



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

G/7 Ground Floor, 1 Horse Guards Road SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

Website: <http://www.gov.uk/acoba>

August 2023

BUSINESS APPOINTMENT APPLICATION: The Rt Hon George Eustice MP, former Secretary of State for the Department of Environment, Food and Rural Affairs (Defra), paid commission with Augean Ltd under his independent consultancy.

1. You sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for Former Ministers (the Rules) on taking up a role with Augean Ltd under your independent consultancy. The material information taken into consideration by the Committee is set out in the annex.
2. The purpose of the Rules is to protect the integrity of the government. Under the Rules, the Committee's remit is to consider the risks associated with the actions and decisions you made during your time in office, alongside the information and influence you may offer Augean Ltd.
3. The Committee considered whether the commission with Augean Ltd was unsuitable given that it has a focus on hazardous waste, overlapping with your responsibilities as the Secretary of State with responsibility for the Environment. The Committee also considered the information provided by Defra about your specific dealings in the sector.
4. The Committee has advised that a number of conditions be imposed to mitigate the potential risks to the government associated with this commission under the Rules. The Committee's advice is not an endorsement of this work in any other respect.
5. 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

6. The Committee¹ considered this commission to be consistent with the description of your consultancy- providing strategic advice on policy affecting the environmental sectors; developing business models; and implementing/complying with regulatory frameworks.
7. You were not involved in any decisions specific to Augean Ltd or its work in hazardous waste management whilst you were in office, nor is there a relationship between the company and your former department. Therefore, the Committee considered there is limited risk that this commission can reasonably be perceived as a reward for decisions made in office.
8. As the former Secretary of State for Defra, you would have had access to sensitive information which may be seen to benefit Augean Ltd. The Committee considered three significant mitigating factors:
 - your policy involvement was not specific to hazardous waste and your focus was on commercial and household waste. In relation to these matters, Defra is of the view that your access to relevant information is limited because it has been altered or is already in the public domain.
 - Defra is of the view that your access to relevant information is limited because it has been altered or is already in the public domain.
 - you have been out of office for almost 11 months and during that time there have been changes in government administrations (two new Prime Ministers have been appointed, a new Cabinet formed in September and October, including two new Secretaries of State for Defra)
9. As a former Secretary of State for Defra, there are risks associated with your influence and network of contacts gained within government. The Committee notes your description of the proposed work includes having no direct contact with ministers and officials. The Committee would take this opportunity to remind you that facilitating indirect contact to influence government decisions on behalf of Augean Ltd would be inappropriate given the lobbying ban below (which applies to all former ministers for two years on leaving office). It is also relevant that the environmental permitting regime of hazardous waste is a statutory process that is overseen by the Environment Agency independently, limiting the influence any one person can have.

¹ This application for advice was considered by Richard Thomas; The Rt Hon Lord Pickles; Mike Weir; Andrew Cumpsty and The Baroness Jones of Whitchurch. Sarah de Gay, Jonathan Baume and Isabel Doverty were unavailable.

The Committee's Advice

10. There are risks associated with your general access to sensitive information, and potential influence within and outside government - particularly given the company operates within a sector which you had responsibility for as Secretary of State.
11. The Committee considered the conditions attached to your consultancy, alongside the mitigations above. They seek to prevent the improper use of information, contacts and influence to the unfair advantage of Augean Ltd and appropriately mitigate the risks.
12. Taking into account these factors, in accordance with the government's Business Appointment Rules, the Committee advises this commission with **Augean Ltd**, should be subject to the same conditions applied to your independent consultancy:
 - 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 any of its arm's length bodies on behalf of Augean Ltd (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the government and/or Crown service contacts to influence policy, secure business/funding or otherwise unfairly advantage Augean Ltd (including parent companies, subsidiaries, partners and clients);
 - for two years from your last day in ministerial office, you should not provide advice to on behalf of Augean Ltd (including parent companies, subsidiaries, partners and clients) on the terms of, or with regard to the subject matter of, a bid with, or contract relating directly to the work of the UK government or any of its arm's length bodies;
 - for two years from your last day in ministerial office, you should not become personally involved in lobbying contacts you developed during your time in office and in other governments and organisations for the purpose of securing business for Augean Ltd; and
 - for two years from your last day in ministerial office, before accepting any commissions for your independent consultancy and or/before extending or otherwise changing the nature of your commissions, you should seek advice from the Committee. The Committee will decide whether each commission is

consistent with the terms of the consultancy and consider any relevant factors under the Business Appointment Rules.

13. The advice and the conditions under the government's Business Appointment Rules relate to an individual's previous role in government only; they are separate to rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists or the Parliamentary Commissioner for Standards. It is an individual's 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 your commission is live or is announced. You must also inform us if you propose to extend or otherwise change the nature of your consultancy as, depending on the circumstances, it may be 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.

The Rt Hon Lord Pickles

Annex - Material information

Commission with Augean Ltd

1. You said Augean is a leading provider of specialist waste management and disposal services focusing on the most hazardous wastes. You said it is one of the leading operators in the field of hazardous waste management.
2. As a Strategic Adviser to the Executive Team, you said you will be responsible for:
 - providing strategic counsel to the executive team of Augean on how to navigate existing permitting and regulatory regimes' processes
 - offering wider advice on the environment, social, and governance issues that are relevant to Augean.
3. You said that you made Augean aware that you are unable and unwilling to speak to officials or ministers in government on their behalf in relation to policy or regulatory issues.
4. You said that one of the shareholders in Augean is a private equity company called Ancala. You said you met with one of the partners from Ancala for the first time in April of 2023 which later led to this offer.

Department assessment

5. Defra said while you were Secretary of State a large number of decisions were taken on waste policy in relation to household and commercial waste. It confirmed you made no decisions regarding hazardous waste (such as low level radioactive waste).
6. Defra said there are no specific dealings that you or the department had with Augean, or with their direct competitors in this area of hazardous waste. It said Augean is regulated and holds a permit under the Environmental Agency's Environmental Permitting Regime. It said that ministers would not have been involved in the permitting decision and were only involved in the regime itself in very general ways- for example, considering how the system could be streamlined or a backlog of applications dealt with.
7. Defra said that you would not have been involved in any funding or contractual decisions relevant to Augean.
8. Defra recommended standard conditions.