



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

G/7 Ground Floor, 1 Horse Guards Road SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

Website: <http://www.gov.uk/acoba>

November 2020

1. You approached the Committee about taking up an appointment as a Senior Advisor with the Pollination Group.

The Committee's role and remit

2. 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.

3. 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.

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

The Application

5. You sought the Committee's advice on taking up a paid and part time position as a Senior Advisor with Pollination Group.

6. The website says Pollination Group is a specialist climate change advisory and investment firm, '*...accelerating the transition to a net zero, climate resilient future*'. It said its clients span governments, businesses and public and private capital. It further stated '*Using our broad experience, we help navigate the climate transition, and design and invest in breakthrough ideas that deliver financial returns*'. You told the Committee you would be a senior adviser focused on client development; ad hoc strategic advice; and external

representation. You told the Committee any involvement with the UK Government will be in the context of ongoing debates on climate change policy development and would be at the invitation of Government. You confirmed it would not be in the context of lobbying for action that is in the narrow commercial interest of Pollination Group.

7. You advised the Committee you did not meet with the Pollination Group whilst in office and your former department, Northern Ireland Office (NIO) has no relationship with Pollination Group. You also told the Committee you did not have any involvement in any relevant policy development or decisions that would have affected Pollination Group and no commercial or contractual responsibilities relating to Pollination Group. Further, you did not meet with competitors of Pollination Group; nor did you have access to sensitive information regarding these competitors.

8. You also informed the Committee that you have been appointed as Independent Advisor to the Prime Minister on the Grenfell. You stated that this was advisory and explicitly independent of the Government.

9. The Home Office and NIO were contacted about your application and confirmed the information as you provided. Neither department has any concerns with you taking up this appointment.

10. In regards to your continuing role as an independent advisor to the PM as this involved continued contact with Government, the Ministry for Housing, Communities and Local Government (MHCLG) were consulted. MHCLG confirmed you have not met with the Pollination Group in the course of your role as Independent Adviser, nor have you been provided with/have access to any confidential information that would provide an advantage in this new role. It recommended the standard conditions preventing you from lobbying the government and not taking advantage of any privileged information should be applied.

The Committee's consideration

11. The Committee¹ considered you had no contact with Pollination Group or involvement in relevant decisions affecting Pollination Group. It therefore assessed the risk that you may have been offered this role as a reward for actions taken in office as low.

12. The Committee noted that this appointment is not directly related to your time in office, and is drawing on knowledge, skills and experience from your time in government. However, it noted as a former Minister you may have general access to policy and information that could be perceived to benefit the Pollination Group. The Committee noted the department's comments that you do not have access to sensitive information that could provide the Pollination Group with an unfair advantage and neither department have any concerns with regard to you taking up this role.

13. The Committee noted your ongoing role as Independent Adviser to the Prime Minister on Grenfell. The Committee gave weight to MHCLG's view on this matter, noting it had no concerns in relation to any relationship with the Pollination Group or with regard to your access to information. The Committee also notes that this role is strictly independent from Government and advisory.

14. Overall, the Committee considered the risk you could offer an unfair advantage to the Pollination Group as a result of information gained in office is low. The Committee would

¹ Your application was considered by Sir Alex Allan; Jonathan Baume; Lord Eric Pickles; Richard Thomas; Mike Weir; Lord Larry Whitty; Dr Susan Liautaud and John Wood.

though, draw your attention to the privileged information ban which prevents you from drawing on any such information.

15. The Committee noted you may interact with government to discuss policy development in areas of climate change. You said this will be at the invitation of Government. The Committee did not consider this would be improper should the Government seek to ask for such engagement. However, the Committee considered it would not be appropriate for you to instigate engagement with Ministers or officials on behalf of your new employer. The lobbying and contracts and bids ban below makes it clear that you must not improperly make use of your contacts in Whitehall/Government.

16. The Committee therefore recommends that this appointment with the **Pollination Group** be made subject to the following conditions:

- You should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you as a Minister or in any capacity in which you continue to work with the UK Government;
- for two years from your last day in Ministerial office, you should not become personally involved in lobbying the UK Government or its arms length bodies on behalf of the Pollination Group (including parent companies, subsidiaries, partners and clients). This would not prevent you from discussing policy related to areas in which the Pollination Group has an interest with Ministers or officials should you be invited to do so by the UK Government. However, it would prevent you from making use, directly or indirectly, of your contacts in the Government, its arms' length bodies and/or Ministerial contacts to influence policy, secure business/funding or otherwise unfairly advantage of the Pollination Group (including parent companies, subsidiaries, partners and clients); and
- for two years from your last day in office you should not advise the Pollination Group (including parent companies, subsidiaries, partners and clients) on the terms of, or with regard to the subject matter of, a bid or contract with, or relating directly to the work of the UK Government or its arms length bodies.

17. 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.

18. 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.*"

19. 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.

20. 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.

The Rt Hon Lord Pickles

The Rt Hon Nick Hurd