



Public Administration Select Committee

Oral evidence: [Work of the Advisory Committee on Business Appointments](#), HC 1156

Tuesday 25 March 2014

Ordered by the House of Commons to be published on 25 March 2014

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Members present: [Mr Bernard Jenkin](#) (Chair), [Paul Flynn](#), [Sheila Gilmore](#), [Greg Mulholland](#), [Priti Patel](#)

Questions 1-94

Witness: **The Rt Hon Lord Lang of Monkton DL**, Chair, Advisory Committee on Business Appointments, gave evidence.

Chair: May I welcome you, Lord Lang, to this valedictory session to celebrate the end of your chairmanship of ACoBA? That is meant in a warm and friendly sense.

Lord Lang of Monkton: Thank you, Lord Chairman. I too am celebrating in the same sense.

Q1 Chair: I thought you might be. You certainly do not do it for any vast financial reward. Could you just identify yourself for the record?

Lord Lang of Monkton: Yes. I am Lord Lang of Monkton. I am Chairman of the Government's Advisory Committee on Business Appointments.

Q2 Chair: You will be aware that we are going to look at the issues raised by the report we produced back in 2012 as well as the work of ACoBA. Could I start by asking for your view of how surprised you are that the Government have taken so long not to respond to our report 20 months ago?

Lord Lang of Monkton: It is certainly a long time, Chairman, and nothing really surprises me these days in what Governments do. One can take comfort from the fact that the report must be being taken seriously, since they have taken so long to reach a view. I have no idea, where within Government any hold-up may have taken place or what issues might be causing dispute or difficulty. In a sense, it is as difficult for our Committee as it is for you that we are operating with this in the wings, waiting to hear what the outcome will be.

Q3 Chair: How difficult has it made life for you that we have opened a very big question about whether ACoBA is the appropriate mechanism to regulate business appointments and this uncertainty has been left hanging over the work of your Committee?

Lord Lang of Monkton: It does not unduly depress us, Chairman. It is something we recognise as a fact. Your predecessor Committee did not take that view; your Committee does. The Government are now considering it. In the meantime, our role is not to form a view heavily in favour or heavily against anything you recommend; it is to do what the Government instruct us to do and we operate within the rules as they stand at the present time.

Q4 Chair: Could you give us your advice? To what extent do you think the delay in this report signifies uncertainty in the Government's mind about how to address the issues we have raised in our report?

Lord Lang of Monkton: I really do not know, Chairman. We are getting on doing the job under the rules under which we operate. As and when, or if, a new set of rules is introduced, my successor as Chairman and the Committee will react to them.

Q5 Chair: As a former Secretary of State of great experience and distinction, do you not think it is somewhat odd that the Government are involved with reviewing quite a controversial area of policy with absolutely no consultation even with you, let alone with the wider public or Parliament?

Lord Lang of Monkton: There have been contacts between the secretariat in the Cabinet Office and with our own, basically on matters of fact, but not on issues of major policy, which are for Governments to decide. I take the view that it is better that a report of this kind is still in play than dismissed out of hand, within 24 hours, which has happened in the past with other reports.

Q6 Chair: We certainly had experience of that, but is it odd that this is being conducted in such secrecy?

Lord Lang of Monkton: It is unusual, but Governments always try to operate in secrecy until they have reached decisions.

Q7 Chair: What other reasons can you find to explain the delay?

Lord Lang of Monkton: I really cannot, Chairman. I am sorry. Our job is not to worry about what may happen in the future in terms of our role; it is to operate as we do under the rules as they exist. I believe that we are operating efficiently and successfully on that basis, which I am happy to discuss with you.

Q8 Chair: You have not had any conversations at all with the Cabinet Office about our report.

Lord Lang of Monkton: I have not, no.

Q9 Chair: Your staff have provided nothing but factual information. They have not been involved in any discussions about the merits or—

Lord Lang of Monkton: I am not aware of the extent of their discussions, but I do not think they have been extensive. We do not know what the report is going to say.

Q10 Chair: We have been told very late in the day—i.e. last night at seven o’clock—that the report is going to be produced before Easter. This is the first time the Government has put any timetable on their response. Would you not expect, at least as a courtesy, to be consulted about what is going to be proposed?

Lord Lang of Monkton: I think we will be notified when a final decision has been taken. What you told me about the publication date that they have announced comes as news. I am only glad they did not publish it this morning, which would have made my life and yours rather more difficult.

Q11 Chair: We did not put it past them. If they publish a report without consulting you, does that rather not undermine the value? Who else, going in and out of the Cabinet Office at the moment, has the experience that you have of how the system operates at the moment?

Lord Lang of Monkton: With respect, Chairman, the report is yours, not ours. If anyone were to be consulted, perhaps they might have come to you and asked you what you meant by this or why you particularly argued that. We are not policymakers; we are administrators.

Q12 Chair: You are very emollient in your response to my questions, but I do have a degree of sympathy for the position that it has left you in, and I do think it is, frankly, an insult to your office, if not to yourself, that you have not been involved in any of these discussions. It just suggests that the Government are running a private show without any respect for anybody who has any knowledge about these issues.

Lord Lang of Monkton: I understand your feeling that and your Committee taking that view. I do not feel those emotions myself.

Chair: You are very long-suffering and I have great admiration for your patience and tolerance. Moving on to public confidence in the Business Appointment Rules system, Mr Flynn.

Q13 Paul Flynn: Mr Dave Hartnett’s appointment to Deloitte was approved by your Committee. It is an interesting story. Mr Hartnett had a distinguished career working as the Permanent Secretary for Tax at HM Revenue and Customs. During the course of his work, he met David Cruickshank, who is the senior partner at Deloitte, on 48 occasions. There was a bill thought to be £6 billion in unpaid tax that was owing to the Revenue from Deloitte. When he was in office, Dave Hartnett approved the reduction of that bill from £6 billion to £1.2 billion, and he also approved of the fact that Starbucks, entirely legally, paid no corporation tax for three years by channelling its revenues through Luxembourg and other countries.

It has now become part of the popular view, with David Hare’s play on television recently, which is based on what would have been a preposterous idea four or five years ago. It is based on the idea that the Prime Minister is using his job—it is a fictional Prime Minister—as a stepping stone to retirement riches. If we look at the experience of Mr Hartnett, is a possible interpretation that he was using his position to be very kind to Deloitte when he was a civil servant in order to create for himself a lucrative job when he retired? Was your Committee bothered by such a thought?

Lord Lang of Monkton: It is not a thought that I address as Chairman of the Committee. Our role in the Committee is to consider the position that he is offered and to investigate whether or not it is in the public good that he should be allowed to take up that job, without any conditions or with specific conditions. As to the Prime Minister referred to in the play, I do not think that was the present Prime Minister, but I am not sure what the relevance of it is to the question of Mr Hartnett.

