



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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You asked for the Committee's advice about setting up an independent consultancy and accepting a commission under that consultancy with Herbert Smith Freehills (HSF), having left Government in May 2015.

Your independent consultancy will provide consultancy services in the area of energy and climate change, covering the full spectrum of the energy industry – including renewables, offshore UK Continental Shelf, community energy, and the UN climate change talks. You would aim to help organisations to develop thought leadership in the energy and climate change sector, to understand past energy policies and to understand how future policy in the UK, the EU and elsewhere might develop.

When considering your application, the Committee took into account that you had some dealings with HSF when they acted for Drax in Judicial Review proceedings against DECC. The Committee noted that you were not aware of any relationship between your former department and HSF, and, that during your last two years in office, you did not have any official dealings with any competitors of HSF. You also stated that your consultancy work would not include any lobbying of the UK Government at any level and would not involve use of any confidential information gained as a Minister.

Taking into account all the circumstances, and being mindful of the standard three-month waiting period for those who have held ministerial office at Cabinet-level, the Committee sees no reason why you should not take up the appointment, subject to the following conditions:

- you should not draw on privileged information available to you from your time in Government;
- a three month waiting period from your last day in Ministerial office;
- for two years from your last day in ministerial office, you should not become personally involved in lobbying UK Government on behalf of your new employer, its subsidiaries or its clients;
- you should not involve yourself in work related to Hinkley Point C power station or any commercial deal in which DECC is currently involved; and

- once you have received approval to set up as an independent consultant, you must seek confirmation from the **Committee directly** that each subsequent individual commission is permissible under the terms of your consultancy before taking it up. If, after enquiry, the Committee takes the view that a commission is, or may be, outside the terms of the consultancy you will be expected to submit a fresh application.

It might be helpful if I add that the Business Appointment Rules explain that the restriction on lobbying means that former Ministers "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 it is announced that you will do so, either by returning the enclosed form or by emailing the 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 HSF 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.

Baroness Browning

The Rt Hon Edward Davey