

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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April 2025

BUSINESS APPOINTMENT APPLICATION: David Rutley, former Minister for the Americas, Caribbean and the Overseas Territories at the Foreign, Commonwealth and Development Office. Unpaid appointment with the Mountain Training Trust.

1. You approached the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointment Rules for Former Ministers (the Rules) seeking advice on taking up an unpaid role as an Advisor for the Mountain Training Trust.
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 the Mountain Training Trust. The material information taken into consideration by the Committee is set out in the annex below.
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. When considering this application, the Committee¹ took into account this appointment as an Advisor is unpaid². Generally, the Committee's experience is that the risks related to unpaid roles are limited. The purpose of the Rules is to protect the integrity of government by considering the real and perceived risks associated with former ministers joining outside organisations. Those risks include: using privileged access to contacts and information to the benefit of themselves or those they represent. The Rules also seek to mitigate the risks that individuals may make decisions, or take action in office, in expectation of rewards on leaving government. These risks are significantly limited in unpaid cases due to the lack of financial gain to the individual.
6. There is no known overlap between your ministerial responsibilities and your proposed role as an Advisor at the Mountain Training Trust. There remain inherent risks associated with any former minister's access to information, network of contacts and influence in government.

The Committee's advice

7. The Committee did not consider this appointment to raise any particular concerns under the government's Business Appointment Rules. The inherent risks in this application can be sufficiently mitigated by the standard conditions below, which seek to prevent you from making improper use of privileged information, contacts and influence to the unfair advantage of the organisation.
8. Therefore, in accordance with the government's Business Appointment Rules, the Committee advises this appointment with the **Mountain Training Trust** 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 the Mountain Training Trust (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the government and/or ministerial service to influence policy, secure business/funding or otherwise unfairly

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 Pickles; Michael Prescott; The Baroness Thornton; and Mike Weir.

² By unpaid the Committee means that no remuneration of any kind is received for the role. Applicants must declare where it is agreed or anticipated they may receive remuneration or some other compensation at some stage in the future.

advantage the Mountain Training Trust (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 the Mountain Training Trust (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.
9. 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' Interests³. 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.
10. 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.
11. The Business Appointment Rules explain that the restriction on lobbying means that you *"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"*.
12. You must inform us as soon as you take up employment with this organisation, or if it is announced that you will do so and we will publish this letter on our website. You must 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.
13. Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website

³ 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.

The Rt Hon Lord Pickles

Annex – Material Information

The role

1. The Mountain Training Trust (MTT) is a charity set up to run Plas y Brenin (PyB) – the National Outdoor Centre at Capel Curig in North Wales – on behalf of PyB site's owners (Sport England). MTT provides education and training to develop and assess leaders in adventure sports such as mountain activities, paddling and mountain biking.
2. You wish to take up a part-time, unpaid role as an Advisor at the Mountain Training Trust. You said that through your role:
 - you will be attending four board meetings a year; monthly review meetings with the Chair and other Trustees; a number of events involving the wider sports/outdoor sector; and several other visits to the Plas y Brenin during the year.
 - you expect to contribute to the work of the Mountain Training Trust by assisting with the development of its strategic aims, objectives and targets. This will include supporting, advising and developing the capabilities of the Board in its work to communicate and promote MTT's activities and achievements.
 - you anticipate engaging with its diverse and wide-ranging stakeholders, including customers, suppliers, community groups, elected representatives (Parliament, Senedd and local government) and the wider sports/outdoor sector.
 - you will review and evaluate the work and performance of MTT in these activities.
 - you are aware of the conditions preventing you from lobbying, as well as advising on bids, contracts and government funding.

Dealings in office

3. You said that you did not make any policy, regulatory or commercial decisions specific to MTT and that you did not have any access to information that could grant MTT an unfair advantage. You also stated that there was no relationship between MTT and the FCDO and that you had no contact with the organisation in your capacity as a minister.

Departmental assessment

4. The FCDO confirmed the details provided in your application and recommended the standard conditions.