

*From the Chair*



**OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS**

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**BUSINESS APPOINTMENT APPLICATION: The Rt Hon Nigel Adams, former Minister Without Portfolio. Paid commission with Better Earth Partners Ltd under his independent consultancy.**

1. You sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for Former Ministers (the Rules) on taking up a role with Better Earth Partners Ltd (Better Earth Partners) under your independent consultancy.
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 you made during your time in office, alongside the information and influence you may offer Better Earth Partners. The material information taken into consideration by the Committee is set out in the annex.
3. The Committee's<sup>1</sup> advice is not an endorsement of the appointment - it imposes a number of conditions to mitigate the potential risks to the government associated with the appointment under the Rules.
4. 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 of the risks presented**

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<sup>1</sup> This application for advice was considered by Andrew Cumpsty; Isabel Doverty; Hedley Finn OBE; Sarah de Gay; The Rt Hon Baroness Jones of Whitchurch; Dawid Konotey-Ahulu CBE; The Rt Hon Lord Eric Pickles; Michael Prescott; and Mike Weir.

5. The Committee considered this commission to be consistent with the description of your consultancy - providing *'advice and broad consulting services to companies and organisations in the UK and overseas focused but not limited to, the telecoms/ICT sector'*.
6. The Committee noted that there is no relationship between Better Earth Partners and government and you did not meet with, nor were you involved in any decisions specific to, Better Earth Partners whilst you were in office. Therefore, the Committee considered there is limited risk that this commission can reasonably be perceived as a reward for decisions made in office.
7. There is a risk you could have access to general information that could provide an unfair advantage to any organisation but there is no specific overlap with your responsibilities in office and this work. The risks associated with your access to information are further mitigated by the amount of time that has passed since you left ministerial office and the changes in administration, reducing its currency.
8. Given your roles as a minister, there are also inherent risks that you could offer Better Earth Partners unfair access and influence to government. The Committee noted your role will not involve contact with government, which is expected under the Rules.
9. Better Earth Partners' potential 'partners' are unknown. As you may be advising clients that are unable to be confirmed in advance, there is a risk that you could advise clients you had contact with during your time in government, or advise on matters you had specific involvement in whilst in post.

### **The Committee's advice**

10. The Committee did not consider this appointment raises any particular proprietary concerns under the government's Rules. There are inherent risks associated with your access to sensitive information and contacts which the standard conditions below appropriately mitigate. In particular, they prevent you from drawing on your privileged information and using your contacts and influence within government to the unfair advantage of Better Earth Partners.
11. To address the risk associated with Better Earth Partners' unknown clients, the Committee considered it necessary to impose a further condition. This makes it clear that in working with the company, you should not advise on work with regard to any policy you had specific involvement in or responsibility for in your recent time as Minister without Portfolio.

12. Taking into account these factors, in accordance with the government's Business Appointment Rules, the Committee advises this commission with **Better Earth Partners Ltd**, should be subject to the same conditions applied to your independent consultancy (as well as the additional condition below):

- 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 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 any of its arm's length bodies on behalf of those you advise under your independent consultancy (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the government and/or Crown service contacts to influence policy, secure business/funding or otherwise unfairly advantage those you advise under your independent consultancy (including parent companies, subsidiaries, partners and clients);
- for two years from your last day in ministerial office, you should not provide advice to on behalf of those you advise under your independent consultancy (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 or any of its arm's length bodies; and
- 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.

In addition, the Committee considered this commission with Better Earth Partners Ltd be subject to the following additional condition:

- for two years from your last day in ministerial office, you should not advise Better Earth Partners Ltd (including parent companies, subsidiaries, partners and clients) on work with regard to any policy you had a material role in developing or determining or where you had a relationship with the company or organisation during your time as Minister without Portfolio

13. The advice and the conditions under the government's Business Appointment Rules relate to your previous role in government only; they are separate from rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists, the Parliamentary Commissioner for Standards and the Registrar of Lords' Interests<sup>2</sup>. It is an applicant's personal responsibility to understand any other rules and regulations they may be subject to in parallel with this Committee's advice.
14. 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.
15. 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."
16. You must inform us as soon as your commission is live or is announced. You must also inform us if you propose to extend or otherwise change the nature of your consultancy as, depending on the circumstances, it may be necessary for you to make a fresh application.
17. 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.

## **The Rt Hon Lord Pickles**

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<sup>2</sup> All Peers and Members of Parliament are prevented from paid lobbying under the House of Commons Code of Conduct and the Code of Conduct for Members of the House of Lords. Advice on your obligations under the Code can be sought from the Parliamentary Commissioners for Standards, in the case of MPs, or the Registrar of Lords' Interests, in the case of peers

## **Annex - Material information**

### The Role

1. Better Earth Partners states its mission is to build a sustainable future economy. Its website states it is a partner for Business Transformation covering topics such as sustainability strategy, decarbonization, circular economy or social due diligence. The website states '*...we show ways in which companies can operate profitably within planetary boundaries while respecting human needs. We accompany companies in taking their path to the future economy. And we support investors in deciding where to invest and how to transform their portfolio companies*'

2. You said you will be an advisor on the company's corporate and business development strategy. You confirmed this commission will not involve any contact and dealings with government.

#### Dealings in office

3. You advised the Committee that you did not meet with, nor involved in decisions or have access to sensitive information specific to Better Earth Partners.

#### Departmental Assessment

4. The Cabinet Office confirmed you did not meet with, nor did you make any decisions or have access to sensitive information specific to Better Earth Partners. The department also confirmed it does not have a relationship with the company.
5. The Cabinet Office did not have concerns with the commission and recommended the standard conditions.