



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>

October 2021

**BUSINESS APPOINTMENT APPLICATION: Lt Gen Richard Nugee CB CVO CBE,
Newton Europe**

1. Lt Gen Richard Nugee, former Climate Change and Sustainability Strategy Lead at the Finance and Military Capability, the Ministry of Defence (MOD), sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former Crown servants (the Rules) on taking up a role with Newton Europe (Newton) as a Strategic Advisor. The material information taken into consideration by the Committee is set out in the annex.
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 Lt Gen Nugee's time in office, alongside the information and influence he may offer Newton, based on the information provided by him and his former department.
3. The Committee considered whether this appointment was unsuitable given his former role as Climate Change and Sustainability Strategy Lead, and this appointment's focus on climate change. However, the Committee must also consider the information provided by the MOD about any potential conflict. The Committee has advised that a number of conditions be imposed to mitigate the potential risks to the government associated with this appointment under the Rules; this does not imply the Committee has taken a view on the appropriateness of this appointment in any other respect.
4. The Rules¹ set out that Crown servants must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former Crown servants are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.

¹ Which apply by virtue of the Civil Service Management Code, The Code of Conduct for Special Advisers, The Queen's Regulations and the Diplomatic Service Code.

The Committee's consideration of the risk presented

5. When considering this application, the Committee² noted Newton holds contracts with the MOD. However, the department confirmed these are in an area of business unrelated to Lt Gen Nugee's work in office. Lt Gen Nugee did not meet with nor make any decisions specific to Newton whilst he was in office, and there is no evidence he made decisions in his role with the expectation of a role with Newton. The Committee considered the risk of reward is low.
6. The Committee noted there is a general overlap with Lt Gen Nugee's time in office - specifically his work on climate change and sustainability. His policy decisions had a significant influence on the MOD's planning and strategy in this area. However, the Committee agreed with the MOD there are a number of mitigating factors that help to reduce the risks associated with Lt Gen Nugee's access to information and insight that may be seen to offer Newton an unfair advantage:
 - the overlap in climate change is limited to his involvement with the MOD, not more broadly;
 - he is prevented from drawing on privileged information and has an ongoing duty of confidentiality;
 - he has been out of office for almost 6 months, reducing the likelihood that it is sufficiently up-to-date;
 - much of his work on climate change is set out publicly in the Ministry of Defence Climate Change and Sustainability Strategic Approach³; and
 - the MOD considered the risk associated with any specific information is low.
7. The Committee also noted that Newton's potential clients are unknown, and there is a risk he may be asked to advise clients who were affected by matters that relate to policy areas he had direct involvement in, or clients he had a relationship with whilst in Crown service.
8. The Committee also agreed with the MOD that alongside his experience and knowledge, there is a risk associated with his influence and contacts in the area of climate change.

The Committee's advice

9. The Committee noted the mitigating factors above that help to reduce the risks associated with Lt Gen Nugee's access to information. There are standard conditions which prevent individuals from making improper use of privileged information and contacts in office, which are set out below and the Committee would draw his attention to these. However, given Newton's

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

³ <https://www.gov.uk/government/publications/ministry-of-defence-climate-change-and-sustainability-strategic-approach>

clients are unknown, and these risks are most likely to arise in relation to his work at the MOD specifically, the Committee also imposed a further condition. This makes it clear that in working with Newton, Lt Gen Nugee should not advise Newton or its clients on work with regard to any policy he had specific involvement or responsibility for as Climate Change and Sustainability Strategy Lead.

