



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

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**BUSINESS APPOINTMENT APPLICATION: The Rt Hon George Eustice MP, former Secretary of State for the Department of Environment, Food and Rural Affairs (Defra), paid commission with Hornsearle Property Investments Ltd (HSPG) under his independent consultancy.**

1. You sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for Former Ministers (the Rules) on taking up a role with HSPG under your independent consultancy.
2. The purpose of the Rules is to protect the integrity of the government. 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 HSPG. The material information taken into consideration by the Committee is set out in the annex.
3. The Committee has advised that a number of conditions be imposed to mitigate the potential risks to the government associated with this commission under the Rules. The Committee's advice is not an endorsement of this work in any other respect.
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

5. The Committee<sup>1</sup> considered this commission to be consistent with the description of your consultancy; which you described as providing strategic advice on policy affecting the environmental sectors; developing business models; and implementing/complying with regulatory frameworks.
6. Whilst you made decisions that impacted HSPG, specifically around Biodiversity Net Gain,<sup>2</sup> these decisions would have broadly impacted the sector as a whole and were not specific to HSPG. Defra does not have a relationship with HSPG, nor did you meet with HSPG during your time in office. Therefore, the risk that you could reasonably be seen to have been offered this role as a reward for your time in office is low.
7. In your role as Secretary of State for Defra you had involvement in policy that is relevant to, and affected the work of HSPG – most notably your work in Biodiversity Net Gain. As such, there is a risk you could have access to information that could provide an unfair advantage to HSPG. The Committee considered there were three significant mitigating factors:
  - the department has confirmed the information you had access to regarding Biodiversity Net Gain is now in the public domain and is in the Biodiversity Net Gain Brochure. Further, the policy has significantly moved on since you left government;
  - you have been out of office for over 14 months and during that time there have been changes in government administrations (two new Prime Ministers have been appointed, a new Cabinet formed in September and October, including two new Secretaries of State for Defra); and
  - your policy involvement and access to relevant information was broad, not specific to the company.
8. As a former Secretary of State for Defra, there are risks associated with your influence and network of contacts gained within government. The Committee noted this is especially relevant here as the organisation has an interest in regulations affecting the housing sector, including Biodiversity Net Gain. You confirmed you will not be lobbying the government in this role (nor be in contact with the government) and have made the company aware of the expectations under the government's Business Appointment Rules.

### The Committee's Advice

<sup>1</sup> This application for advice was considered by The Rt Hon Lord Pickles; Mike Weir; Andrew Cumpsty; The Baroness Jones of Whitchurch; Sarah de Gay; and Isabel Doverty.

<sup>2</sup>

[https://naturalengland.blog.gov.uk/wp-content/uploads/sites/183/2022/04/BNG-Brochure\\_Final\\_Compessed-002.pdf](https://naturalengland.blog.gov.uk/wp-content/uploads/sites/183/2022/04/BNG-Brochure_Final_Compessed-002.pdf)

9. There are limited risks associated with your access to sensitive information and influence. It has been more than a year since you left office and the department has confirmed there is no up to date or unannounced policy information it is aware of that would offer an unfair advantage. The Committee therefore sees no particular propriety concerns under the Rules, subject to the conditions below. In particular, they seek to prevent you from drawing on privileged information, contacts and insight from your time in government to the unfair advantage of HSPG.
10. The Committee determined the conditions attached to your consultancy appropriately mitigate the risks.
11. In accordance with the government's Business Appointment Rules, the Committee advises this commission with **Hornsearle Property Investments Ltd**, should be subject to the same conditions applied to your independent consultancy:
  - 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 Hornsearle Property Investments Ltd (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the government and/or Crown service contacts to influence policy, secure business/funding or otherwise unfairly advantage Hornsearle Property Investments Ltd (including parent companies, subsidiaries, partners and clients);
  - for two years from your last day in ministerial office, you should not provide advice to on behalf of Hornsearle Property Investments 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;
  - 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 external organisations for the purpose of securing business for Hornsearle Property Investments Ltd; and
  - for two years from your last day in ministerial office, before accepting any commissions for your independent consultancy and or/before extending or

otherwise changing the nature of your commissions, you should seek advice from the Committee. The Committee will decide whether each commission is consistent with the terms of the consultancy and consider any relevant factors under the Business Appointment Rules.

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>3</sup> 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.
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 your commission is live or is announced. You must also inform us if you propose to extend or otherwise change the nature of your consultancy 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.

## **The Rt Hon Lord Pickles**

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<sup>3</sup> 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.

## **Annex- material information**

### Commission with HSPG

1. HSPG is a social housing investor. Its website says that it works in partnership with national house builders, agents and public-sector organisations to identify and acquire high-quality, residential properties in suitable locations. It works across three main areas in England: affordable housing, supportive housing and asset management.
2. HSPG has obligations that come under a new requirement for Biodiversity Net Gain (BNG). BNG became law in 2021 and comes into force in 2024.<sup>4</sup> HSPG wants to expand its services to assist firms in meeting their BNG obligations.
3. You said that HSPG wants to commission you as a consultant for their board and executive team to assist in business development in relation to its new service, BNG. You said that HSPG has commissioned you because of your knowledge from before government and to assist in building partnerships with land managers and owners. You said you would also assist in developing the methodology and business model for delivering off-site BNG units that meet the requirements of legislation and deliver sustainable benefits for the environment.
4. You said that you will have no contact with government and that you have made HSPG aware that you are unable and unwilling to lobby government officials or ministers.

### Dealings in office

5. You said that you were involved in some policy decisions around biodiversity. When you were Secretary of State for Defra, the Environment Act 2021<sup>5</sup> was introduced and you established the power/authority for its approach. You also said that you contributed to and signed off various consultations relating to implementation and development of the Biodiversity Metric<sup>6</sup>, which calculates biodiversity and was produced by Natural England, to support

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[https://naturalengland.blog.gov.uk/wp-content/uploads/sites/183/2022/04/BNG-Brochure\\_Final\\_Companded-002.pdf](https://naturalengland.blog.gov.uk/wp-content/uploads/sites/183/2022/04/BNG-Brochure_Final_Companded-002.pdf)

<sup>5</sup> <https://www.gov.uk/government/news/world-leading-environment-act-becomes-law>

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<https://www.gov.uk/guidance/biodiversity-metric-calculate-the-biodiversity-net-gain-of-a-project-or-development>

implementation. This has, however, since moved on and a new metric came out in 2023.<sup>7</sup> All of the decisions that you made are now in the public domain.

6. You said that you did not meet with HSPG in office, nor did you make any decisions specific to HSPG. However, some social housing providers may have attended roundtables or events in parliament that you would also have attended on Biodiversity Net Gain as stakeholders.
7. You said you had no involvement in contractual or commercial decisions related to HSPG.

#### Departmental assessment

8. Defra confirmed the details you provided.
9. Defra said you did not meet with HSPG nor is there a relationship between Defra and HSPG.
10. Defra said that you had access to information regarding Biodiversity Net Gain but that this is now in the public domain and policy has since moved on. Policy that you were involved in was broad and not specific to HSPG.
11. Defra said that you would not have been involved in any funding or contractual decisions relevant to HSPG.