Q14 Paul Flynn: The point of the very distinguished David Hare making the point, as a playwright, is that it would have been regarded as being a preposterous idea if it were not for the reality of so many people going through the revolving door. Does your Committee not consider that those who are in high office now, as senior civil servants, as Ministers, as generals and admirals, may well be using those offices in order to make sure that they get their hacienda in Spain when they retire from a company that they were generous to, possibly against the public interest, while they were serving in those high offices?

Lord Lang of Monkton: You may speculate to that extent, Mr Flynn, but our role is to consider the application that comes in from the individual in question, to consider all the issues that we think might be relevant, to explore in detail and to impose relevant conditions or, indeed, to say that the position is, in our view, unsuitable.

Q15 Paul Flynn: How have you ensured that Dave Hartnett has abided by the conditions you laid down?

Lord Lang of Monkton: We are not enforcers, as you know. It is not our role. That is for the public domain, under Nolan principles. You yourself could have a role in that respect, as I am sure you are aware. We did impose six different conditions on Mr Hartnett. We recognised that his work would be abroad, not in this country. We recognised that it would be assisting foreign Governments in setting up efficient tax administrations and we recognised that he had experience in these matters that Deloitte presumably found—

Q16 Paul Flynn: Did you question him about the way that he reduced this very large bill and the large number of meetings he had with the person who ultimately appointed him?

Lord Lang of Monkton: We did not interview him about that. It is not our purpose to cross-examine people on whether they should have been offered the job. Deloitte is able to reach its own judgment about that. We know that he did not take decisions of that kind at HMRC on his own and that there is a very elaborate protective process, which includes the National Audit Office, among other things. Therefore, to personalise it in this way is perhaps slightly misleading.

Q17 Paul Flynn: You seem to treat this very lightly, but do you not see a danger for high offices if companies know—if they read this, if they interpret this as the revolving door—and say, “If we want to gain this contract, A or B, if we want to get this favour from Government, from generals or from civil servants, we have to give them a nod and a wink that there is a job for them when they retire”? Most people retire early now and might be working for 20 or 30 years after they retire. Would they not interpret that and is that not an incitement for corrupt behaviour?

Lord Lang of Monkton: We make thorough enquiries within the Department concerned and, if we have any hint of that, we would address it. In the case of Mr Hartnett, as I said, we imposed six conditions. That is many more than we would normally impose.

Q18 Paul Flynn: The conditions are of no value, because you have no power to impose those conditions or to check on them.

Lord Lang of Monkton: Of 172 cases that crossed our desks last year, probably around 1% have created any kind of interest in the media and that interest has been largely allayed by drawing attention to the detailed information that we publish on our website, which includes the letter to the applicant. In many cases the criticism is withdrawn. In the case of Mr Hartnett, the *Guardian* made an apology and a correction was made for the things that it had initially published about him.

Q19 Chair: May I just pick up on this with three questions really? First of all, when this particular case came before you—I make no personal criticism of Mr Hartnett at all, in respect of his adherence to the rules; I am sure that he has abided by the rules and he has abided by your advice—did you not blink a little bit?

Lord Lang of Monkton: Sometimes cases arrive on your desk that make you sigh slightly, as you realise that there could be a public reaction. You recognise that there could be a perception.

Q20 Chair: To what extent do you think the advisory role you have at the moment and the advice you give is actually effective in protecting public confidence in this process?

Lord Lang of Monkton: We have to be persuaded that the perception is justified. If we believe it is unjustified, as tends to be the case, then we proceed in the way we think fit, imposing particular conditions according to the case that is before us. They vary quite widely.

Q21 Chair: I am all for dealing with things on their substance and on their merits but, in public life, we have to understand how things are going to be perceived and, very often, we constrain ourselves from doing things because we know that they will be misconstrued. Is it not part of your remit to avoid or protect people from being tempted into roles that are bound to be misconstrued, as this one is, particularly as you have no enforcement powers and you have no monitoring powers? Nobody really knows what he is doing for Deloitte, short of him testifying about what he is actually doing for Deloitte.

Lord Lang of Monkton: Increasingly, people are aware of the necessity to abide by our rules and to recognise that the process of submitting an application and receiving conditional approval, or otherwise, is something that has to be taken seriously. There have been one or two cases with senior Ministry of Defence retirees who have faced the wrath of public opinion, which is precisely what Lord Nolan envisaged arising. That has possibly been a lesson to others. Occasionally, we tell the applicant that we are minded to impose terms that they regard as so onerous that they withdraw their application. That does not appear on our website as a case that has been rejected as unsuitable, but it probably would have if they had persevered.

Q22 Chair: How often do you say to people, “Look, this may conform with all the rules, but don’t you realise how this is going to be reported? Please don’t do this”?

Lord Lang of Monkton: I do not think it is for us to express a value judgment of that kind.

Q23 Chair: That would be quite good advice. He might have been quite grateful. He has put up with a lot of bad publicity as a result of this. It might have been doing him a favour.

Lord Lang of Monkton: Our purpose is to protect people. If we think that they are entitled to take up a position, subject to the conditions that we impose, that actually gives a protection to them. They are able to say that our Committee has approved it. If they subsequently break the conditions, I know you would like it to be for a Committee in our place, but it is for others to raise their concerns, and it does happen. More often than not, it happens in cases that we are subsequently able to reassure people were misguided and incorrect.

Q24 Paul Flynn: Can you reassure us on the appointments of two lieutenants-general that your Committee approved of? Lieutenant General Sir Mark Mans was a former member of the Defence Infrastructure Board. He left the Army in December 2012. Three months later, he landed a job with Capita Defence Services as a non-executive director. Lieutenant-General Sir Gary Coward was a former commander of Defence Equipment. He was appointed by Telereal Trillium as an adviser in June 2013, eight months after he had left the Army. Both these generals have been involved in contracts, giving advice and so on and negotiating, and within a very short time after leaving office they land these jobs with the companies with which they were negotiating. Is this not something in which you should have intervened? There is an obvious suspicion there, which has been voiced in the press, that possibly their loyalties with these companies did not start on the day they signed their contracts, but might have been there while they were serving as generals negotiating on behalf of the public interest?

Lord Lang of Monkton: It may seem obvious to some observers. Clearly, the basis on which we approve those appointments, and subject to the conditions that we stated, reflected the fact that we thought that there was an entitlement to do it. I think it worth saying that the Ministry of Defence has very substantially tightened its procedures in recent times. Already, there are two separate Committees within the Ministry of Defence through which applications pass, before they even reach the Advisory Committee and there is a published list of measures that the MOD has taken to strengthen its procedures. I would be very happy to send a copy of that to this Committee.

