



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>

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BUSINESS APPOINTMENT APPLICATION: Rupert Kenneth McNeil, former Government Chief People Officer. Paid appointment with Lincoln Storm Group Limited, expected to become Lincoln Storm PLC.

1. Mr McNeil, former Government Chief People Officer, 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 Lincoln Storm Group Limited (Lincoln) as Executive Chair. The material information taken into consideration by the Committee is set out in Annex B.
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 Mr McNeil's time in office, alongside the information and influence he may offer Lincoln.
3. 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 for a former Crown servant in any other respect.
4. The Rules set out that Crown servants must abide by the Committee's advice¹. 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.

The Committee's Consideration

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

5. When considering this application, the Committee² noted that Mr McNeil did not meet with Lincoln in his role as Government Chief People Officer; nor did he make any decisions directly affecting Lincoln. The Committee considered there is no reason it might be perceived this appointment is a reward for decisions made or actions taken from his time in office.
6. There are inherent risks associated with former government officials and access to information. However, there is no overlap between his time in office and this outside role. This limits the risks associated with his access to information, as confirmed by the Cabinet Office.
7. As is the case for all senior officials, there are risks associated with his network and influence within government. The Committee noted this is especially relevant here as the organisation operates in a regulated sector and will have interactions with government. Mr McNeil informed the Committee his role may involve contact with government regarding operational matters such as logistics, licences and permits. The Committee considered that any such contact which sought to influence a government decision, regardless of which department, would not be in keeping with the lobbying ban which applies under the Rules.

The Committee's advice

8. The Committee did not consider this appointment raises any particular proprietary concerns under the government's Business Appointment Rules. The standard conditions below, preventing Mr McNeil from drawing on his privileged information and using his contacts to the unfair advantage of his new employer, will sufficiently mitigate the risks in this case. Given he might have contact with government in this role, the Committee would draw his attention to the below lobbying ban, to ensure that any contact he has is consistent with this advice.
9. The Committee advises, under the Government's Business Appointment Rules, that this role with **Lincoln Storm Group Limited, (expected to become Lincoln Storm PLC)** 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 Lincoln Storm Group Limited (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 the Lincoln Storm Group Limited (including parent companies, subsidiaries, partners and clients); and

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

- for two years from his last day in Crown service, he should not provide advice to Lincoln Storm Group Limited (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.
10. The advice and the conditions under the government's Business Appointment Rules relate to your previous role in government only; they are separate to rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists or the Parliamentary Commissioner for Standards. It is Mr McNeil's personal responsibility to understand any other rules and regulations you may be subject to in parallel with this Committee's advice.
 11. 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.
 12. 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."*
 13. I should be grateful if you would inform us as soon as Mr McNeil takes up employment with this organisation, or if it is announced that Mr McNeil will do so, either by returning the enclosed form or by emailing the office at the above address. 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 Mr McNeil has complied with the Rules.
 14. Please also inform us if Mr McNeil 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.
 15. 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,

Isabella Wynn
Committee Secretariat

Annex A - Material information

The role

1. Mr McNeil said Lincoln is a Li-Ion Battery materials recycler (processing, recovery, and manufacturing). The website states Lincoln is an Isle of Man based company, privately owned with '*...decades of experience in the Li-Ion battery technology sector with materials, processing and recovery*'.
2. Mr McNeil said the Executive Chair is appointed by the Board of Directors (the "Board") of the Company and is the most senior executive member of the Board and leader of the executive team. The primary functions of the Executive Chair are to provide leadership and direction to the Board and the executive team, facilitate the operations and deliberations of the Board and the satisfaction of the Board's functions and responsibilities under its mandate, and assume responsibility for the strategic initiatives outlined in Annex B below.
3. Mr McNeil said '*Lincoln Storm is a small and very 'flat' organisation, and so senior management is closely involved in operational decisions, in some case these may require direct contact with officials, particularly in the operational parts of government, e.g. the Environment Agency or HMRC or DIT*'.
4. Mr McNeil said his role will not involve any lobbying but might have contact with government regarding matters that relate to logistics, licences, permits, etc. He made it clear the role will not involve dealings with his former department and he had no responsibilities or networks in these areas. Mr McNeil said that he understands the lobbying ban and '*of course abide by whatever conditions are imposed*'.

Dealings in office

5. Mr McNeil told the Committee he did not meet with Lincoln while in office and there is no known relationship between the Cabinet Office and Lincoln. Further, he said he:
 - did not have any involvement in any relevant policy development or decisions that would have affected Lincoln;
 - had no access to privileged information that would unfairly benefit Lincoln; and
 - had no commercial or contractual responsibilities relating to Lincoln.

Department Assessment

6. The Cabinet Office confirmed the details provided by Mr McNeil and confirmed it had no relationship with Lincoln.
7. The department noted that Lincoln operates within a regulated industry and considered '*...some contact with regulatory authorities is anticipated, although to note, this is not an area that Rupert has previously had any connection with*

in terms of policy, supplier/industry engagement and/or commercially during his time in government or previously'.

8. Cabinet Office had no concerns and recommended the standard conditions and said Mr McNeil may draw on his skills and experience gained in office to advise Lincoln on its strategic initiatives provided he does not draw on any privileged information or contacts from his time in office when:
- expanding and deepening the company's relationships with national and local governments;
 - bringing the benefit of the Company's experience into local, national and global standard-setting and regulatory affairs; and
 - on critical issues related to Government relationships and strategic alliances.

Annex B Job Responsibilities

Strategic Initiatives

- to develop the strategy for the Company's future growth.
- to identify opportunities for value-enhancing strategic initiatives including acquisitions, joint ventures, and strategically important relationships, as well as the disposition from time to time of non-core assets and communicating regularly with the executive team regarding the pursuit of such strategic initiatives.
- on developing and maintaining the Company's relationships with future strategic partners whose capital, influence and knowledge could add significantly to the Company's value and its share price.
- to expand and deepen the Company's relationships with national and local governments and to bring the benefit of the Company's experience into local, national and global standard-setting and regulatory affairs.
- on critical issues related to Government relationships and strategic alliances.

Meetings

- Together with the Senior Independent Director (SID), scheduling Board meetings and setting the agenda for Board meetings.
- Subject to item 7 below, presiding over meetings of the Board and assuming principal responsibility for the Board's operation and functioning.
- Consulting with the SID to ensure that sufficient time is allotted during Board meetings for effective discussion of agenda items and key issues and concerns and fostering an environment in which directors ask questions and express their viewpoints.
- Providing opportunities for independent directors to meet at each Board meeting in the absence of non-independent directors. Such meetings shall be presided over by the SID.

Leadership

- Ensuring that Board functions are effectively carried out and, where functions have been delegated to Board Committees, that the results are reported to the Board.
- Ensuring that the interests of various stakeholders are considered by the Board.
- Taking all reasonable steps to ensure that Board decisions are implemented.

Communication with the SID

- Engaging with the SID to debrief on decisions reached and suggestions made at meetings or in camera sessions of independent directors.
- Engaging with the SID to facilitate communication between management and the independent directors.

Relationship with Management

- Acting as principal liaison between the directors and the executive team and taking all reasonable steps to ensure that the expectations of the Board towards management are clearly expressed, understood and respected.
- Working with the executive team to ensure the Company's operations are conducted in a best- in-class manner and that the Company has strong, productive relationships with shareholders, analysts and other stakeholders.
- Working with the executive team to ensure management strategies, plans and performance are appropriately represented to the Board.
- Conducting an annual performance evaluation of the executive team with input from the SID, and the relevant Board committees on the annual performance evaluations of the other executive directors.