



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Sir James Bevan, former Chief Executive at the Environment Agency. Paid appointment with Clinton Devon Estates.

1. Sir James 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 his proposal to work with Clinton Devon Estates.
2. The purpose of the Rules is to protect the integrity of the government. The Committee has considered the risks associated with the actions and decisions Sir James made during his time in office, alongside the information and influence he may offer Clinton Devon Estates. The material information taken into consideration by the Committee is set out in the annex.
3. The Committee has advised that a number of conditions be imposed to mitigate the potential risks to the government associated with this commission under the Rules. The Committee's advice is not an endorsement of this work 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 King's Regulations and the Diplomatic Service Code.

The Committee's consideration of the risk presented

5. Clinton Devon Estates is a land management company. It is a rural estate and property business with responsible stewardship and sustainable development managing 25,000 acres.² As a land management company, there is clear overlap between Sir James' time in office as Chief Executive for the Environment Agency and Clinton Devon Estates.
6. Sir James met with Clinton Devon Estates on two occasions as CEO of the Environment Agency and there is an established partnership between Clinton Devon Estates and the Environment Agency alongside other stakeholders regarding the Otter Restoration Project. Clinton Devon Estates has made land available and is supporting visitor infrastructure costs for the project. The organisation has also received funding under the Department for the Environment, Food and Rural Affairs' (Defra) agri-environment schemes. Despite this overlap, Defra and the Environment Agency confirmed Sir James was not involved in, or made any decisions specific to, the project; and whilst he would have made decisions that impacted the agricultural, environmental restoration, conservation sector as whole, he made no decisions specific to Clinton Devon Estates. Sir James applied for this role through a competitive selection process. Therefore, the Committee³ considered the risk this role could reasonably be seen as a reward for decisions made or actions taken whilst at the Environment Agency is low.
7. Sir James would have had access to privileged information of relevance given the sectoral overlap. The departments considered that he no longer has access to privileged information that could offer an unfair insight as a result of a number of policies and strategies he worked on that are now in the public domain. It is significant that Sir James has been out of office for 9 months which also creates a gap between his access to information and this proposed role.
8. There are risks associated with his contacts and influence as the former Chief Executive of the body that is responsible for certain aspects of land management, including conservation and ecology. There remains a risk that he may be seen to offer unfair access to government indirectly as a result of his former role, which would be contrary to the lobbying ban that applies under the Rules. It is relevant that Sir James' appointment is internal-facing and he has been clear it involves no contact with the government.

² <https://clintondevon.com/>

³ This application for advice was considered by Andrew Cumpsty; Isabel Doverty; Sarah de Gay; The Rt Hon Baroness Jones of Whitchurch; The Rt Hon Lord Eric Pickles; and Mike Weir.

The Committee's advice

9. There are risks associated with Sir James general access to sensitive information and potential influence within government, particularly given the company operates within a sector which he had some responsibility for as Chief Executive of the Environment Agency.
10. In the circumstances, the Committee agrees with the department that the risks are limited and can be appropriately mitigated with a suitable waiting period and the standard conditions which make it clear that Sir James must not make use of his access to privileged information, influence or contacts in government to unfairly advantage Clinton Devon Estates. The Committee considered that the nine months that had passed since he last had access to information and decision making was appropriate.
11. The Committee advises, under the government's Business Appointment Rules, that Sir James role with **Clinton Devon Estates** 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 or any of its arm's length bodies on behalf of Clinton Devon Estates (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 of Clinton Devon Estates (including parent companies, subsidiaries, partners and clients); and
 - for two years from his last day in Crown service, he should not provide advice to Clinton Devon Estates 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 any of their arm's length bodies.
12. The advice and the conditions under the government's Business Appointment Rules relate to an individual's previous role in government only; there are separate rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists, the Parliamentary Commissioner for

Standards and the Commissioner for Standards.⁴ 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.