Q25 Paul Flynn: If we can deal with all sections—we have had civil servants and military people—Charles Hendry is a former Minister of State for Energy and Climate Change at the Department until September 2012. He took up a post as a consultant for the oil firm Vitol in February 2014. The appointment is for 18 days a year at a salary of £60,000—£60,000 for 18 days a year. What do you think Vitol will be paying Mr Hendry for?

Lord Lang of Monkton: That is a matter for Vitol and not for our Committee.

Q26 Paul Flynn: It seems a very large amount to be paying for 18 days a year for someone whose experience, I believe, is almost entirely political.

Lord Lang of Monkton: We judge applications, whether they are paid or unpaid, whether they are for two days a month, 16 days a year, 12 days a year, whatever they may be, on

the merits of the case and subject to the rules and the principles that underline our approach.

Q27 Paul Flynn: Did you ask him what dealings he had with Vitol while he was a Minister?

Lord Lang of Monkton: Mr Flynn, as I think you know from previous Committee encounters with me, we do not go into the details with the Committee on individual cases. Our conclusions, the assurances we have had and the conditions that we have recommended are on record on our website and the letters sent to the applicants are published. These include oral assurances as well as written assurances. They reflect enquiries that we have made, sometimes with the companies concerned, sometimes with their competitors and with the Department which the applicant has left.

Q28 Paul Flynn: Mr Hendry took up another appointment too. Presumably he wanted something to supplement the £60,000 he was getting and his MP's salary. He took up a job with someone called Atlantic Supergrid. This was also approved by your Committee. The *Guardian* reported that Mr Hendry "signed a bilateral agreement while Energy Minister to bring power harnessed from Iceland's volcanoes to Britain through undersea cables" and he "will now be paid £18,000 a year to advise" that company on it. Is it not again a conclusion that reasonable people could reach that his decisions as a Minister were influenced by the idea of getting £60,000 or £80,000 when he stepped down as a Minister? Would your Committee not raise that, or are you such innocents? Do you live in some parallel universe where these wicked things do not take place?

Lord Lang of Monkton: I do not think we are particularly innocent, Mr Flynn. We would raise whatever questions we thought were relevant. Most Ministers are concerned with their ministerial career and their parliamentary career. I think they would give priority to that. For most Ministers, their departure from Government at less than a mature age would probably come as a disappointment.

Q29 Chair: May I declare an interest that Charles Hendry is a personal friend of mine and has been for the last 20 years? I find it very difficult to believe that he would do anything dishonourable and that he would do anything that might lead to him disregarding your advice. My sadness about this episode is that ACoBA, the way it currently operates, provides him with what purports to be reputational protection for pursuing a livelihood outside his political career, but does not do that and leaves him exposed to this kind of criticism. What other conclusion can we draw from this than that is not a fit and proper system?

Lord Lang of Monkton: When journalists approach us, we refer them to the website. We tell them the facts. We explain the conditions.

Chair: We know what journalists are like, Lord Lang.

Lord Lang of Monkton: You are trying to draw me into criticism of journalists, which I would never dream of embarking on, Chairman.

Chair: The press likes to run a good story even if it is wrong. I remember the *News of the World* running a story that there was a flying fortress on the moon. These are not arbiters of good judgment. We know what has been going on in the phone-hacking scandal. The problem is that the arrangements we have do not protect the reputation of a former Minister like Mr Hendry, and you have to agree with that, surely. This is not working.

Lord Lang of Monkton: We are conscious of the risk they face. As I said, it is only around 1% of cases per annum that reach this kind of publicity and public criticism.

Chair: But it destroys the credibility of the entire operation.

Lord Lang of Monkton: No, I do not think it does because, when the journalist contacts us, we tell them the facts; we explain them to them. If the journalist goes ahead and publishes the story anyway, we seek a correction. I mentioned earlier that we have had two cases. One of them was the case of Mr Hartnett. The other was Mr Ieuan Wyn Jones from Wales, and the *Western Mail* and the *Guardian* published corrections.

Q30 Paul Flynn: What did they correct?

Lord Lang of Monkton: They corrected the misapprehension, in the case of the *Guardian*, that no conditions had been imposed where six had been.

Q31 Paul Flynn: All right, but that is nothing to do with the fact that the people who I have mentioned this morning have taken these very lucrative jobs without any previous signs of expertise in their area, except that their value, I suggest, to these companies is their contacts and the influence that they are likely to have. They are not appointed for their personal expertise in the oil industry or anything else. To you and possibly the Chairman, these are good chums; these are our pals; these are decent people and I am sure they are people of saintly virtue. To the general public when they look at this, it smells like a rotten fish.

Lord Lang of Monkton: It depends how much the general public are told about the case overall.

Q32 Paul Flynn: The general public do not work or live in this elevated world where it is normal to get £60,000 for 18 days' work. The suspicion is there. The revolving door is spinning and it is corrupting Government. I believe that that belief is well founded. I was here when we had a retrospective pre-appointment approval of your post, if you remember. You were already in post, so we could not possibly disapprove, because you already had it, but it was one of the few pre-appointment hearings. In those years when you have been in that post, do you think your work has been worth while and that you have done a job that is worth the effort that you and the members of the Committee have put into it?

Lord Lang of Monkton: Yes, I do. It is interesting that Professor David Hine of Oxford University produced a report recently in which he said that there had been a marked improvement in the conditions attached by the Advisory Committee. In 2002, only some 10% of cases had conditions attached and now the figure is 85%.

Q33 Paul Flynn: But they are conditions that have no force. You are a watchdog without teeth or claws.

Lord Lang of Monkton: They have force with the 99% of applicants who observe them.

Q34 Paul Flynn: You could put 100 conditions around it. People can say yes, yes, yes, and go off and do what they like.

Lord Lang of Monkton: Even the remaining 1% probably observes them, but is thought not to have done by people who are keen to find a cause célèbre.

Q35 Paul Flynn: Would you have been better going off and growing vines in France or doing something useful with your time instead of sitting on this Committee, where you are laying down the conditions in this way? It is like when Hitler was in a bunker in Berlin. He was sending armies into battle while the Russians were above his bunker in Berlin. You are giving out orders and laying down conditions, but no one needs to take a blind bit of notice of them.

Lord Lang of Monkton: Well, Mr Flynn, people do.

Paul Flynn: But they do not need to.

Q36 Chair: I think people do take notice of your conditions, but the criticism is that it does not provide reputational protection for the people involved. It provides a false assurance that their reputations are not going to be damaged, because the rules are not enforced, the rules are not statutory and the public have no confidence in them.

