

*From the Chair*



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

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April 2024

**BUSINESS APPOINTMENT APPLICATION: The Rt Hon Boris Johnson, former Prime Minister. Paid appointment with Better Earth Ltd.**

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 Ltd (Better Earth).
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 as the former Prime Minister. 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.

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

## The Committee's consideration of the risks presented

5. Better Earth is a sustainability consultancy firm and it states its mission is to build a sustainable future economy. As the former Prime Minister, you were involved in policy decisions made across government - including environmental policy. It is significant that policy decisions on climate and the environment would have had effect across a number of sectors, rather than benefit any specific company. You did not meet with, nor did you make any decisions specific to Better Earth during your time in office. Therefore, the risk that this appointment can reasonably be perceived as a reward for decisions made in office is low.
6. There is a broad overlap between this appointment and your time in office. As Prime Minister, you had access to sensitive information across government. The Committee noted there are several mitigating factors that limit the real and perceived risks associated with your access to sensitive information. Though you were actively involved in policy, the Department of Energy Security and Net Zero (DESNZ) and the Cabinet Office were consulted and confirmed:
  - they are not aware of any sensitive information you have access to that would offer an unfair advantage to the company;
  - environment and climate policies you were previously involved in are now in the public domain for example, the Ten Point Plan & COP 26, or have moved on significantly under new government administrations; and
  - it has been over 17 months since you left office and last had access to information.
7. Better Earth operates as a consultancy firm and its clients are unknown. Despite the mitigations above, there remains a risk that you could be seen to offer an unfair advantage to its clients as a result of your access to information and influence. The Committee agreed with your former department that this is limited given the length of time that has passed since you left public office and that the majority of information you had access to will no longer be sufficiently up to date or will already be in the public domain. It considered the risks were most likely to arise on matters that you were involved in and where you are aware they are still in development and decisions have not yet been made public; or where you had had an official relationship with the client/investor as Prime Minister.
8. As the former Prime Minister, there is the risk that you could offer Better Earth unfair access and influence across government. You will also have met with and discussed environment and climate matters with a range of external organisations. There is a risk you could use your network outside of government to unfairly benefit the company in building its business.

## The Committee's advice

9. The Committee recognised that the risks associated with your access to information is limited. However, given you will be working with clients and investors which are as yet unknown, the associated unknown risks must be addressed. The Committee has imposed a condition to limit your role, preventing you from advising on any matters that you were involved in and have yet to be determined or made public; or where you had a relationship with the client/ investor.
  
10. The remaining risks identified in this application can be appropriately mitigated by the other conditions below. These make it clear that you cannot make use of privileged information, contacts or influence gained from your time as Prime Minister in ministerial service to the unfair advantage of Better Earth or its clients.
  
11. The Committee advises, under the government's Business Appointment Rules, that your appointment with **Better Earth Ltd** be 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 from your time in ministerial service;
  
  - for two years from your last day in ministerial service, you should not become personally involved in lobbying government or any of its arm's length bodies on behalf of Better Earth Ltd (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in government and/or ministerial office to influence policy, secure business/funding or otherwise unfairly advantage Better Earth Ltd (including parent companies, subsidiaries, partners and clients);
  
  - for two years from your last day in ministerial service, you should not provide advice to Better Earth Ltd (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 its arm's length bodies;
  
  - for two years from your day in ministerial service, you should not become personally involved in lobbying contacts you developed during your time in office in other governments and external organisations for the purpose of securing business/investors for Better Earth Ltd; and

- for two years from your last day in ministerial office, your role with Better Earth Ltd should be limited to providing advice on matters that do not conflict with your time as Prime Minister. In doing so, you must not advise Better Earth Ltd or its clients on matters you were involved in which are not yet determined or have not yet been made public. Further, you must not advise clients/investors you had a relationship with in your role as Prime Minister.
12. The advice and the conditions under the government's Business Appointment Rules relate to your 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 Registrar of Lords' Interests<sup>2</sup>. You are reminded that as a Member of Parliament you have a separate ban on paid lobbying under the Parliamentary Code of Conduct. 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 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.
  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.

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<sup>2</sup> All Peers and Members of Parliament are prevented from paid lobbying under the 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

## **The Rt Hon Lord Pickles**

## Annex - Material Information

### The role

1. Better Earth is a sustainability consultancy firm and it 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, decarbonisation, 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. In your paid, part-time role as Co-Chair, you described your responsibilities as:
  - overseeing the strategy and direction of Better Earth;
  - setting the agenda for the board;
  - representing the company at meetings with potential clients and investors; and
  - completing the usual legal responsibilities associated with a Chairman.
  - no involvement or contact with government.
3. You confirmed the other Co-Chair will be Amir Adnani, President, CEO and Co-Founder of Uranium Energy Corp - a US based uranium production and exploration company which operates North America's newest uranium mine.

### Dealings in office

4. You advised the Committee that as Prime Minister, you worked on relevant policy. For example, a 10-point plan to achieve net zero and you also led efforts to encourage other countries to make similarly binding commitments at the UK-hosted COP26 summit. You stated that you did not meet with, nor have access to sensitive information specific to Better Earth.

### Departmental Assessment

5. The Department for Energy Security and Net Zero and the Cabinet Office were consulted and provided the following:
  - you would have made decisions in relation to environmental policy, though you made no decisions specific to Better Earth;
  - the departments do not have a relationship with Better Earth;
  - you had access to a range of information and policy advice on net zero and climate issues as a senior member within the government it is possible you were exposed to strategic information that would benefit any employer.

- much of the information you had access to is no longer of relevance given the time that has already passed (over 17 months) and they were not aware of anything specific that would unfairly benefit Better Earth; and
  - the Cabinet Office said '*...the currency of any retained information is likely to be significantly degraded (especially considering the changes in government since)*'.
6. The Cabinet Office noted the following risks in this application to be appropriately mitigated:
- your network of contacts developed within office which may provide an unfair advantage to Better Earth; and
  - the unknown nature of Better Earth's clients - specifically that there is the risk of a client engaging in lobbying the UK government.