

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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August 2024

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

1. You sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointment Rules for Former Ministers (the Rules) on taking up an appointment with Atlantic Tech LLC (Atlantic Tech) as a Non Executive Director (NED).
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 Atlantic Tech. 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. Atlantic Tech is a US-based technical engineering company, looking to establish a presence in the UK and Europe and provide services to NATO. Its

primary services are in scanning and manufacturing of spare parts, and it plans to develop a hypersonics research and development facility in the UK. Atlantic Tech's Director informed ACOBA that the company only works on US government-funded and government-derived contracts, and is looking to expand into the UK and Europe. The company explained the first stage of this strategy is to ascertain what contracts there might be and how they operate in the UK and Europe. For example, are tenders in the public domain, what are the conditions for competing, and are there pre-qualification requirements? As a NED, your role, alongside general governance, will be to help Atlantic tech with the relevant market analysis. You informed the Committee that you will not be advising on the terms or subject matter of specific bids for government contracts, and that your role will not involve contact with government.

6. There is no known overlap with your time as Government Whip in the House of Lords and Atlantic Tech's work. You did not meet with Atlantic Tech, nor did you make any decisions specific to the company whilst in office. Therefore, the Committee¹ considered the risk that this appointment could reasonably be perceived as a reward for decisions made or actions taken in office, is low.
7. The Committee considered there are risks associated with your influence and network of contacts in government. In particular, the company is looking to enter the UK and European market and work on government contracts. You said that the role involves matters relating to government only insofar as it relates to assisting in establishing Atlantic Tech's offering in the UK, generally. It is significant that you had no commercial or contracting responsibilities in office and that you and Atlantic Tech confirmed that you will not be working on specific bids and contracts.
8. You told the Committee that your role will focus on business development. There is a risk that you could offer an unfair advantage to Atlantic Tech by drawing on any potential contacts gained in office in foreign governments to obtain business/contracts.

The Committee's advice

9. The conditions listed below will appropriately manage the risks in this case. They seek to prevent you from making use of privileged information, contacts and influence gained from your time in ministerial office to the unfair advantage of Atlantic Tech.

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.

10. In accordance with the government's Business Appointment Rules, the Committee advises that this role with **Atlantic Tech LLC** 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 Atlantic Tech LLC (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 Atlantic Tech LLC (including parent companies, subsidiaries, partners and clients); and
- for two years from your last day in ministerial office you should not undertake any work with Atlantic Tech LLC (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 developed during your time in office and in other governments and organisations for the purpose of securing business for Atlantic Tech LLC (including parent companies, subsidiaries and partners).

11. 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' Interests.² 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.

12. By '*privileged information*' we mean official information to which a Minister has had access as a consequence of his or her office or employment and which

² 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 Registrar of Lords' Interests

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.

13. The Business Appointment Rules explain that the restriction on lobbying means that the former 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.”* This Rule is separate and not a replacement for the Rules in the House.
14. 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.
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 Eric Pickles

Annex - Material Information

The role

1. Atlantic Tech LLC is a US-based technical engineering company, looking to establish services in the UK and Europe. It provides services in:
 - Scanning and manufacturing of spare parts (with the aim of extending the life of legacy and existing equipment) - this is usually military equipment, such as gearing for a chinook helicopter.
 - Hypersonics- it is looking to establish a hypersonics facility for research and development of hypersonic engines and associated technologies, in the UK.
2. In your paid, part-time role as NED, you stated your responsibilities involve assisting in establishing Atlantic Tech's offering in the UK - a business development role.
3. Atlantic Tech's Director informed ACOBA that the company only works on US government-funded and government-derived contracts, and its strategy is similar for the UK, Europe and NATO. The Director also stated that the NED role would involve general governance, ascertaining how government contracts operate and the bids process, market analysis for contracts and general governance. You confirmed you will not be advising on the terms or subject matter of specific bids for government contracts. You confirmed your role will not involve contact with government.

Dealings in office

4. You advised the Committee that you had no official dealings with Atlantic Tech 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, confirmed that it did not have specific concerns regarding your access to information and recommended the role be approved subject to the standard conditions.