



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>

May 2021

1. You approached the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former ministers (the Rules) seeking advice on taking up a commission with Net Zero Infrastructure (NZI). The material information taken into consideration by the Committee is set out in Annex A.
2. The purpose of the Rules is to protect the integrity of the government. Under the Rules, the Committee's remit is to consider the risks associated with the actions and decisions made during time in office, alongside the information and influence a former minister may offer NZI.
3. The Ministerial Code sets out that ministers must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former ministers of the Crown, and Members of Parliament, are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.

The Committee's Consideration

4. The Committee¹ considered this role alongside the description of your independent consultancy as providing general strategic corporate advice. It considered that this role is consistent with the terms of your independent consultancy.
5. The Committee took into consideration that you did not have any official contact with NZI whilst in office and did not make policy or contractual decisions that would have specifically affected NZI. The risk that this commission is perceived as a reward for actions taken in office is therefore low.
6. The Committee noted 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.

¹ This application for advice was considered by Andrew Cumptsy; Sarah de Gay; Isabel Doverty; Jonathan Baume; The Rt Hon Lord Pickles; Dr Susan Liataud; Richard Thomas; Mike Weir; Lord Larry Whitty.

You stated you did not have involvement in relevant policy and the Committee gave weight to the departments' confirmation it did not consider there to be risks relating to overlap from your time in office. It has also now been 15 months since you left ministerial office and information you previously had access to will now be dated. Alongside these mitigating factors, the conditions below that apply to your independent consultancy prevent you from offering any unfair advantage in this way.

7. In accordance with the government's Business Appointment Rules, the Committee advises this role with **Net Zero Infrastructure PLC** be subject to the same conditions as 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 UK government; an
- 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.

8. 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.

9. 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

10. 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."

11. I should be grateful if you would inform us as soon as you take up this work 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.

12. 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

Annex A - Material Information

The role

1. You informed the Committee that you were seeking to take up a commission with NZI through your company Palatine Hill Limited (Palatine Hill). Palatine Hill provides general, strategic, corporate advice and property management advice including agricultural and leisure development.

2. NZI is a new business that is being formed to '*...agglomerate, through acquisition, green energy assets like solar farms and wind turbine sites*'. It will be listed on the London stock exchange.

Dealings in office

3. You stated you did not have any contact with NZI in your ministerial duties. You stated that you had no involvement in policy or contractual decisions whilst in office that would have specifically impacted NZI and did not have contact with or access to sensitive information about competitors of NZI.

Department Assessment

4. 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 the details provided, including that there is no overlap with your ministerial role and no concerns were raised about your application.