

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Lord Darren Mott OBE, former Government Whip in the House of Lords. Paid appointment with Aqualiner Limited.

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 an appointment with Aqualiner Limited (Aqualiner) as Board Adviser.
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 made during your time in office, alongside the information and influence a former minister may offer Aqualiner. The material information taken into consideration by the Committee is set out in the annex.
3. The Committee's 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

5. There is no known overlap with your time as a minister and Aqualiner's work. You did not meet with Aqualiner during your time as a minister, nor did you

make any decisions specific to them whilst in office. Therefore, the Committee¹ considered the risk this appointment could reasonably be perceived as a reward for decisions made or actions taken in office is low.

6. As a former minister, there are inherent risks associated with your access to privileged information within government. The risks are limited given there is no direct overlap between your role in government and your proposed role.
7. The Committee noted that Aqualiner operates in a sector that is regulated by the government and where evolving government policy on the water and utilities sector is of particular relevance. As such, there is a risk that your recent time in office, including your contacts and influence could be seen to offer Aqualiner unfair access to government. You confirmed that your proposed role would not involve any contact with the government and you will abide by the lobbying ban that applies to all former ministers.

The Committee's advice

8. The Committee did not consider this appointment raises any particular proprietary concerns under the government's Rules, subject to the conditions below. The risks noted above are appropriately mitigated by the standard conditions. In particular, they prevent you from drawing on your privileged information, contacts and influence within government to the unfair advantage of Aqualiner.
9. In accordance with the government's Business Appointment Rules, the Committee advises this role with **Aqualiner Limited** 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 office;
 - for two years from your last day in ministerial office, you should not become personally involved in lobbying the UK government or its arm's length bodies on behalf of Aqualiner Limited (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 to influence policy, secure business/funding or otherwise unfairly advantage Aqualiner Limited (including parent companies, subsidiaries, partners and clients); and

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

- for two years from your last day in ministerial office you should not undertake any work with Aqualiner Limited (including parent companies, subsidiaries, partners and clients) that involves providing advice 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 its arm's length bodies.
10. The advice and the conditions under the government's Business Appointment Rules relate to an individual's 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' Interests². You are reminded that as a Member of the House of Lords you are prevented from any paid lobbying under the House of Lords 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.
 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. You must inform us as soon as you take up this role, or if it is announced that you will do so. You must also inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application.
 14. 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.

² All Peers are prevented from paid lobbying under the Code of Conduct for Members of the House of Lords. Advice on your obligations under the Code can be sought from the Registrar of Lords' Interests.

Annex - Material Information

The role

1. You stated that Aqualiner operates in the water (utilities) sector, and is commercialising its Drinking Water Inspectorate (DWI) reg 31-approved³ trenchless drinking water pipe renewing process. Aqualiner's website states that it is: *'The only fully structural pipe renewal lining process with UK drinking water approval... The self-contained Aqualiner equipment lines a water or sewerage pipe with a thin but extremely robust thermoplastic polymer composite.'*
2. In your paid, part-time role as Board Adviser, you described your responsibilities involve:
 - offering support and guidance to the managing director and board of directors;
 - providing introductions and connecting the company with industry influencers;
 - attending networking events and conferences on behalf of the company, where required.
3. You confirmed your role will not involve contact with government.

Dealings in office

4. You advised the Committee that had no official dealings with Aqualiner whilst in office. You said you did not have any involvement in policy, regulatory or commercial decisions that would have been specific to the company.

Departmental Assessment

5. The Cabinet Office confirmed the details you provided, including that:

³ Regulation 31 of The Water Supply (Water Quality) Regulations 2016 (as amended) sets out the approval process for all chemicals and construction products used by water undertakers from the source of the water up to the point of delivery to the consumer's building.
www.dwi.gov.uk/drinking-water-products/what-is-reg31

- there is no direct overlap with your role in office;
- you made no policy decisions relating to Aqualiner;
- it considers there is a low risk associated with your access to information in office specific to Aqualiner.

6. The Cabinet Office stated:

'As a Government Whip, Lord Mott... has no engagement with the Department in a decision-making capacity; nor is he able to access privileged information held by the Department which may relate to commercial suppliers. As such, his engagement with the role and the potential employer is unaffected by his position as Minister within the Cabinet Office.'

7. The Cabinet Office recommended the standard conditions.