Lord Lang of Monkton: We do not have the authority, powers or responsibility for pursuing it beyond the case of our immediate rebuttal. There are Committees of Parliament in both Houses, on specific civil service appointments, that are concerned with various kinds of propriety in behaviour. It may be that some of them could be encouraged to take up this role, but that is not a decision for me; that would be a matter for the Government.

Q37 Paul Flynn: It was the scam that the *Sunday Times* did with, I believe the man's name was, General Kiszely, who was invited to help with a contract. He did reflect that, in his empty moments when he is, for instance, waiting at the Cenotaph for the Queen to arrive to commemorate the dead, that was dead time that he could use for business opportunities and trying to persuade people to take contracts. There is someone in the military, and the *Sunday Times* followed this up by claiming there were 3,500—

Chair: We have got the message. Lord Lang.

Lord Lang of Monkton: Any general who reflected on that to the *Sunday Times* would regret having reflected it.

Paul Flynn: But that is the truth. That is the reality, not the imaginary world in which you live.

Chair: Mr Flynn, I think we will move on. Lord Lang is clearly reeling from your onslaught. We shall move on to Sheila Gilmore.

Q38 Sheila Gilmore: Thank you. My questions are fairly short. Do you think the Business Appointments Rules, as currently constituted, are fit for purpose?

Lord Lang of Monkton: Yes, I do. Can I say that we have done a lot to update them and improve them over the years? I could go through quite a long list of things that we have done. First of all, we set up a website and we bring that up to date; we have made it more accessible. We publish a letter that we send to the applicant setting out, as I mentioned earlier, all the terms and conditions that apply. That has helped considerably: it has given the applicants the feeling that they can seek protection behind that letter; secondly, it has helped the public and the media. As I said earlier, when the media come to us with some

alarmist story, we direct them to that publicity on our website and the letter, and we go through it with them in detail if necessary and we correct any serious inaccuracies that they may subsequently publish. We have made the whole thing more accessible. Transparency is our purpose.

The criticism has been made in one of your previous reports that our workings were opaque. They are not opaque, in our view, at all. The only area where we preserve confidentiality is where we have given the undertaking that applicants will be treated in confidence concerning positions that they are considering, have been offered or would like to take up. We will not publish our workings on those until they do take them up.

Q39 Chair: Can I just come back, because Ms Gilmore was not on the Committee when we produced the report? We recommended that you set out the parameters, the principles and some case studies, so that people can see more clearly from your website how you operate. Have you done that?

Lord Lang of Monkton: I am not absolutely certain that I can say yes specifically to that, with regard to your request, Chairman, but access is available through our website to all applications and our views thereon. They are all published. The letters are all published and the letters enshrine all the detail that comes together with the final decision.

Q40 Chair: You must have internal documents that set out the principles by which you operate. Are they public documents?

Lord Lang of Monkton: Yes, they are. They are fairly basic. Every year in our report we set them out again.

Q41 Chair: Those are the only documents. There are no internal documents.

Lord Lang of Monkton: Yes. We do not have an internal list of box-ticking exercises. We treat every application on its own merits. One of the changes that we secured was to extend the entitlement to impose a lobbying ban of up to two years, and this is now standard. We impose a lobbying ban of two years unless we are persuaded that there is a reason to reduce it or, in some very rare cases, to abandon it altogether.

Q42 Sheila Gilmore: What is your view of the Committee's recommendation of statutory ethics regulations for former Ministers, special advisers and civil servants?

Lord Lang of Monkton: Ministers are already governed by the Ministerial Code, which sets out the various principles under which they should operate. If that is not thought adequate, then the Government are able to strengthen it in some other way, if they think fit.

Q43 Sheila Gilmore: Do you not think that specific recommendation is worth pursuing further?

Lord Lang of Monkton: I do not think it is our responsibility to seek to impose general conditions on all Ministers. We are only concerned with the Ministers who apply to us in the context of seeking employment after ceasing to be Ministers. It is a narrowly focused area.

Q44 Sheila Gilmore: Do you not think that, if it was clearer in advance of people even thinking about seeking employment, what the parameters were, that would actually be helpful for all these people involved?

Lord Lang of Monkton: If you are implying that some of the jobs that we see Ministers offered are ones that we might privately wonder why on earth they were offered, there may be cases of that sort, whereas as individuals we might think that. Our role as the Committee is not to pass judgment on the employer that is offering the job; it is to appraise the applicant's suitability in terms of entitlement to earn a living, but the need to protect the public interest from any justified criticism. That is the basis on which we focus our decision making.

Q45 Sheila Gilmore: Do you think there are any further changes to these rules that you would welcome?

Lord Lang of Monkton: We do not set the rules.

Sheila Gilmore: You work with them.

Lord Lang of Monkton: We work with the rules and, within the rules, we are able to do quite a lot of changes. I have mentioned a number that we have produced.

Q46 Chair: Lord Lang, you are being quite reticent. We are asking your personal opinion and for your personal judgment. Do you think statutory regulation of this area is a good idea or a bad idea, or worthy of consideration? What is your view?

Lord Lang of Monkton: My view is that this is not a matter on which I should have a public view, because of my role as Chairman of the Advisory Committee on Business Appointments, which is confined to the implementation of the rules set by Government.

Q47 Chair: That is very disappointing for us. On your way out you might want to just tell us what you really think. Do we have to invite you back afterwards in order to get your opinion? Is now not a good moment?

Lord Lang of Monkton: By then, judging from what you say, Chairman, the new rules may have been published. My occupation of this position ceases at the end of this month and an interim Chairman has been nominated by the Prime Minister. He will be Sir Hugh Stevenson, who is an existing member of the Committee, a distinguished lawyer and businessman now retired.

Q48 Chair: Do you realise that is a public announcement? We did not know that.

Lord Lang of Monkton: I am telling you now for the first time. I only learned myself last night. He will be an interim Chairman until, through the Public Appointments Commission process, a new Chairman will be appointed.

Q49 Chair: We will have to hold a pre-appointment hearing before he takes up his post. When is he going to take over?

Lord Lang of Monkton: I do not know.

Q50 Chair: This all seems incredibly casual.

Lord Lang of Monkton: The process has not begun yet, Chairman.

Q51 Chair: To slip into a conversation with the Select Committee what is a major public appointment just seems an extraordinary way for the Government to proceed.

Lord Lang of Monkton: All I am telling you is about the appointment of the interim Chairman.

Chair: Even an interim Chairman—

Lord Lang of Monkton: It is for the Government to decide the timetable and the process, but they have already indicated that it will be through the official public appointments process and that does take some time. It involves advertising and looking at applications, and then addressing them. I am sure there will be the opportunity for your Committee to have an input.

