

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

G/8 Ground Floor, 1 Horse Guards Road SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

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

November 2016

You asked for the Committee's advice about a new appointment with **INGINE Wave Energy Systems Ltd (INGINE)**.

When considering this application the Committee noted that you are setting up **INGINE** as a new UK based company. **INGINE**'s focus will be on commercially developing a new type of wave energy technology. Whilst in its early stages, **INGINE** is seeking to build on a successful pilot of the technology in Korea.

Your role will be as a non-executive and shareholder of the company and it will be a part-time, paid role involving between six and 12 days' work a year.

The Committee took into account that a gap of 17 months has passed since your last day as a Minister; and that you had no direct involvement with the newly established company, its Directors or their competitors while in office.

The Committee also consulted the Department for Business, Energy and Industrial Strategy and the Permanent Secretary confirmed you would not have had access to any commercially sensitive information or unannounced Government policy that would benefit **INGINE**.

The Committee noted that while you had no contact with **INGINE** and those setting the company up whilst in office, the company would likely need to engage with parts of wider Government, such as around planning permission; further, **INGINE** may need to approach Government at some point in the future around funding or contract initiatives (such as a Contract for Difference, or similar). However, the Committee took into consideration your assurances that you would not lobby, or be in contact with Government, on **INGINE**'s behalf whilst subject to the Business Appointment Rules.

The Committee would therefore like to emphasise the lobbying ban set out below, which would preclude you from approaching Government to secure funding or influence policy related to the work of **INGINE** (including indirectly).

Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises the appointment be subject to the following conditions:

From the Chair

- that you should not draw on (disclose or use for the benefit of yourself or the organisation to which this advice refers) any privileged information available to you from his time in ministerial office; and
- for two years from your last day in ministerial office you should not become personally involved in lobbying the Government on behalf of INGINE Wave Energy Systems Ltd, or make use, directly or indirectly, of your contacts in Government and/or Crown Service to influence policy or secure funding on behalf of INGINE Wave Energy Systems Ltd.

By 'privileged information' we mean official information to which a Minister 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.

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 [including applications for awards or grants] 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 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 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 Baroness Browning

Rt Hon Sir Edward Davey