

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Rebecca Pow, former Parliamentary Under Secretary of State at the Department for Environment, Food and Rural Affairs. Unpaid appointment with the Environmental Industries Association.

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 Co-Chair for the Environmental Industries Association (EIA).
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 EIA. 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 Co-Chair of the Climate Working Group 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 specific overlap between your ministerial responsibilities and your proposed role with EIA. There are inherent risks associated with any former minister's access to information.
7. There are risks associated with your contacts and influence within government. EIA is a trade body that promotes the interest of its member organisations to the government. This raises a reasonable concern that you might be seen to be lobbying government in this role, which all former ministers are prevented from doing for two years on leaving office. It is significant that you confirmed the role involves no lobbying and EIA confirmed this in writing.

The Committee's advice

8. There is a risk around the perception of lobbying in this unpaid role. The EIA confirmed your role as Co-Chair of the Climate Working Group excludes any dealings with government, reducing the risk you could be perceived to be lobbying government – which all former ministers are prevented from doing for two years after leaving office.
9. The Committee considered that the 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.
10. Therefore, in accordance with the government's Business Appointment Rules, the Committee advises this appointment with the **Environmental Industries Association** be subject to the following conditions:

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.

- 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 Environmental Industries Association (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 advantage the Environmental Industries Association (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 Environmental Industries Association (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.
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' 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.
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 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*

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.

interests of the organisation by which they are employed, or to whom they are contracted or with which they hold office".

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 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.
15. Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website

The Rt Hon Lord Pickles

Annex – Material Information

The role

1. The Environmental Industries Association (EIA) is a trade association for the UK environmental trade and services sector. It works with UK Environmental Industries - from environmental consultants to innovative environmental technology firms to universities and public bodies
2. You wish to take up a part-time, unpaid role as Co-Chair of the Climate Change Working Group. You said that your role would be to scope out what areas are relevant to the association, as well as establishing which areas the association should focus on in order to give the members useful guidance and advice relating to their sector and growth opportunities.
3. You confirmed you will observe any restrictions advised by the Committee in carrying out your duties.
4. You confirmed you do not expect to have contact with the UK government in your proposed role.

Correspondence with the EIA

5. The EIA confirmed in writing its understanding of, and agreement to comply with, the Committee's advice, confirming that your role will involve no lobbying, adding that it has 'its own public affairs team' who would carry this out.

Dealings in office

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

Departmental assessment

7. Defra confirmed the details provided in your application and approved this appointment subject to the standard conditions.