Q52 Chair: Coming back to an earlier question by Sheila Gilmore about when you might ask yourselves why a particular company is offering a former Minister or Crown servant a job, do you air those feelings with the applicant for that job and say, “Have you asked yourself why they might be offering you this job?”

Lord Lang of Monkton: We do not meet the applicant face-to-face in the early stages. The applicant deals with the secretariat, has the process explained to him or her in detail, is sent a form to complete and sends it back. The Department then goes through the process of making enquiries through civil service contacts, the outside world, whether it is a future employer or the employers’ competitors—and that is quite an important aspect of it—and then comes to the Committee with a recommendation. The Committee can then go back and ask questions: “Have you explored this?”, “Have you asked that?” etc.

Q53 Chair: At that point, would the subject of your advice be asked to reflect upon why a particular firm?

Lord Lang of Monkton: No, because as I explained it is not our job to do that. We might as individuals privately reflect that this is an issue on which there will automatically be public perception issues that we will have to address and measure, and consider whether or not they are justified.

Q54 Chair: How often do you wonder whether your job should be a bit different?

Lord Lang of Monkton: Those are questions that would have to be asked by a statutory body or by the existing body.

Chair: Funny—I thought you might say that.

Lord Lang of Monkton: I really wonder how much you expect a new statutory body, with all the cost and bureaucracy that would accompany it, would improve matters. I do believe our own record is an extremely good one.

Chair: I am sure what you have been doing is extremely competent and done with the highest integrity. I personally do think you approach your role with a degree of selflessness, which is really admirable, and put up with a lot of public criticism as a result.

Paul Flynn: That is a hard question. Answer that.

Lord Lang of Monkton: I am lost for words.

Chair: That was just my opinion, because I am grateful for your coming before us this morning. Mr Mulholland, you had a thought.

Q55 Greg Mulholland: Just to follow up that exchange, I really feel I have to push you, Lord Lang, in the context of you moving on from this. We need to learn from this experience. This is no criticism at all of your or the Committee's work within the context of the framework that is established and the rules that you have to follow, but will you not at least publicly accept today that the current system is inadequate, that it gives the impression that there is a revolving door, that some of these appointments are frankly inappropriate and sleazy—which is the impression given—and that those appointees who may justifiably be taking on a position have their reputations damaged unfairly, with no protection whatever from you; and frankly that you and the Committee, because of the system, not what you do and the rules that you set, but because of the system, look weak and complicit, which is damaging for government? That is something that I am afraid is reflected in the media. There is a lack of public confidence.

Surely, however well you have been doing your job—and I do not have any doubt that the Committee has been taking that job very seriously—do you not accept that now is the time for the Government to respond to this Committee and to now put something in place that is robust, with clear rules, clear restrictions of time periods that apply to all public servants, so that at least then we are clear and people applying for jobs are clear when they can and cannot apply for or accept jobs?

Lord Lang of Monkton: The start of my answer would be that ours is a judgmental role. It is not a box-ticking role. It is not an application of an automatic template or formula to all cases. You can try to set down rules in cement, but then you find that they do not work in certain situations. For example, an outgoing Minister may be in his early 30s, her early 30s or may be in their late 60s. They may be married with small children; they may be retired and single. A Permanent Secretary may have all kinds of experience that he thinks is of value, wants to use it and wants to go on earning a living, and may feel he needs to. You cannot set down rules that would apply automatically across the board; every case is different.

We have occasionally an applicant who comes to us and says, “X was in the same position as me, but you gave him or her Y conditions. Why have I not been given the same?” Sometimes they think they are identical, but they are not. I cannot think of any cases that are absolutely identical that have come before us, and it is difficult to formulate rules. If the Government decide to go ahead with what you are recommending, it will be interesting to see what develops.

I have to tell you that the OECD reached the view that we have the best arrangements in the world, and that nobody else came near to comparing with us. Even within the United Kingdom, there is no other public sector area that has the kind of scrutiny and exploration of the facts that we go into. It is a difficult process. It is ultimately judgmental, and we have to bear the brickbats if they are thrown at us. We all believe in a free press and it is very difficult to ensure that the brickbats that are often unjustified are not thrown.

Q56 Greg Mulholland: You say it is judgmental, but frankly that means it is the political class judging its own, and that is not acceptable. With respect, you say that all cases are different. All cases may be slightly different, but there are fundamental simple principles here that can be covered. The fact is that, now still, regardless of your Committee apparently having done its job properly, we have people who have taken jobs with companies that they had dealings with whilst a senior public servant, in a time period that is clearly unacceptable. Will you not accept that those are the things that need to be dealt with? That does not mean precluding all Ministers—say, a Minister who lost their seat at the General Election. That does not preclude people working in a broad sector, but there are still appointments that are simply not appropriate, frankly, in the public sector. You do not have the power or indeed the guidance to stop those, and that is not judgment; it is a fact that the rules are inadequate and there are appointments still being accepted that simply are inappropriate. Do you not accept that?

Lord Lang of Monkton: No, I do not, because the process that we go through explores all those matters. Very often what we discover is not what appears in the public prints or the impression that is gained outside. That is why we try to make it very clear in our letters, which appear on the website, and on our website itself.

As to the membership of the Committee, I really do not accept that they are all of one political class. My colleagues bring a capacity for perceptive analysis and acumen that is of a very high order. Individually, those from outside politics—for example, we have a retired general, we have a retired ambassador and we have a retired senior businessman and lawyer—I can think of examples where their background knowledge of their own profession or area of activity has been of immense value to the Committee.

Q57 Greg Mulholland: Lord Lang, listen to yourself: a retired general, a retired lawyer, a retired businessman all judging on professional appointments. I have to say, Lord Lang, with respect, I do believe that you and your Committee are part of the problem and that we need to have clear rules to deal with this. I wonder if you may reflect on that once you have moved on. That is no reflection on what you have attempted to do in your post, but clearly my opinion—it is not a question—is that you and the Committee, who of course have been appointed from on high, are very much part of the problem.

Lord Lang of Monkton: Two of our members have been appointed through the official appointments process, Mark Addison and Mary Jo Jacobi, who are both members. I just do not accept what you say.

Greg Mulholland: Of course you won't.

Lord Lang of Monkton: I do not believe that the judgmental aspect could be any better done than it is done at present. Our clientele list is from the military, from the armed services, from the diplomatic world and from government, both in ministerial and in civil service categories. Having a background knowledge of all that, but being above the fray, so to speak, is a great asset. You could replace it with other people and perhaps your Committee would like to see a lot of retired judges or a range of occupations and activities. This is territory we have visited in the past, in previous encounters. All I am saying is that I am extremely proud of the contribution that my Committee makes and I believe that they do an excellent job.

