

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>

November 2024

BUSINESS APPOINTMENT APPLICATION: The Rt Hon Michael Tomlinson KC, former Minister for Countering Illegal Migration at the Home Office and previously, Solicitor General at the Attorney General's Office. Paid appointment with Poole Harbour Commissioners.

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 an appointment you want to take up with Poole Harbour Commissioners (PHC) as a Non-Executive Member of the Board.
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 PHC. The material information taken into consideration by the Committee is set out in the annex.
3. Under the Rules, the Committee's remit is to consider the risks associated with the actions and decisions you made during your time in office, alongside the information and influence you may offer PHC.
4. The Committee must also consider the information provided by your former departments about your specific dealings with this employer and the sector. The Committee has advised that a number of conditions be imposed to mitigate the potential risks to the government associated with this appointment under the Rules. The Committee's advice is not an endorsement of the appointment.
5. 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

6. PHC is an independent board of trustees who manage the Port of Poole. This includes regulating, conserving and improving the leisure, commercial and environmental activities of Poole Port and Harbour. During your time in ministerial office, you did not meet or otherwise interact with PHC. Further, you and your former departments confirmed that you did not make any policy or contractual decisions specific to PHC while in office. The Committee¹ therefore considered that the risk that you were offered the role for decisions made or actions taken in office is low.
7. As a former minister, you will have had access to general sensitive information that could benefit many organisations, including PHC – though your former departments are not aware of anything specific that would offer an unfair advantage. Further, you are prevented from using sensitive information by a number of formal restraints, as well as the Rules. These include: the constitutional Law Officers' Convention, the Bar Standards Board Code of Conduct, and the rules and principles which apply to all former ministers.
8. Additionally, in light of your role as Solicitor General and Minister for Countering Illegal Migration, there is a risk that the contacts you have made during your time in office could offer unfair access to the UK government. The Committee has taken into consideration PHC's established relationship with the government, which limits the risks you will be seen to offer unfair access to government in this role as a Non-Executive Member of the Board.

The Committee's advice

9. The Committee determined the risks identified can be appropriately mitigated by the standard conditions below. These make it clear that you cannot make use of privileged information, contacts or influence gained from your time in ministerial service to the unfair advantage of PHC.
10. In accordance with the government's Business Appointment Rules, the Committee advises this appointment with **Poole Harbour Commissioners** be subject to the following conditions:

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

- 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 Poole Harbour Commissioners (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 Poole Harbour Commissioners (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 Poole Harbour Commissioners (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; there are separate 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 Parliament you have a separate ban on paid lobbying under the Parliamentary 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 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.
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*

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 Parliamentary Commissioners for Standards, in the case of MPs, or the Registrar of Lords' Interests, in the case of peers

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."

14. You must inform us as soon as you take up employment with this organisation(s), or if it is announced that you will do so. Please 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 seek to take up a paid, part-time appointment as a Non-Executive Member of the Board of Poole Harbour Commissioners (PHC).
2. PHC is an independent board of trustees who manage the Port of Poole. This includes regulating, conserving and improving the leisure, commercial and environmental activities of Poole Port and Harbour.
3. You stated that your role will not involve any contact with government.

Dealings in office

4. You said that none of your recent roles included involvement in policy development, contractual and/or commercial decisions specific to PHC. You said that during your time in office, you did not have any official dealings/contact with PHC in your ministerial capacity. You stated that there is a relationship between the Home Office and PHC by way of a Border Force base in Portcullis House, in Poole Harbour. You also stated that you did not have access to any privileged information.

Departmental assessment

5. Your former departments, the Attorney General's Office and the Home Office, were consulted on your appointment. The departments confirmed the above information and stated:

- You did not make any regulatory or policy decisions that would have affected PHC, nor did you meet with the organisation during your time in office.
- The Attorney General's Office confirmed there is no relationship between itself and PHC.
- The Home Office confirmed that there is a relationship between itself and PHC. The relationship is demonstrated as follows:
 - Border Force operates from Portcullis House in Poole Harbour, which is owned by PHC and rented out to Border Force;
 - Border Force has daily interactions with port staff on operational matters, and these are discussed on a quarterly basis with PHC; and
 - Border Force operates from the part government-, part PHC-funded Border Control Post in the Port of Poole.
- The departments did not consider you to have access to privileged information that could be considered to offer an unfair insight/ advantage to PHC.
- You did not make any funding or contractual/commercial decisions that affect PHC.
- The departments recommended the standard conditions, with the AGO recommending in addition to setting specific conditions or offering advice ensuring that sensitive and confidential information (including Law Officers' advice and other legally privileged material) is not inappropriately disclosed to PHC.