



**OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS**

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Mr George Freeman MP  
House of Commons  
SW1A 0AA

12 February 2021

I am responding to your letter dated 28 January 2021 and which is annexed to this correspondence.

I have reviewed your exchange of emails with ACOBA in 2020 and have interviewed staff. I am satisfied that you were given clear and unambiguous advice that should your unpaid assistance to the Government result in being offered paid work, then advice would be required under the Government's Business Appointment Rules (the Rules).

You registered in your House of Commons Register of Interests that Aerosol Shield paid you £5,000 and ACOBA were subsequently approached by the media asking for the advice given by the Committee about this role. In consequence we sought clarification from you.

I am disappointed to read in a quote attributed to you in the Eastern Daily Press (27 January 2021) that ACOBA had issued an "apology" on how your application was dealt with. After close examination, I can find no evidence of an apology being made, nor with respect, can I find any circumstances to justify issuing an apology.

Nowhere in the Rules or other guidance does it state that advice should only be sought if it is related to your former ministerial role. Indeed such a concept would be both novel but entirely alien to the ethos of the rules. Where it is related to your work in government, whether as a minister or in any capacity - such as that you describe in relation to the pandemic, this is where risks under the Rules tend to be most significant. It is prudent for former Ministers to seek advice before taking up such posts.

The Committee's position is clear, failure to seek and await advice is a breach of the Government's Rules and the requirement set out in the Ministerial Code. We are currently examining other possible breaches of the Government's Business Rules by you, and I will write to you again when our investigations are concluded.

As part of our commitment to transparency, ACOBA will publish this letter along with your letter and any subsequent correspondence on our website.

Mr George Freeman MP

The Rt Hon Lord Pickles

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**Annex - correspondence dates 28 January 2021**



**George Freeman MP**  
**Member of Parliament for Mid Norfolk**

**Rt Hon Lord Pickles,  
Office of the Advisory Committee on Business Appointments  
G/o8. Ground Floor  
1 Horse Guards Road  
London  
SW1A2HQ**

28 Jan 2021

Dear Lord Pickles,

I'm writing following receipt of your letter (dated 24<sup>th</sup> December, but which I was made aware of only this week when it was published on the Gov.UK website, triggering a wave of media attacks on my probity and integrity).

I'm writing to correct a serious error in your letter, and to request an apology.

Your letter says "*I understand that you considered seeking advice from ACOBA but deemed it would only be necessary if this was an ongoing role.*" **This is incorrect. As I made very clear to officials in my extensive correspondence and telephone conversations with your office, I did seek advice from ACOBA back in March.** The advice that I did not have to register "unless and until an ongoing commercial (ie: remunerated) role, which might in any way be deemed to be related to your prior Ministerial role, was forthcoming."

It is simply untrue to say I didn't consult ACOBA. I actively sought their advice. But the advice was not clear – which your officials later accepted and apologised to me for, saying they would be reviewing the guidance as a result.

The reason I didn't believe I needed prior approval to provide business planning advice to Aquashield is that it has absolutely NO link to my prior role, which was at the Department of Transport. The guidance on rules for business appointments for former Ministers makes very clear that the aim of the rules is "to prevent any lobbying of Government by former Ministers for two years or any cause for any suspicion of impropriety."

My advice to Aquashield had nothing to do with my role at DfT – or even my role as Life Science Minister 2014-16 which ended over four years previously. Advising start-up medical companies was my professional career for 15 years before being elected.

In the circumstances, and given the serious attack on my integrity in the media which your letter triggered, it would have been courteous if someone had contacted me before it was published with such a serious inaccuracy.

I have always taken compliance with the Ministerial code and the avoidance of any possible conflict of interest extremely seriously and am mortified that as a result of unclear advice and inaccuracies in your letter, which I had no chance to draw to your attention, I have been condemned as 'guilty' of being in breach of the Ministerial Code – which I take as a very serious finding - in a way which is neither fair nor reasonable.

I would be grateful if you would clarify for the record that I did seek the advice of ACOBA and for the reasons above you do not consider this a serious 'breach' of the Ministerial code but an error of judgement arising in no small part from confusing guidance.

I look forward to hearing from you.

Yours,

George.

**George Freeman MP**  
**Member of Parliament for Mid Norfolk**

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## **1. BUSINESS APPOINTMENT RULES FOR FORMER MINISTERS**

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.

## **2. THE RULES\***

“On leaving office, Ministers will be prohibited from lobbying Government for two years. They must also seek advice from the independent Advisory Committee on Business Appointments about any appointments or employment they wish to take up within two years of leaving office. Former Ministers must abide by the advice of the Committee.” [Ministerial Code, section 7.25]

The business appointment rules for former Ministers seek to counter suspicion that:

- 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
- an employer could make improper use of official information to which a former Minister has had access; or
- there may be cause for concern about the appointment in some other particular respect.

\*SOURCE: [Government's Business Appointment Rules for Former Ministers - GOV.UK \(www.gov.uk\)](http://www.gov.uk)