

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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You asked for the Committee's advice about accepting an appointment with Ethx Energy, an energy supply company.

The Committee noted that as an Advisory Board member, your role will be to advise the company on public policy in relation to dealing with fuel poverty; reducing carbon emissions; providing an ethical approach to customers; helping to identify the needs of client groups and generally assisting the company to deliver a quality product and service in an effective, efficient and ethical manner. This is a part-time, paid role.

When considering your application the Committee took into account that you had no dealings with the firm while in office and there is no formal relationship between the organisation and the Scottish Government. It further noted that while your ministerial responsibilities included dealing with fuel poverty and energy efficiency, you were not directly involved in any commercial dealings with government contractors and would not have had access to any commercially sensitive information.

The Committee also took into account that the Permanent Secretary to the Scottish Government has no concerns about this appointment. It was mindful that nearly six months have passed since you left ministerial office and relevant policy decisions that you would have been sighted on are now all in the public domain.

Taking into account the specific facts in this case, the Committee sees no reason why you should not take up the appointment, subject to the following conditions:

- 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 your time in ministerial office; and
- For two years from your last day in ministerial office you should not become personally involved in lobbying the Scottish Government on behalf of Ethx Energy or

make use, directly or indirectly, of your contacts in Government and/or Crown service to influence policy or secure funding on behalf of Ethx Energy.

- For 12 months from your last day of service you should not provide advice to Ethx Energy on bids or contracts it may make relating directly to the work of the Scottish Government.

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 that 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 Ethx Energy as depending on the circumstances, it might 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

Mr Alex Neil MSP