



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 an External Advisor to Simply Blue Management (UK) Ltd.

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 informed the Committee you were seeking to join Blue Management (UK) Ltd in a paid role as an External Advisor. On its website, it states Blue Management (UK) Ltd is an '*early stage development of transformative and sustainable floating wind, wave energy and aquaculture projects*' in Northern Ireland and the UK. It states its mission is to be the '*leading*

early stage developer of sustainable and transformative marine projects, by working with the oceans and enabling communities to benefit from blue growth'. It has a number of partners, including the Marine Energy Wales, EirWind and the Scottish Aquaculture Innovation Centre.

6. You stated your role would be to provide advice on the development of the business. You stated this role would not involve any contact with your former Department or the Government more widely. You confirmed you had no contact with Blue Management (UK) Ltd whilst in office; had no access to sensitive commercial or policy information relevant to Blue Management (UK) Ltd; and that you had not been involved in any policy or contractual decisions that would have affected them whilst you were in office.

7. The Northern Ireland Office (NIO) was contacted regarding this appointment and confirmed the details you provided, and stated:

- you did not meet with Simply Blue or its partners while in office;
- there is no evidence to suggest the NIO has any relationship with Simply Blue or its partners;
- there is no evidence to suggest you were involved in policy decisions or developments while in office;
- there is no evidence he had access to unannounced policy or sensitive information that could be seen to unfairly benefit Simply Blue; and
- it had no concerns with you taking up this appointment.

The Committee's consideration

8. The Committee¹ considered that, as you did not meet with Blue Management (UK) Ltd whilst in office, or approve any funding or policy decisions that affected the company, the risk this appointment was offered as a result of decisions made for actions taken in office is low.

9. The Committee considered the risks associated with your access to sensitive information from your time in office inherent to your role as the former Secretary of State for Northern Ireland. As a result of your time in office, there is a real and perceived risk you could have access to general privileged information that could provide Blue Management (UK) Ltd with an unfair advantage, as with any organisation. However, the Committee noted the NIO's comments that you did not have access to any specific sensitive policy or commercial information that would unfairly benefit Blue Management (UK) Ltd. The Committee considered the condition below, which would prevent you from using any privileged information, sufficiently mitigates the risk in this case.

10. As a former Minister, there are also inherent risks with the contacts you have gained in office. However you have stated that you will not have contact with the Government and this role will be advisory. The Committee would draw your attention to the lobbying and bids and contracts bans below which makes it clear that it would be improper to make use

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

of your contacts (directly or indirectly) to the unfair advantage of your employer, or advise on a bid or contract relating to the UK Government, or Northern Ireland Executive.

11. Under the Government's Business Appointment Rules, the Committee advises 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 organisations to which this advice refers) any privileged information available to you from your time in Ministerial office;
- for two years from your last day in Ministerial office, you should not become personally involved in lobbying the UK Government or the Northern Ireland Executive, on behalf of Blue Management (UK) Ltd (including parent companies, subsidiaries, partners and clients). 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 Blue Management (UK) Ltd (including parent companies, subsidiaries, partners and clients); and
- for two years from your last day in office you should not advise Blue Management (UK) Ltd (or its 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 Northern Ireland Executive.

12. 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.

13. 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.

14. 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.*"

15. 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.

16. 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 The Lord Pickles

The Rt Hon Julian Smith MP