



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: The Rt Hon Tom Tugendhat MBE VR MP, former Minister for Security at the Home Office. Paid appointment with SulNOx Group PLC.

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 as a Member of the Advisory Board with SulNOx Group PLC .
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 SulNOx. 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 presented

5. There is no direct overlap with your responsibilities in ministerial office and this role or the work of the company. You did not meet with SulNOx, nor did you make any decisions specific to the company whilst in office. Therefore,

the Committee¹ considered the risk this appointment could reasonably be perceived as a reward for decisions or actions taken in office is low.

6. As a former minister, there are inherent risks associated with your access to privileged information within government. The risks are limited given your former department confirmed it is not aware of any privileged information you had access to that may offer SulNOx an unfair advantage, you have been out of office for 11 months, reducing the currency of the information.
7. There is a risk associated with your contacts and influence in government and the potential for SulNOx to gain unfair access or influence as a result. You said that your role will not involve contact with the UK government, nor lobbying of government - in keeping with the lobbying ban that applies to all former ministers for two years on leaving office. Whilst in ministerial office you may have developed contacts in other organisations, external to government, that may be seen to be useful in securing business for SulNOx given the focus of this role on developing business and opportunities.

The Committee's advice

8. The Committee considered the risks associated with this application can be appropriately mitigated by the conditions below. These seek to prevent SulNOx gaining an unfair advantage as a result of your privileged access to information, contacts and influence whilst in government.
9. In accordance with the government's Business Appointment Rules, the Committee advises that this appointment with **SulNOx Group PLC** 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 service;
 - for two years from your last day in ministerial office, you should not become personally involved in lobbying government or any of its arm's length bodies on behalf of SulNOx Group PLC (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage SulNOx Group PLC (including parent companies, subsidiaries, partners and clients);
 - for two years from your last day in ministerial office, you should not provide advice to SulNOx Group PLC (including parent companies,

¹This application for advice was considered by Isabel Doverty; Hedley Finn OBE; The Baroness Thornton; Michael Prescott and Dawid Konotey-Ahulu CBE DL, Sarah de Gay was unavailable.

subsidiaries, partners and clients) 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 and its arm's length bodies;

- 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 in other governments and organisations for the purpose of securing business for SulNOx Group PLC.

10. 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.

11. 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.

12. 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.*'

13. You must inform us as soon as you take up this employment, 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.

14. 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.

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 Commissioner for Standards, in the case of MPs, or the Registrar of Lords' Interests, in the case of peers.

Isabel Doverty

**Interim Chair
ACOBA**

Annex - Material Information

The role

1. SulNOx is a UK-based company that develops and distributes fuel additives and emulsifiers aimed at reducing emissions, improving fuel efficiency, and promoting cleaner combustion in hydrocarbon-based fuels.
2. You said that your role as a member of the Advisory Board would involve the providing strategic advice, expertise, insights and recommendations / guidance on specific topics to the Board and ExCo; and t introducing new business and opportunities through contacts and networks.

Dealings in office

3. Of your time in office, you said the following:
 - you did not make any policy, commercial or regulatory decisions specific to SulNOx in your role as Minister of State for Security at the Home Office.
 - you did not have any contact with SulNOx.
 - SulNOx has no relationship with the Home Office.
 - you did not have access to sensitive information through any of your ministerial roles that could grant SulNOx or its clients an unfair advantage

Departmental Assessment

4. The Home Office confirmed the details in your application as set out above, including that you have no access to information that would likely offer an unfair advantage, and made no decisions specific to the company in office. It recommended standard conditions.