



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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1. You approached the Committee for advice on taking up a commission with Public Policy Projects Ltd under your independent consultancy.

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, part-time commission with Public Policy Projects Ltd (PPP). You said you will be a senior advisor helping PPP design a communications and engagement programme focused on COP26¹. You said you will not have contact directly with the Government but clients of PPP include Government officials from the UK and international Governments.

6. You advised the Committee that you had no contact with and made no policy or contractual decisions specific to the organisation. You further confirmed you did not have access to sensitive information relevant to PPP; nor did you meet with or have access to commercially sensitive information regarding competitors of PPP while in office.

7. The Department for Business Energy and Industrial Strategy (BEIS) was consulted on this appointment and confirmed the details you provided were correct. It also confirmed you had no access to sensitive information that it considered could offer an unfair advantage to PPP. BEIS confirmed it had no concerns with you taking up this appointment.

8. Due to your role as COP26 President, the Committee has previously consulted COP26. It confirmed your role did not carry any official policy responsibility and policy decisions and budgetary authority remained a matter for the relevant Minister. Your day-to-day activities were described as providing guidance and recommendations on policy decisions. But all decisions on policy were made by the relevant Minister at the time. It was confirmed the COP26 President-Designate would have had access to information on policy decisions related to COP26 priorities but confirmed that in the time that has passed since you have left the role, these policies have been made public.

The Committee's consideration

9. The Committee² noted this work is consistent with the description of your consultancy which you described as providing climate, energy and sustainability consulting services from the UK to global clients.

10. BEIS confirmed you had no involvement in policy or contractual decisions specific to PPP while in office. The Committee noted BEIS does not have a relationship with PPP and as such the Committee considered the risk this appointment could be seen as a reward for decisions taken in office is low.

¹ The 2021 United Nations Climate Change Conference, also known as COP26, is the 26th United Nations Climate Change conference.

² This application for advice was considered by Jonathan Baume; Dr Susan Liataud; The Rt Hon Lord Pickles; Richard Thomas; Mike Weir; Lord Larry Whitty; Sarah de Gay; Isabel Doverty and Andrew Cumptsy.

11. There is a clear overlap with your time in office. Although BEIS has no concerns in this regard and COP26 has made it clear that any sensitive information is now in the public domain - the Committee considered there a risk with regards to your access to privileged information. As the former Minister for Energy and Clean Growth and President of COP26, your access to information and possible influence may be seen to offer an unfair advantage to PPP. However, it has been a year since you were at COP26 and over 19 months since you were at BEIS. Further, you are prevented from drawing on your privileged information as with all former Ministers which helps to mitigate the inherent risks with your access to information.

12. With regards to your contacts within the Government made during your time as a Minister and as President of COP 26, and the influence you may provide through this, the Committee would draw your attention to the conditions that apply to your independent consultancy. These include restrictions preventing you from lobbying the Government and advising on the terms of, or with regard to the subject matter of, a bid with, or contract relating directly to the work of the Government. The Committee also recognised these restrictions are in keeping with your description of the role.

13. In accordance with the Government's Business Appointment Rules, the Committee advises this appointment with **Public Policy Projects Ltd** be subject to the same conditions attached to your independent consultancy:

- that you should not draw on (disclose or use for the benefit of yourself or the organisations to which this advice refers) any privileged information available to you from your time in office;
- for two years from your last day in ministerial office, you should not become personally involved in lobbying the Government on behalf of those you advise under your independent consultancy (including clients, parent companies, subsidiaries and partners). Nor should you make use, directly or indirectly, of your Government and/or ministerial contacts to influence policy, secure funding/business or otherwise unfairly benefit those you advise under your independent consultancy (including clients, parent companies, subsidiaries and partners);
- for two years from your last day in ministerial office, you should not provide advice to any company or organisation on the terms of, or with regard to the subject matter of, a bid with, or contract relating directly to the work of the Government; and
- for two years from your last day in ministerial office, before accepting any commissions for your independent consultancy and or/before extending or otherwise changing the nature of your commissions, you should seek advice from the Committee. The Committee will decide whether each commission is

consistent with the terms of the consultancy and consider any relevant factors under the Business Appointment Rules.

14. 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 Civil Service Code or otherwise.

15. 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.*"

16. 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.

17. 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 Claire O'Neill