



**OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS**

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**BUSINESS APPOINTMENT APPLICATION: Lord Andrew Sharpe of Epsom OBE, former Parliamentary Under Secretary of State at the Home Office. Paid appointment with Smarti Environmental Ltd.**

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 a paid appointment with Smarti Environmental Ltd as Chairman 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 taken during your time in office, alongside the information and influence you may offer Smarti Environmental Ltd, as a former minister. 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. Smarti Environmental Ltd (Smarti Environmental) is a company that produces environmentally friendly waterless urinal toilet systems. It has a range of clients in the private and public sector, including the NHS. You said that your role as Chairman will involve:
  - providing guidance as the company scales;
  - liaising with external investors;
  - introducing new business and investment banking relationships;
  - advising on exit strategies to include leading discussions with potential acquirors;
  - advising on marketing and public relations; and
  - helping to achieve sales and company growth, in the UK and globally.
6. Your former department, the Home Office, does not hold a relationship with Smarti Environmental, and you neither met with, nor made any decisions specific to the company while in office. The Committee<sup>1</sup> considered that the risk this role could reasonably be seen as a reward for decisions you made in office is low.
7. As a minister, it is likely you had access to a range of information in office that could benefit any company. The risks in this case are limited because there is little or no subject matter overlap with your role in office and your former department does not consider you to possess information that could grant an unfair advantage, and it has been a year since you left office and last had access to any privileged information.
8. Smarti Environmental has clients within the public sector. This raises a risk that it could look to expand its client base to include contracting with government. As any former minister might, you could be seen to offer Smarti Environmental unfair access to, and influence within, government – which all former ministers are prevented from doing for two years under the government's Rules. You said your role will not involve any contact with government.
9. Your role as Chairman will involve the development of Smarti Environmental's business, and there is a potential risk that any contacts you may have developed whilst in office, in external organisations and foreign

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

governments, could be seen to be useful in securing business for Smarti Environmental.

#### The Committee's advice

10. The Committee considered that this application did not raise any particular propriety issues. It determined that the risks identified can be appropriately mitigated by the conditions below, which seek to prevent you from making improper use of privileged access to information, contacts and your influence to the company's unfair advantage.

11. In accordance with the government's Business Appointment Rules, the Committee advises that this appointment with **Smarti Environmental Ltd** 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 any of its arm's length bodies on behalf of Smarti Environmental Ltd (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 Smarti Environmental Ltd (including parent companies, subsidiaries, partners and clients);
- for two years from your last day in ministerial office, you should not provide advice to or on behalf of Smarti Environmental Ltd (including parent companies, 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 or any of 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 have developed during your time in office and in other governments and organisations

for the purpose of securing business for Smarti Environmental Ltd (including parent companies, subsidiaries and partners).

12. 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.<sup>2</sup> 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.
13. 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.
14. 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."*
15. You must inform us as soon as you take up employment with this organisation, 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.
16. 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.

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<sup>2</sup> 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 your 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 Doherty

**Interim Chair ACOBA**

## **Annex- material information**

### The role

1. Smarti Environmental Limited is a company that produces environmentally friendly waterless urinal toilet systems. It has clients in both the private and public sector, e.g. National Express, Aston Villa Football Club, Amazon UK, NHS University Hospitals Bristol.
2. You told the Committee that your paid, part-time role as Chairman of the Board would include:
  - providing guidance as the company scales;
  - liaising with external investors;
  - introducing new business and investment banking relationships;
  - advising on exit strategies to include leading discussions with potential acquirors;
  - advising on marketing and public relations; and
  - helping to achieve sales and company growth, both in the UK and globally

You said that the role would involve no contact with government.

### 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 Smarti Environmental;
  - you did not have any contact with Smarti Environmental;
  - there is no departmental relationship between Smarti Environmental and the Home Office;
  - you did not have access to sensitive information in your ministerial role that could grant Smarti Environmental an unfair advantage.

### Departmental assessment

4. The Home Office confirmed the details above. It recommended the standard conditions.