



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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You asked for the Committee's advice about taking up an appointment with BB Energy Trading Ltd.

The Committee's remit

As you will be aware, it is the Committee's role to advise on any conditions that should apply to appointments or employment under the Government's Business Appointments Rules for Former Ministers (the Rules), which apply to former Ministers for two years after they leave office.

The Rules seek to counter suspicion that:

- a) the decisions and statements of a serving Minister might be influenced by the hope or expectation of future employment with a particular firm or organisation; or
- b) an employer could make improper use of official information to which a former Minister has had access; or
- c) there may be cause for concern about the appointment in some other particular respect.

When the Committee considers applications it must have in mind that Government has judged that it is in the public interest that former Ministers with experience in Government should be able to move into business or into other areas of public life, and to be able to start a new career or resume a former one. It is equally important that when a former Minister takes up a particular appointment or employment, there should be no cause for any suspicion of impropriety.

It is not the Committee's role to pass judgment on whether an appointment is appropriate or suitable in any other regard.

Appointment details

You sought the Committee's advice on taking up a paid and part-time role with BB Energy Trading Ltd (BB Energy), an independent energy trading company, with experience in trading, operations, chartering, logistics, storage, refining and financing; and trades in gasoil, gasoline, bitumen and fuel oil.

You said your role will be to advise the company on strategic plans in the context of changes in the worldwide energy market; and to work with the business to manage change, providing analysis of future economic and geopolitical trends. You said you do not expect to have contact with Government in this role.

You confirmed you had no official dealings with BB Energy, or its competitors, during your last two years in ministerial office; that you are not aware of a relationship (contractual or otherwise) between BB Energy and your former department, the Department for Transport (DfT); and that you have no commercially sensitive information about any competitors of BB Energy.

Bernadette Kelly, Permanent Secretary at DfT, was contacted about this application. DfT confirmed it has no relationship with BB Energy; that you do not hold sensitive information/unannounced policy that would be considered inappropriate in your new role; and that you had no official dealings with BB Energy whilst you were in ministerial office at DfT. The Department also stated it has no reservations about the appointment.

Previous to your role as a Minister of State for Transport, you were Minister of State for Security and Economic Crime at the Home Office from 2015 to 2016; Minister of State for Transport at DfT from 2014 to 2015; Minister without portfolio at the Cabinet Office from 2013 to 2014; Minister for Energy at the then Department for Energy and Climate Change (DECC); and Minister of State for Further Education, Skills and Lifelong Learning at the then Department for Business, Innovation and Skills and the Department for Education from 2010 to 2012.

Committee's consideration

The Committee¹ noted that you were previously a Minister at DECC. However, this was around five and half years ago. Further, the Committee noted this appointment is not directly related to your recent ministerial role at DfT; and that DfT confirmed you had no official dealings with the company whilst a Minister at DfT. Therefore the Committee considered the risk this role could be seen as a reward for your time in office is low.

The Committee also considered the risk that BB Energy could gain an unfair advantage as a result of employing you. The Committee took into account that DfT confirmed you have no sensitive information from your time in ministerial office that could benefit BB Energy; and that it has now been approximately eight months since you left ministerial office and five and a half years since you left DECC. As such, the Committee considered any information to which you may have been privy, will have likely moved on.

The Committee also noted you do not expect to have contact with Government during this role. It therefore considered the conditions imposed below, appropriately mitigate any potential risks associated with your time in office.

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

- that you should not draw on (disclose or use for the benefit of yourself or the organisations to which this advice refers) any privileged information available to you from your time in ministerial office; and

¹ This application for advice was considered by Sir Alex Allan; Jonathan Baume; Baroness Angela Browning; Lord Michael German; Baroness Helen Liddell; Terence Jagger; Richard Thomas and John Wood. Dr Susan Liautaud was unavailable.

- for two years from your last day in ministerial office you should not become personally involved in lobbying the UK Government on behalf of BB Energy Trading Ltd or its partners.

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.

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.*"

The Committee also notes that in addition to the conditions imposed on this appointment, there are separate rules in place with regard to your role in the House of Commons.

I should be grateful if you would inform us as soon as you take up this role, 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 that have not been taken up or announced. This could lead to a false assumption being made about whether you had complied with the Rules and the Ministerial Code.

Please also inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application.

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 Baroness Browning

The Rt Hon John Hayes CBE MP