Chair: Mr Flynn, would you like to come in on this question of the composition?

Q58 Paul Flynn: Yes, I would. In this Committee, you have two people there, the ones you just mentioned, whose names are unadorned. The rest of your Committee is composed of: the Right Hon. the Baroness Liddell; the Right Hon. Lord Lang, yourself; Sir Hugh Stevenson; Sir Colin Budd KCMG; the Right Hon. Lord Dholakia OBE DL; and General the Lord Walker of Aldringham GCB CMG CBE DL. This is hardly a cross-section of society, as one would recognise it.

Lord Lang of Monkton: I did not appoint them, Mr Flynn. A Labour Prime Minister appointed them.

Q59 Paul Flynn: You are a Committee that is seeking public approval and credibility, yet you have a collection of the great and the good on that Committee, all adorned with prefixes and suffixes on their names. They are loaded down with honours and this is not how society outside would see a Committee that is meant to judge these serious matters. They will see them, as my colleague suggested, as the great and the good and the privileged judging the great and the good and the privileged.

Lord Lang of Monkton: Successive Prime Ministers since the Committee was first formed have appointed the membership. Indeed, my predecessors, those who were on the Committee before 2009 when I joined it, were in many cases begged to continue in the role literally for years after their term had officially ended. When I joined the Committee, the term was firmly set at five years and I am firmly sticking to that.

Q60 Paul Flynn: How many members of your Committee have outside appointments for which they receive remuneration?

Lord Lang of Monkton: You would have to refer to the register of interests.

Q61 Paul Flynn: The great majority do. The great majority of the members of the Committee are people who think it is entirely normal to take on second jobs paying 20 or 30 times the state pension for 18 days a year of work. That is the world they live in.

Lord Lang of Monkton: Some of them are retired, Mr Flynn. A few minutes ago, you were complaining about the retired people being involved. Some of them do charitable work.

Q62 Paul Flynn: In your own case, you were interviewed by the *Dispatches* programme. It was another sting. After you were interviewed by them for a job that did not exist, you sent your CV in to the company for their consideration. Do you think it is appropriate that you, as Chairman of this body, should be hawking around your CV looking for more appointments?

Lord Lang of Monkton: I have never hawked around my CV.

Chair: I am not having that question. We have been there before, Mr Flynn; we are not doing that again.

Paul Flynn: What is wrong with the question? Are you denying that you sent your CV?

Chair: We have asked that question before; we have had an answer before. We do not need to repeat it.

Paul Flynn: Could we find out whether he is denying the truth of what I said? It was published in an article in *The Independent*, which I will happily quote to you.

Chair: Lord Lang, would you like to just make sure the record is straight?

Lord Lang of Monkton: I think the record is straight, Chairman. I am not certain what you are asking for.

Chair: I am not sure either. Moving on—

Q63 Paul Flynn: Lord Lang, what is your response to the Committee's recommendation that the membership of ACoBA has to be reconsidered entirely to ensure that it is able to command public trust and confidence in your decisions? Is this not right? Has it not got to be entirely reconstructed and appointed on the basis that the public would recognise as being representative of the public as a whole, not representative of privilege?

Lord Lang of Monkton: That is a decision for the Government, whether a Labour Government, Conservative Government or coalition Government.

Greg Mulholland: Or a Liberal Democrat Government.

Lord Lang of Monkton: Or a Liberal Democrat Government. I did mention coalition; I was half way there. It is not a decision for me. All I am saying is that I am extremely comfortable and confident in the talents and skills of the present Committee, and indeed with the quality of the secretariat.

Chair: We would all agree that they are all extremely eminent people with a great deal of public service to their record and should be respected for that. The only question is whether they are the only appropriate people to undertake this role. I certainly imply no criticism of them as individuals, or you, for the role that they play.

Q64 Paul Flynn: We are talking about public perception now. This is the point that we made in our last report, which has not been responded to, as you know, for 20 months by the Government. We made this point that the public perception is such that what we want is a tough Committee that will not be seen to be, as my hon. Friend suggested, part of the problem. After five years running this Committee, do you have no view that your Committee is not performing its role, as has been suggested widely by the press and does not have the confidence of the public, because of its decisions, because of its weakness and because of its closeness to the people whom you interview?

Lord Lang of Monkton: My view is that the Committee does fulfil the role given to it by Government, which is a role in which there are tensions between, on the one hand, the entitlement of individuals to seek employment after they have left public service, and on the other hand, the need to ensure that the public interest is protected. I believe we do that, and I believe the record speaks for itself. It is a judgmental occupation and one which, however elaborate the bureaucracy and the paraphernalia that is completed, and the statutory base for it, would still ultimately have to be a judgmental process. I have no doubt at all that, if you do have a statutory body introduced, you will have its Chairman before you in the future answering the same sort of questions as you are asking me now.

Q65 Paul Flynn: Just one final point: you mentioned money. It will cost a lot in the bureaucracy to set it up.

Lord Lang of Monkton: I did not mention money, Mr Flynn; you mentioned money.

Q66 Paul Flynn: You mentioned about the possibility of a Committee that might be a stronger one than you have at the moment, but I think you made some objection on the grounds of expense. When we are thinking of decisions taken when a company is allowed not to pay £7 billion in tax, if that is interpreted as somebody looking to feather their nest in retirement, a huge saving in public expense can be made if the people in these top jobs are doing those jobs and serving the public interest, and are not serving their own interest in retirement.

Chair: We have got the point, Mr Flynn. Any further comment, Lord Lang?

Lord Lang of Monkton: I have nothing to add on that subject, Chairman.

Q67 Chair: I have a lot of questions on my brief about the merits of a statutory conflicts of interest, an ethics, commissioner, about which you will say, I expect—I am just short-circuiting—that you do not wish to comment in your role as Chairman. What are the disadvantages that you have found in your role of not having enforcement powers and not having scrutiny powers?

Lord Lang of Monkton: I do not see disadvantages, because I am operating within the confines of the rules as they are set. If there were such powers, then obviously I would be seeking to exercise them in as efficient, helpful and useful a way as possible. The cost of our Committee, since Mr Flynn raised finance, is £163,000. We operate alongside the House of Lords Appointments Commission, a totally different Committee, but one where the secretariats are able to overlap and assist each other.

Q68 Chair: I am bound to say that it makes it sound as if you confine yourself to doing what you have been told to do, and I put it in those terms, rather than to divine from your appointment and your role what the objective is of having ACoBA and how ACoBA could better fulfil its function, which must be to protect the reputations of individuals and to reassure the public that there is not corruption arising from the change of jobs from people to the public to the private sector.

