



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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July 2021

BUSINESS APPOINTMENT APPLICATION: Lieutenant General Tyrone Urch, Independent Consultancy.

1. Lieutenant General Tyrone Urch (Lt Gen Urch), former Commander, Home Command & Standing Joint Command in the UK, sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former Crown servants (the Rules) on his proposal to establish an independent consultancy. The material information taken into consideration by the Committee is set out in the Annex.
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 made during Lt Gen Urch's time in office, alongside the information and influence he may offer his consultancy and its future clients.
3. The Rules set out that Crown servants must abide by the Committee's advice¹. It is an applicant's personal responsibility to manage the propriety of any appointment. Former Crown servants are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.

The Committee's advice

Consultancy

4. When considering Lt Gen Urch's application to set up an independent consultancy, the Committee² took into account that he proposes to set up a consultancy which is broadly defined as work '*...aimed at Non- Executive advisory roles in non-defence sectors and comprise of leadership, team building, mentoring, project delivery, and construction programming advice*'.

¹ Which apply by virtue of the Civil Service Management Code, The Code of Conduct for Special Advisers, The Queen's Regulations and the Diplomatic Service Code

² This application for advice was considered by Jonathan Baume; Andrew Cumpsty; Sarah de Gay; The Rt Hon Lord Pickles; Richard Thomas; Mike Weir; Lord Larry Whitty and Dr Susan Liautaud. Isabel Doverty was unavailable.

The Committee considered that, generally, this poses no particular risks of impropriety under the government's Business Appointment Rules especially as it will not operate in the defence sector. However, the Committee observed that the risks under the Rules can only be adequately considered and assessed in relation to the individual commissions he goes on to take up under the consultancy. Nevertheless, the Committee considered there are some general areas of potential conflict it is possible to mitigate.

5. The Committee recognised it would not be improper for Lt Gen Urch to operate a consultancy which draws on generic skills and experience he gained from his time in government. However, there are risks that arise under the Government's Business Appointment Rules, where work is related to his time in office. Given his role as Commander for the Command & Standing Joint Command, he will have had sight of a wide range of information and policy that may provide an unfair advantage to organisations especially those operating in the defence sector; further there are risks attached with his access to contacts within government.
6. The Committee noted Lt Gen Urch's consultancy will not be working within the defence sector but it would remind Lt Gen Urch that he must not draw on privileged insight from his time in office, generally or more specifically.
7. There are also inherent risks attached to his network of contacts across the UK government/ Whitehall. The conditions below include a ban on lobbying the UK government and a restriction on providing advice on the terms of, a bid or contract relating directly to the work of the UK government, to mitigate the potential for unfair advantage to his clients if they apply for contracts or funding from the government.

Future commissions

8. Lt Gen Urch will need to seek advice from the Committee for each commission he wishes to accept. Whether the conditions set out below can sufficiently mitigate the risks presented by any future commission he proposes to take up will depend on the specific details of each piece of work.
9. Given the broadly defined nature of Lt Gen Urch's consultancy, the Committee wanted to make it clear that applications where there is a connection between his former responsibilities and the area he is looking to work in outside government, will be more likely to give rise to risks under the Rules and any such application will need close scrutiny. For example, should Lt Gen Urch seek to provide advice on matters where he had insight or access to sensitive information in office, conditions alone may not be sufficient to mitigate the risks presented. The Committee will therefore need to carefully consider the suitability of this work, and may advise that a waiting period is required. Where conditions and a suitable waiting period cannot appropriately mitigate the risks, the Committee may advise the work is unsuitable³ to take up within the two

³ Should an applicant subsequently take up or announce this work ACOBA will publish relevant information.

years the Rules apply. The Committee will consider such risks on a case by case basis.

10. The Committee also advises that when seeking work and/or commissions, he should adhere to the conditions below.

11. Although this application has been made before Lt Gen Urch has left office the Committee is prepared to provide advice now. However, the Committee wishes to make clear its recommendation is made on the basis of the information provided. If Lt Gen Urch should become aware of any circumstances that would be relevant to his application and this advice, in the gap between receiving this advice and taking up this role, he should revert to the Committee for further advice.

12. The Committee's advises, under the Government's Business Appointment Rules, that this appointment, to set up an **Independent Consultancy**, should be subject to the following conditions:

- he should not draw on (disclose or use for the benefit of himself or the persons or organisations to which this advice refers) any privileged information available to him from his time in Crown service;
- for two years from his last day in Crown service, he should not become personally involved in lobbying the UK government, the UK MOD or any of its Arm's Length Bodies on behalf of those he advises under his independent consultancy (including parent companies, subsidiaries, partners and clients); nor should he make use, directly or indirectly, of his contacts in the government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage those he advises under his independent consultancy (including parent companies, subsidiaries, partners and clients);
- for two years from his last day in Crown service he should not provide advice to any company or organisation on the terms of, or with regard to the subject matter of, a bid or contract with, or relating directly to the work of the UK government, the UK MOD and its trading funds or any of its Arm's Length Bodies; and
- for two years from his last day in Crown service, before accepting any commissions for his independent consultancy and or/before extending or otherwise changing the nature of his commissions, he 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.

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. I should be grateful if you would inform us as soon as Lt Gen Urch takes up employment with this organisation, or if it is announced that he will do so. We shall otherwise not be able to deal with any enquiries, since we do not release information about appointments that have not been taken up or announced. This could lead to a false assumption being made about whether he has complied with the Rules.
16. Please also inform us if Lt Gen Urch proposes to extend or otherwise change the nature of his consultancy as, depending on the circumstances, it may be necessary for him to make a fresh application.
17. 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.

Yours Sincerely,

Isabella Wynn
Committee Secretariat

Annex - Material information

1. Lt Gen Urch sought the Committee's advice on establishing an independent consultancy. Lt Gen Urch said his consultancy work would be *'...aimed at Non-Executive advisory roles in non-defence sectors and comprise of leadership, team building, mentoring, project delivery, and construction programming advice'*.
2. The Ministry of Defence (MOD) provided their views on this application. It said there was minimal risk with the consultancy and considering it does not plan to operate in the defence sector it had no concerns. The MOD recommended the standard conditions on the consultancy.