10. Noting Lt Gen Nugee's possible contacts and influence in the area of climate change, and the focus of this role, the Committee has imposed a restriction that makes it clear he should not use contacts he has developed in other governments and organisations to gain business for Newton.
11. The Committee advises, under the Government's Business Appointment Rules, that Lt Gen Nugee's role with Newton Europe should be subject to the following conditions:
 - he should not draw on (disclose or use for the benefit of himself or the persons or organisations to which this advice refers) any privileged information available to him from his time in Crown service;
 - for two years from his last day in Crown service, he should not become personally involved in lobbying the UK government on behalf of Newton Europe (including parent companies, subsidiaries, partners and clients); nor should he make use, directly or indirectly, of his contacts in the Government and/or ministerial contacts to influence policy, secure business/funding or otherwise unfairly advantage Newton Europe (including parent companies, subsidiaries, partners and clients);
 - for two years from his last day in Crown service office, he should not become personally involved in lobbying contacts he has developed during his time in office and in other governments and organisations for the purpose of securing business for any company or organisation (including parent companies, subsidiaries and partners);
 - for two years from his last day in Crown service, he should not provide advice to Newton Europe (including parent companies, subsidiaries, partners and clients) 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; and
 - for two years since his last day in office, he should not advise Newton Europe (including parent companies, subsidiaries, partners and clients) work with regard to any policy he had specific involvement in or responsibility for as Climate Change and Sustainability Strategy Lead at the Finance and Military Capability, the Ministry of Defence, or where he had a relationship with the company or organisation during his time as Climate Change and Sustainability Strategy Lead at the Finance and Military Capability, the Ministry of Defence.

12. 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.
13. 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*'.
14. I should be grateful if you would inform us as soon as Lt Gen Nugee takes up employment with this organisation, or if it is announced that Lt Gen Nugee 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 Lt Gen Nugee has complied with the Rules.
15. Please also inform us if Lt Gen Nugee proposes to extend or otherwise change the nature of his role as, depending on the circumstances, it may be necessary for him to make a fresh application.
16. Once the 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.

Yours Sincerely,

William Young
Committee Secretariat

Annex - Material information

The role

1. Newton's website says it is '*...a UK-based specialist in operational improvement*'. This is a business management consultancy, which works with clients from the public and private sectors, supporting those working in healthcare, manufacturing, social care, retail, central government and more.
2. Lt Gen Nugee said he would be '*Strategic advisor for their commercial company (non-defence) on climate change to private companies*'. He said it was a paid, part-time role.

Dealings in office

3. Lt Gen Nugee advised the Committee he did not meet with Newton whilst in office. Further, he said he did not have any involvement in any policy development or decisions that would have been specific to Newton and held no commercial or contractual responsibilities relating to them. He said he did not meet with competitors of the company; nor did he have access to sensitive information regarding these competitors.

Department Assessment

4. The MOD confirmed the details Lt Gen Nugee provided, stating they have no concerns with the appointment.
5. The MOD said it has a contractual relationship with Newton. In addition to the current open contracts which provide independent advice within the Ships Operating Centre, the company has previously been contracted to provide DE&S with an Engineering Function Activity Study. However, the MOD said the contracts it holds with Newton are *'in an unrelated area of business to where [Lt Gen Nugee] was working'*. They noted none of these contracts have revealed *'...any link with Richard Nugee or were in support of the climate change and sustainability agenda, his most recent area of work at the MOD'*.
6. The MOD said he had no dealings with companies providing similar services to Newton, and no involvement in commercial dealings between the department and companies generally. The MOD confirmed Lt Gen Nugee had no interaction with Newton whilst in office.
7. The MOD said Lt Gen Nugee *'...has exercised considerable influence over the department's future approach to climate change'*; and noted his previous experience, knowledge and contacts in the area of climate change will *'undoubtedly be invaluable, which is probably why he has been considered for this part time advisory position in what is essentially a business management consultancy firm'*. However, the department also said as far as it is aware, Lt Gen Nugee did not have access to any privileged information that could be considered to offer Newton an unfair advantage.
8. The MOD said the risks of this appointment will be appropriately mitigated by the conditions preventing Lt Gen Nugee from drawing on privileged information; contacts in government; and contacts in other governments or organisations gained in office. Further, alongside preventing him from advising on bids and contracts, it said he should be prevented from being involved in any MOD-related work.