Lord Lang of Monkton: We have expanded our role within the confines of those rules quite considerably. I believe, if you look back to how the Committee was five years ago, you would see a quite different Committee.

Chair: I think we can see that.

Lord Lang of Monkton: As Professor Hine says. May I mention one area, for example, which is that part of the issue is not the cases that come to us, but the cases that are decided within Departments at the lower levels of employment, by the Departments themselves? We now go round these Departments monitoring the implementation of the same underlying principles of how people should be enabled to make the transition from public service into private employment. We are trying to raise the standard and ensure that there is one level standard of quality throughout. At the moment, it is quite variable, but they are addressing the various Departments that have problems. They may be

undermanned, too busy doing other things or have not understood fully some of the approaches that are required of them. They are genuinely trying very hard to improve and come into line. That is an important development as well that we have been able to generate.

Q69 Chair: You are not prepared to identify any disadvantages of having a completely non-statutory non-enforcement system.

Lord Lang of Monkton: No because, as Lord Nolan indicated, our task is to appraise the applications and set the conditions. It is for the court of public opinion to identify any failure to meet those conditions, rather than ourselves. He did however say that, if the circumstances change over the years, that is an area that might need to be revisited.

Q70 Chair: In our report, we did point out that the court of public opinion is neither objective nor impartial.

Lord Lang of Monkton: That is true.

Chair: Yet you are happy that that is how your work is judged.

Lord Lang of Monkton: We live in an imperfect world.

Chair: We certainly do.

Lord Lang of Monkton: We have a free press; politicians have their own views on things.

Q71 Chair: Is the court of public opinion the right place to determine whether people are taking the right jobs? Do we think that is a satisfactory system?

Lord Lang of Monkton: I suppose it is an underlying principle of justice.

Chair: No, I do not think it is actually. I think actually we take evidence; we have judges.

Lord Lang of Monkton: Lord Nolan was a distinguished judge. As I was saying when you asked your second question, he did indicate that it might need to be revisited if circumstances change.

Q72 Chair: The court of public opinion, Lord Lang, is the mob.

Lord Lang of Monkton: Those are your words, not mine.

Chair: It is. It is not objective nor impartial, which is why we have courts and laws to administer justice, but you think the court of public opinion is a sufficient check and balance to regulate your work as Chairman of this Committee.

Lord Lang of Monkton: I am not here to rule the world. I am here to operate the Committee under the rules I am given.

Chair: We have that message, Lord Lang.

Lord Lang of Monkton: We have made rebuttals. We have achieved apologies and corrections in the media. It may be that there is further to go there. Perhaps that could be done by strengthening our Committee or perhaps it could be done by setting up a statutory

one but, as I indicated at the outset, we have had a remarkable success rate and less than 2% of the applications cause any stir at all in the public domain.

Q73 Priti Patel: Lord Lang, if I may, I would like to discuss with you just some general principles about the work of ACoBA. In particular, I would like to focus on the level of awareness and compliance of the Business Appointment Rules among Ministers and civil servants. In your five years that you have been leading the Committee, have you seen an increase or decline? What is the level of awareness of the rules like with Ministers and civil servants? Is there more that could be done in this area?

Lord Lang of Monkton: There is always more that can be done, but there has been a substantial improvement. We write to every Minister on appointment to remind them of the rules, or rather we make sure that the Department tells them. It was understood before that they would be told, but sometimes they were not, as we discovered, particularly when people who had joined the Government on short-term appointments left. We write to every Minister when they leave office. We write to them again 12 months later, because it is a two-year lobbying period within which we operate, and that does stimulate a bit more interest. The fact that the number of cases that we now see has more than doubled compared with a year ago is not just reflective of a particular flow of redundancies, a General Election or anything of that sort. It is reflective of the fact that there are more applications coming our way, and we will continue to do that.

Q74 Priti Patel: Do you think there is more awareness among Ministers and civil servants that the rules are there?

Lord Lang of Monkton: I think there is. The Prime Minister has played a role in that as well by strengthening the ministerial rules and telling them that they must be obeyed.

Q75 Priti Patel: On that point, you have already mentioned the General Election. There will be a General Election in 2015. Do you anticipate an increase in the number of applications? In particular, obviously you will have a successor. Is there any particular guidance or advice that you will be handing over to your successor in anticipation of an increase in applications?

Lord Lang of Monkton: I will certainly be available to speak to him or her if they wish it. I would not force myself on them. We have our own folk memory and our own record of procedure, which he or she will pick up very quickly. A General Election does stimulate change, and so indeed does a ministerial reshuffle. It would depend who wins the Election. If there is a complete change of Government, then clearly there would be a more substantial flow, but that flow would be over a period of time; it would not all be immediate. I am confident that the Committee would have the resources and the know-how to deal with it.

Q76 Priti Patel: They will be geared up for that change and an increase in volume.

Lord Lang of Monkton: Yes. It will not be necessary to take on extra people, because we have this co-operation with the House of Lords Appointments Commission whereby, in times of pressure, they use help from our secretariat and we, theirs.

Q77 Priti Patel: We have touched already in this morning's discussions on the number of applications from particular Departments. One in particular is the MOD; the number of

applications from the MOD to ACoBA. Should this be a matter of concern—I would not say by the Committee—in terms of the overall message back to Government and coming back to the reputation and perception issues that we have already discussed this morning?

Lord Lang of Monkton: Should it be a concern that there are a lot of applications from the MOD?

Priti Patel: Specifically from the MOD and also are there any particular changes that should be or could be made in reflection of that?

Lord Lang of Monkton: The changes have been made. There is always concern and it is always the case that we look carefully when a senior military figure retires and then seeks to join a major defence weapons manufacturer or exporter, obviously. Prima facie, there is a concern. Our role and our rules do not require us or allow us to take the national interest into consideration, which may of course be a major factor in some cases, because it could mean huge orders for the United Kingdom, but we do look at that very carefully and so does the Ministry of Defence, much more so now. The present Secretary of State has tightened his own internal rules very substantially. As I said earlier, I will send the Committee a list of the changes that they have made internally. When applications come to us from the MOD, they are all very well processed already.

Q78 Priti Patel: Changes have been made. Do you think more can be done by your Committee to publicise those changes to, in particular, address this issue of public concern, as we have discussed this morning, and also the reputational impact or implications on Government, the MOD, and the individual who has taken up the appointment?

Lord Lang of Monkton: We are trying to persuade all Departments to publicise their approvals on their own websites, in the same way that we do on ours, because they handle the ones below the top two levels of employment in the civil service. It is for the MOD to publicise their own wares. If we put theirs on our website and nobody else's that would probably arouse a certain amount of curiosity, but I would expect them to publicise them. They are unclassified, which is why I am able to send it to you.

