

From the Chair



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: Justin Tomlinson, former Minister of State at the Department for Energy, Security and Net Zero. Paid appointment for Justin Tomlinson Ltd.

1. You approached the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former ministers (the Rules) seeking advice on starting a business called Justin Tomlinson Ltd.
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 you may offer Justin Tomlinson Ltd. 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 present

5. Justin Tomlinson Ltd is a new company that you are starting. You said that it will be a one-stop shop for marketing activity to commercial customers. The services that will be provided are printing, marketing, promotional items

(clothing, mugs etc), direct mail, websites / digital and design. You said that you will be paid through a hybrid of salary and dividends. Prior to becoming an MP you were the director of a firm, TB Marketing Solutions Ltd, that provided the same services. You said that you sold this company when you became elected to parliament.

6. This is a new company that you are starting. Therefore, you did not make any decisions specific to it, while in office, and there is no departmental relationship with your company. The risk of reward in this case is low.
7. The Committee¹ noted there are inherent risks regarding your general access to information and influence as a result of your time as a minister. The risks are limited given there is no direct overlap between your government service and your role in starting a company. You told the Committee that you will not be contacting government in this role and you will not be seeking out government contracts for your company.
8. Since you are starting your new business, there is a risk that you may look to call on your contacts made while in government but in external organisations, for business development.

The Committee's advice

9. 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 and in other organisations, to the unfair advantage of Justin Tomlinson Ltd.
10. In accordance with the government's Business Appointment Rules, the Committee advises this role with **Justin Tomlinson 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 office;

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

- 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 Justin Tomlinson Ltd (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the government and/or ministerial office to influence policy, secure business/funding or otherwise unfairly advantage Justin Tomlinson Ltd (including parent companies, subsidiaries, partners and clients)
- for two years from your last day in ministerial office, you should not undertake any work with Justin Tomlinson Ltd (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; and
- for two years from your last day in ministerial office, you should not become personally involved in lobbying contacts you have developed during your time in office and in other Governments and organisations for the purpose of securing business for Justin Tomlinson Ltd.

11. 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.² 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.

12. 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 Ministerial Code or otherwise.

13. 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*'.

² 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 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.

14. You must inform us as soon as you take up employment with this organisation, 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.

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.

The Rt Hon Lord Pickles

Annex - Material Information

The role

1. You said that you are looking to start your own company called Justin Tomlinson Ltd (which will also trade under the brand name 'Conservative Print'). You said that it will be a '*one-stop shop for marketing activity to commercial customers.*' It's services will include:
 - a. Printing
 - b. Marketing
 - c. Promotional merchandise (clothing, mugs, etc)
 - d. Direct mail
 - e. Website and digital design.
2. You said that you will be the director, and will be paid through a salary and dividends, as and when the company is in a position to do so. You said that there will be no work connected to your former ministerial roles, ministerial departments or across government.
3. You said that this is a return to a former career: prior to being an MP, you were the director of your own firm - TB Marketing Solutions - which provided the same services, and which you sold to focus on your parliamentary role.

Dealings in office

4. As this is a new business, you said that you had no involvement with your business in office - including not making any decisions (policy, regulatory or commercial) relevant to your company.

Departmental Assessment

5. Your former dept confirmed the details in your application, and recommended that the standard conditions be applied to this appointment