

UNCLASSIFIED

From the Chairman



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

G/5 Ground Floor, 1 Horse Guards Road SW1A 2HQ

Telephone: 020 7271 0842

Email: acoba@acoba.gsi.gov.uk

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

January 2013

You asked for the Committee's advice about taking up a part-time, paid appointment (working one day per month) as Chairman of Forewind Ltd.

The Committee noted that your proposed role will include: chairing Forewind Ltd's board meetings, providing leadership of the board and planning its meetings; and representing Forewind Ltd at events and meetings. You will not have any executive responsibility for the day to day running of Forewind Ltd and will not have a vote on the board's decisions. Furthermore, you have confirmed that the role will not involve any lobbying of Government.

In reaching the decision on the appropriate conditions to impose, the Committee noted that you had official dealings with your prospective employer and its parent companies in the last two years in Government. Forewind Ltd would have attended industry meetings. Forewind Ltd's parent companies would have taken part in meetings to discuss energy matters. You confirmed, however, that your dealings with Forewind Ltd and its parent companies would not have involved the award of grants or regulatory work.

The Committee also noted that, during your last two years in office, you had official dealings with competitors of your prospective employer/its parent companies in that all the major energy companies would attend similar meetings to those that Forewind's parent companies attended. You confirmed, however, that those meetings would invariably focus on wider energy issues than offshore wind, which is the sole business activity of Forewind Ltd.

The Committee took into account that Forewind Ltd already have their licence for the development of Dogger Bank and are, therefore, not in a competitive situation. Finally, the Committee noted that you left your ministerial office four months ago.

UNCLASSIFIED

Taking all of these factors into account and noting that the three month waiting period that the Committee would have been minded to impose has already expired, our advice is that you can take up this appointment, subject to the following conditions:

- you should not draw on any privileged information from your time in Government; and
- for two years from the date of your leaving office, you should not become personally involved in lobbying the UK Government on behalf of your new employer, its parent companies or their clients.

It might be helpful if I add that lobbying is defined in the Business Appointment Rules in the following way: "Lobbying in this context means that the former civil servant should not engage in communication with Government - including Ministers, special advisers and officials - with a view to influencing a Government decision or policy in relation to their own interests, or the interests of the organisation by which they are employed, or to whom they are contracted".

I should be grateful if you would inform us as soon as you take up the appointment or, if earlier, when it is announced that you will do so, either by returning the enclosed form or by emailing this office at the above address. We shall otherwise not be able to deal with any enquiries, since we do not release information about appointments which have not been taken up or announced. This could lead to a false assumption being made about whether you had complied with the Ministerial Code. Similarly, I should be grateful if you would inform us if you propose to extend or otherwise change your role with Forewind Ltd as, depending on the circumstances, it may be necessary for you to seek fresh advice.

Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website and include the main details of the application, together with the Advisory Committee's advice, in the regularly updated consolidated list on our website and in the next annual report.

Lord Lang of Monkton

Charles Hendry Esq MP