Q79 Chair: On the awareness point, the former Cabinet Secretary and Head of the Civil Service, Lord O'Donnell, made a retrospective application to take on the role of Chairman of the Legatum Institutes Commission on Wellbeing and Policy. I imagine this is an unpaid post, but the Advisory Committee noted "with concern that the announcement had been made before approval had been sought". Whose fault is it that he did not know he had to apply through ACoBA?

Lord Lang of Monkton: You tempt me, Chairman. We take these issues very seriously and so does the Prime Minister. We had—I may be wrong with the figure—two this year compared with five cases last year where people did not come to see us before taking up a position.

Chair: There was a former special adviser.

Lord Lang of Monkton: In the case of Lord O'Donnell—I think I can answer this without prejudicing his personal reputation—he was already with the Legatum at a lower level of employment that had been approved by us. He apologised for not coming back to us,

because he had thought that promotion within an organisation did not constitute a second appointment.

Chair: He must have been closely involved in these issues as Cabinet Secretary and Head of the Civil Service.

Lord Lang of Monkton: I think our rules may have been tightened since he retired, on that particular point.

Q80 Chair: When you change your rules, do you write to people who are still within your remit?

Lord Lang of Monkton: We bring them to the attention of any applicant.

Q81 Chair: I know but, if the rules are changed after somebody has left public employment, and they are still covered by the two-year ban on lobbying, for example, should people not automatically get a letter notifying them how the rules have changed?

Lord Lang of Monkton: We did not change the rule over notification on promotion.

Chair: Sorry; I thought that was the reason you gave.

Lord Lang of Monkton: We did not change that rule. That has always applied, but Lord O'Donnell was not aware of it and it is an understandable mistake.

Q82 Chair: If he was not aware of it, should he not have been made aware of it?

Lord Lang of Monkton: You are taking me into the semantics of how the rules are precisely worded.

Chair: No, I am not taking you into the semantics. I am sorry; I am not. I really am not.

Lord Lang of Monkton: I am perfectly happy for my Committee to accept the blame, if you think that makes it easier.

Q83 Chair: Awareness is an issue that we raised in our original report and we also have in our briefs a former assistant Whip and a former special adviser, both of whom took commercial jobs. I am sure that was out of oversight and forgetfulness, but somehow you are not putting these things at the front of people's minds. In financial services these days, you would get carpeted for this.

Lord Lang of Monkton: Most of these cases come to the HR department in the Government Department concerned and some of the delays are caused there, rather than with us. Our record of implementation and the speed of our handling of cases has improved from 77% within the 15-day timeframe a year ago to 87% in the past year.

Q84 Chair: I appreciate that, but I am talking about awareness. This is an awareness issue.

Lord Lang of Monkton: Yes, but timing is quite important in this. The awareness is there. They know that they should apply to us for part-time jobs and for unpaid jobs, both of which are new in the rules. They know the position.

Chair: They obviously forgot.

Lord Lang of Monkton: Yes. They forgot or else they got wrong advice from within the Departments, which is possible.

Q85 Chair: Is there not a problem of communicating to your subjects, if I may put it that way? Somehow your message is not getting through to the people who really need to understand the message. What are you doing about it?

Lord Lang of Monkton: I gave you the number of cases.

Chair: What are you going to do about the communication to people who are in danger of missing the importance of—?

Lord Lang of Monkton: That is part of the process when we go round all the Government Departments that I described to make sure that they are all fully aware of how this operates.

Q86 Chair: In these three cases, what did you actually do to look at your systems to understand how people could possibly have forgotten or misunderstood what their obligations were?

Lord Lang of Monkton: The background in all these cases was slightly different. You raised the one of Lord O'Donnell but, in other cases, there were different circumstances.

Q87 Chair: What do you do to follow up these failures of communication?

Lord Lang of Monkton: I do not think they are failures. They are not failures on our part anyway, in my view.

Q88 Chair: So you are not responsible.

Lord Lang of Monkton: I do not believe we are, but I think it is a matter of relatively small concern, compared with some of the bigger issues. We do treat the matter of late applications very seriously. That is why we always express concern. Sometimes we express serious concern. In one case I can think of, we refused to handle the case, because it had been so badly handled by the applicant—irresponsibly in our view.

Q89 Chair: Do you ever retrospectively tell them to resign the position that they have taken or attach conditions to the job that they have taken?

Lord Lang of Monkton: No. We do not have responsibility for telling them to resign.

Q90 Chair: Presumably you would give them advice. If their application had been processed through you and you would have given them advice, you give them that advice.

Lord Lang of Monkton: Once they have got their letter of approval from us, subject to the terms—

Chair: I am not asking that question, Lord Lang. I am asking a question about a late retrospective consideration. If you would have attached terms, had it come through to you on time, do you still attach terms or give them advice that they should not take the job? Would you?

Lord Lang of Monkton: We would do, yes.

Q91 Chair: But you never have.

Lord Lang of Monkton: I think we have already indicated what we would have done.

Chair: You advise them that they should respond to that advice.

Lord Lang of Monkton: Yes.

Chair: Or the court of public opinion will come and get them.

Lord Lang of Monkton: Or not, as the case may be.

Q92 Chair: I suppose my only final question is the one we always like to ask outgoing public servants. What advice do you have for your successor?

Lord Lang of Monkton: It would have to be conditional advice, because I do not know whether my successor would be handling the Committee as it exists at present or as it will be in the future. If he or she is handling the Committee as it is at present, I would tell him that he had extremely high quality membership, who brought to bear detailed concentration, background experience of great value and a skill in addressing and identifying any potential difficulties in an application. I would tell him that he had an extremely loyal and efficient secretariat of a high quality, as one expects from civil servants, and that the Committee delivers its job well, but that the job it delivers is not the most popular in the world and that he should be prepared for criticism, probably unfair, and guilt by association with alleged misbehaviour by some of the applicants who had had their cases approved.

Paul Flynn: It sounds like an attractive job.

Q93 Chair: What particular lessons have you learned that you would hand on to your successor?

Lord Lang of Monkton: That perfection in this world is almost unattainable, but that one should keep trying.

Q94 Chair: How much have you enjoyed this role?

Lord Lang of Monkton: I have enjoyed some parts of it more than others, Chairman.

Chair: Delphic to the end. May I thank you very much indeed, Lord Lang, for coming before us? As I say, I cannot think why anybody would want to do this job and you have clearly committed yourself to it. You have been pretty selfless in the way you have conducted your role. If your successor shows the same sincerity and commitment, he cannot be going wrong. Thank you very much.