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 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. You must inform us as soon as Sir James takes up employment with this organisation, or if it is announced that he will do so, by emailing the office at the above address. Please also inform us if he 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

Xante Chalwell
Committee Secretariat

⁴ All Peers and Members of Parliament are prevented from paid lobbying under the Parliamentary Code of Conduct and the Code of Conduct for Members of the House of Lords.

Annex - material information

The role

1. Sir James wishes to take up a paid part-time role as Trustee with Clinton Devon Estates.
2. Sir James said that the organisation is a land management company. According to its website it is a family business, responsible for the stewardship of some areas in Devon. It is a rural estate and property business with responsible stewardship and sustainable development managing 25,000 acres⁵.
3. Sir James said that he would be responsible for: developing strategy; monitoring performance by senior management; ensuring that the trustees and managers are well-informed with the views of the family and that their views influence the development and delivery of the strategy; acting as a guardian of all the family assets; and protecting the family's public reputation.
4. Sir James said that his role will involve no contact or dealings with the UK government.

Dealings in office

5. Sir James said that during his time at the Environment Agency, his team provided advice to Defra on how best to structure the UK's new Environmental Land Management Schemes, the successor to the European Union's Common Agricultural Policy.
6. Sir James said he visited Clinton Devon Estates twice:
 - a. to discuss the future of agriculture post-Brexit because the Environment Agency regulates the environmental aspects of farming and Clinton Devon Estates has a large farming operation; and
 - b. to see the Lower Otter Restoration Project, a nature enhancement scheme being run in partnership with Clinton Devon Estates, the Environment Agency and the East Devon Pebblebed Heaths Conservation Trust.⁶
7. Sir James noted the Environment Agency is responsible for regulating the environmental performance of most of the companies in England, from large

⁵ <https://clintondevon.com/>

⁶ <https://www.lowerotterrestorationproject.co.uk/>

industrial concerns (energy, steel, water, waste etc) to small farms and other small and medium-sized enterprises.

8. Sir James said he did not have access to commercially sensitive information except in relation to three matters which are no longer sensitive as they are now in the public domain. Specifically: the purchase of a major steelworks (Scunthorpe, then owned by Tata), the financial health of Essar (owners of Stanlow refinery) and the business plans of Thames Water.

Department Assessment

9. Defra and the Environment Agency confirmed the details Sir James provided. It provided the following further information:
 - a. He would have made decisions that impacted the agricultural, environmental restoration, and conservation sectors as a whole, though not Clinton Devon Estates specifically.
 - b. He met John Varley, the current CEO of Clinton Devon Estates, when he was a member of the Environment Agency Board from October 2019 until March 2021.
 - c. Clinton Devon Estates is a major partner with the Environment Agency in the Lower Otter Restoration project which is a £27m managed realignment scheme in Devon. Clinton Devon Estates has provided former agricultural land for the scheme to create new habitat and flood protection. Clinton Devon Estates did not receive any funding from the Environment Agency for the project. The project is due to complete shortly.
 - d. Clinton Devon Estates has also received funding under Defra agri-environment schemes (such schemes might include Environmental Land Management⁷ and have an established process and framework in which to apply for funding).
 - e. He no longer has insight into emerging issues or strategies that would not already be in the public domain. It mentioned relevant publications,

⁷<https://www.gov.uk/government/publications/environmental-land-management-update-how-government-will-pay-for-land-based-environment-and-climate-goods-and-services/environmental-land-management-elm-update-how-government-will-pay-for-land-based-environment-and-climate-goods-and-services#payments-for-environmental-goods-and-services>

including the Environmental Land Management, the Environment Agency Asset Management Vision⁸ and the Plan for Water.⁹

- f. He was not involved in individual decisions regarding contracts or grants with any individual companies.

10. The FCDO is Sir James' home department and therefore also provided a view. The FCDO recommended standards conditions which Defra agreed with.

⁸ <https://www.gov.uk/government/publications/environment-agency-asset-management-vision>

⁹ <https://www.gov.uk/government/news/new-plan-for-cleaner-and-more-plentiful-water>