



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

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1. You approached the Committee about taking up an appointment as a Legal Equity Partner with Unlimited Green Energy LLP (UGE).
2. You served as Minister of State for the Northern Powerhouse and Local Growth from 25 July 2019 and before that as Parliamentary Under Secretary of State for the Northern Powerhouse and Local Growth from 4 June 2017.

### The Committee's role and remit

3. As you will be aware, it is the Committee's role to advise on the 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.
4. 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.
5. It is not the Committee's role to pass judgment on whether an appointment is appropriate or suitable in any other regard.

### The Application

6. You informed the Committee that you were seeking to join Unlimited Green Energy (UGE), as a Legal Equity Partner. You informed the Committee that it is a new start up in

green energy generation and power provision. Your role would be a paid, part time one, offering strategic and legal advice on corporate structuring. The company was incorporated on 22 April 2020.

7. You noted you have known one of the founding partners, since 2001 (having previously worked together; and previously provided strategic / legal advice to him). You were asked to join him in this new venture alongside other founding partners. You stated this role would not involve contact with the Government.

8. You stated you did not have any contact with the founding partners in your ministerial duties except one meeting in April 2019 with one of them, on matters not related to UGE. You stated you were not involved in any relevant policy development/decisions or commercial/contractual decisions that may have affected UGE or its partners.

9. Due to the Northern Powerhouse sitting with multiple departments the Committee consulted the Department for Business, Energy and Industrial Strategy (BEIS), the Ministry for Housing, Communities and Local Government (MHCLG) and the Cabinet Office on this appointment. They confirmed your application details as above stating that a meeting with Andrew Duckworth had taken place on the 10 April 2019 to discuss the Northern Powerhouse. They also further confirmed you do not have access to any sensitive information about UGE's competitors or knowledge of unannounced policy.

#### The Committee's Consideration

10. The Committee considered the department's responses confirming you had no contact with UGE or its partners (outside of one meeting in April 2019) or involvement in relevant policy, contractual decisions or regulatory work that would have had a specific impact on UGE or its partners. It therefore assessed the risk that you may have been offered this role as a reward for actions taken in office as low.

11. The Committee considered the overlap between your time in office and the proposed role. It considered there is a general risk that you may offer an unfair advantage by virtue of the sensitive information you had access to whilst in office. The Northern Powerhouse's broad involvement in stimulating green investment in the North of England is relevant to the area in which UGE will be working. However, the departments confirmed you do not have access to any sensitive information on competitors or unannounced policy and stated they had no concerns about your involvement in policy decisions or development that might impact UGE. The Committee would additionally draw your attention to the ban on sharing privileged information prevents you from offering any unfair advantage in this regard.

12. There are inherent risks associated with contacts gained in office. The Committee notes your role has no proposed contact with Government but it would draw your attention to the conditions below which prevent you from lobbying the UK government or making improper use of contacts gained in office.

13. The Committee therefore recommends that this appointment be made 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 Ministerial office.

- for two years from your last day in office you should not become personally involved in lobbying the UK Government on behalf of Unlimited Green Energy LLP (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts gained in Government to influence government policy, or secure business or funding on their behalf or otherwise unfairly benefit them; and
- for two years from your last day in office you should not undertake any work with Unlimited Green Energy LLP (including parent companies, subsidiaries, partners and clients) that involves providing advice on the terms of, or with regard to the subject matter of a bid with, or contract relating directly to the work of, the UK Government.

14. 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 as a member of the House of Commons.

15. 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 Ministerial Code/Civil Service Code or otherwise.

16. 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.*"

17. I should be grateful if you would inform us as soon as you take up this appointment, or if it is announced that you will do so. 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 the organisation as depending on the circumstances, it might be necessary for you to seek fresh advice.

18. Once this 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.

Rt Hon The Lord Pickles

The Rt Hon Jake Berry MP