



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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September 2015

You asked for the Committee's advice about taking up an appointment with Mongoose Energy, having left Government in May 2015.

You intend up take the position of Chairman at Mongoose Energy. This will be a part-time paid appointment for 1-2 days a month. As Chairman of Mongoose, you will chair the quarterly Board meetings, advise and guide the Managing Director and assist the Executive Team.

When considering your application, the Committee noted that Mongoose Energy grew out of Bath & West Community Energy (BWCE) who did, and still do, have a relationship with DECC. It noted that Peter Carpener, Chair of BWCE, was contracted to DECC for the provision of 'Community Energy Strategic Services' between 22 March 2013 and 31 July 2013 and between 1 October 2013 and 31 December 2013 but the Committee noted that you had no role whatsoever in the awarding of these contracts or the values of these contracts (which amounted to £16,250 in total). It further took into account DECC's advice that the community energy sector is a small one and as Secretary of State you will have met many individuals from the sector during the normal course of business, including those from Mongoose Energy.

The Committee also noted your former department's confirmation that the community energy sector as a whole and, not just Mongoose Energy, benefitted from the community energy strategy. It does not believe that your prospective appointment with Mongoose Energy could reasonably be interpreted as a reward for decisions you or your former department had made while you held ministerial office. However, given the links, referred to above, between DECC and Mongoose Energy and the possible public perception of the appointment, it is of the view that a waiting period in addition to the standard three-month waiting period for former Cabinet-level Ministers would be appropriate in this instance.

Taking into account all the circumstances, the Committee sees no reason why you should not take up this appointment, subject to the following conditions;

Members:

Mark Addison, Sir Alex Allan KCB, Baroness Browning (Chair), Lord German OBE, Mary Jo Jacobi, Terence Jagger CBE,
Rt Hon Baroness Liddell of Coatdyke, John Wood

- A six-month waiting period from your last day of 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 parent company, its subsidiaries or its clients;
- you should not draw on [disclose or use for the benefit of yourself or the organisations or persons to which this advice refers] any privileged information available to you from your time in Government.

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.

Also, 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 Herbert Smith Freehills 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

Rt Hon Edward Davey

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