your access to sensitive information and contacts, the standard conditions below, preventing you from drawing on your privileged information and contacts to the unfair advantage of BFS, will sufficiently mitigate in this case.
8. Therefore, in accordance with the government's Business Appointment Rules, the Committee advises that this appointment with the **British Fluoridation Society** should 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 arms' length bodies on behalf of the British Fluoridation Society (including parent companies,

¹ This application for advice was considered by Andrew Cumpsty; Isabel Doherty; Hedley Finn OBE; Sarah de Gay; The Rt Hon Lord Eric Pickles; Michael Prescott; The Baroness Thornton and Mike Weir. Dawid Konotey-Ahulu CBE DL 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.

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 British Fluoridation Society (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 British Fluoridation Society (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.
9. The advice and the conditions under the government's Business Appointment Rules relate to the applicant's 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' Interests.³ The applicant is reminded that, as a Member of the House of Lords, you are prevented from any paid lobbying under the House of Lords Code of Conduct. 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.
10. You must inform us as soon as you take up employment with this organisation, or if it is announced that you will do so and we will publish this letter on our website. Any failure to do so may lead to a false assumption being made about whether you had complied with the Rules.
11. You must 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.

The Rt Hon Lord Pickles

³ All 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. Advice on obligations under the Code can be sought from the Parliamentary Commissioner for Standards, in the case of MPs, or the Registrar of Lords' Interests, in the case of peers.

Annex - Material Information

The role

1. The British Fluoridation Society is a not-for-profit company set up to promote water fluoridation. Its website states that it '*...provides information about the dental benefits and safety involved in the fluoridation of drinking water: a public health measure that involves adjusting the naturally occurring fluoride content of water to the optimum level for good oral health.*' It promotes and co-ordinates medical, dental, educational, and administrative efforts to achieve this.
2. In your unpaid, part-time role as President, you said that your role will be to organise the Annual General Meeting at the House of Lords and help promote water fluoridation, occasionally. You said that you will not have any contact with government in this role. You also said that you were recommended to this role by the previous president, Lord Hunt, who has now resigned as he has joined government as a minister.

Dealings in office

3. You told the Committee that in office:
 - a. you did not make any policy, regulatory or commercial decisions specific to BFS;
 - b. you did not have any contact with it;
 - c. you were not aware of any relationship between BFS and the Department of Health and Social Care (DHSC); and
 - d. you had no access to sensitive information that could grant BFS an unfair advantage.

Departmental assessment

4. DHSC confirmed the details provided in your application and added:
 - a. this is an uncontroversial appointment;
 - b. BFS's area of operation was not in your ministerial portfolio;
 - c. you were involved with fluoridation purely in a parliamentary business context (Debates and Oral Parliamentary Questions etc).
5. DHSC recommended the standard conditions.