



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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1. You approached the Committee about taking up an appointment as a Board Member with Impax Environmental Markets.

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 Board Member with Impax Environmental Markets (Impax).

6. You said Impax is a public listed FTSE 250 Investment Trust focused on environmental markets. On the website it states the company was launched in 2002 and is '*today the UK's largest environmental investment trust*'. The Company's objective is to deliver long term capital growth by investing in companies offering solutions to environmental challenges. You said as a Board Member you do not expect your role to involve contact with Government.

7. You advised the Committee you did not meet with Impax whilst in office and your former Department, Northern Ireland Office (NIO) has no relationship with Impax. You also told the Committee you did not have any involvement in any relevant policy development or decisions that would have affected Impax and no commercial or contractual responsibilities relating to Impax. Further, you did not meet with competitors of Impax; 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 enquiry. 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 Impax 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 Impax or involvement in relevant decisions affecting Impax. 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 Impax. The Committee noted the Department's comments that you do not have access to sensitive information that could provide Impax 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 Impax 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 Impax as a result of information gained in office is low. The Committee would though, draw your attention to the privileged information ban which prevents you from drawing on any such information.

15. The Committee was also mindful of the inherent risk that your contacts across Government could unfairly benefit Impax. However the Committee noted your proposed

¹ Your application was considered by Jonathan Baume; Andrew Cumpsty; Sarah de Gay; Isabel Doverly; The Rt Hon Lord Pickles; Richard Thomas; Mike Weir; Lord Larry Whitty and Dr Susan Liautaud.

role does not involve contact with the Government and the lobbying and contracts and bids restrictions below make it clear that you must not improperly make use of your contacts across Whitehall/Government.

16. The Committee therefore recommends that this appointment with **Impax Environmental Markets** 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 Impax Environmental Markets (including parent companies, subsidiaries, partners and clients). Nor should you make use directly or indirectly, of your contacts in the Government, its arms' length bodies and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage of Impax Environmental Markets (including parent companies, subsidiaries, partners and clients); and
- for two years from your last day in office you should not advise Impax Environmental Markets (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