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From the Chairman



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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You asked for the Committee's advice about accepting a specific commission with Atlantic Supergrid Corporation LLP (ASC) through a company that you have recently set up (Bombo Ltd*).

The Committee noted that your role will be to advise ASC generally on energy issues, particularly cross-border electricity trading issues. The Committee took into account that, during your last two years in office, you had official dealings with your prospective client - you met a representative of ASC who spoke at a conference in Iceland, where one of the subjects under discussion was the feasibility of a transmission cable/interconnector (this did not include discussions about technical specifications or costings). During the visit, you signed a memorandum of understanding with his Icelandic counterpart, which looked at the general opportunities for co-operating on energy issues.

The Committee noted that you are not aware of any relationship between ASC and your former Department. The Committee also noted that ASC has no competitors in relation to this project at this stage. The National Grid have indicated that, if the project goes ahead, they would be interested in being involved but it is not clear whether their involvement would be separate or shared. The Committee took into account that you had meetings with the National Grid but these were almost exclusively about other matters and you do not have confidential information about their own plans that could be of use to ASC. The Committee also took into account that it has been seven months since you left office.

However, taking all of these factors into consideration, including the nature of your ministerial role, our advice is that you can take up the commission albeit subject to the following conditions:

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- you should not draw on drawing on any privileged information available to you from your time in Government or in your current capacity as Trade Envoy;
- for 12 months from your last day in office, you should not provide advice to your client on the terms of any bid or contract directly relating to DECC;
- you should make it clear in any activities you undertake on behalf of your new employer that you are acting as their representative and not as a Government representative; and
- for two years from your last day in office, you should not become personally involved in lobbying the UK Government on behalf of your client.

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 Minister 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 commission 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 work with the ASC 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.

**The Committee noted that Bombo Ltd is still in its infancy and the nature of the company's work is likely to develop over time. The Committee asks that you submit a further application to it if you wish to set yourself up as an independent consultant more generally in order to accept further commissions.*

Lord Lang of Monkton

Charles Hendry Esq MP