



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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28 November 2019

BUSINESS APPOINTMENT APPLICATION: The Rt Hon. the Lord Barwell

The Committee has been asked to consider an application from Lord Barwell, former Chief of Staff to the Prime Minister, in relation to taking up an appointment at Clarion Housing Group.

Lord Barwell was Chief political advisor to the Prime Minister between June 2017 and July 2019. Previously, he was Minister of State for Housing, Planning and Minister for London at the Department for Communities and Local Government (DCLG) from July 2016 to May 2017.

Appointment details

Lord Barwell seeks to take up an appointment as a Non-Executive Director at Clarion Housing Group (Clarion).

His responsibilities are to:

- determine the Group's vision and values and its long term strategic direction and objectives;
- approve the Group's business plans including long term financial projections
- review the Group's overall corporate governance arrangements and approve changes to ensure they are fit for purpose;
- carry out statutory duties, which include approving the Group's annual report and accounts, and an appropriate statement for inclusion in the annual report on the effectiveness of the Group's systems for risk management and internal control;
- ensure that effective systems are in place for the management and control of the organisation's performance and that of its subsidiaries;

- approve the framework for investment governance across the Group, including the delegations involved and give approval to certain types of higher risk development projects; and
- ensure resident views are heard and that customer needs are a priority for the business.

This is a part-time and paid role he obtained via the executive search firm Saxon Bampfylde. This role will not involve contact with the Government.

Clarion Housing Group is described as the largest housing association in the United Kingdom with a number of properties across more than 170 local authorities. It was formed in 2016 as a merger of Affinity Sutton and Circle Housing Group. Clarion Housing (a parent company) comprises; a housing association (Clarion Housing association); a private property development company (Latimer developments), a charitable foundation (Clarion Futures) and a repairs and maintenance service.

Clarion Housing Group is regulated by the Regulator of Social Housing, a non-departmental public body (sponsored by Ministry of Housing Communities and Local Government - MHCLG) who regulates registered providers of social housing to promote a viable, efficient and well-governed social housing sector able to deliver homes that meet a range of needs.

Lord Barwell informed the Committee he had no official dealings with Clarion as Chief of Staff. He also recalled the Prime Minister giving a speech to the National Housing Federation, the sector body for housing associations, for which he assisted in drafting and subsequently attended.

However, he said as a Housing Minister, he would certainly have met Clarion. He noted speaking in debates where MP's were raising concerns about the performance of one of their predecessor organisations, Circle. Circle were downgraded by the social housing regulator in 2015 due to non-compliance over 'chronic' repairs issues (severe failures in its repairs and maintenance services which resulted in the 'potential for serious detriment to tenants'). However, it secured further compliance in June 2016 after improving its services. Lord Barwell noted that he has an interest in working with Clarion, given this is something they took on to improve when they acquired Circle.

Lord Barwell said that whilst Chief of Staff to the Prime Minister, he pushed housing as a domestic political priority, but only recalls being involved in the details of three policy decisions, two of which were of no relevance to Clarion or the housing association more widely and the other was of detriment to them. These decisions related to: ending letting agent fees for tenants in the private sector; ending six-month tenancies in the private rented sector; and providing government funding to councils to start building council homes again. Lord Barwell noted that he considered this last decision to be possibly detrimental to the housing association sector as it meant allowing a broader range of organisations could bid for government funding for affordable housing. Further, he noted the other decisions would not specifically affect Clarion (or housing associations more generally).

Lord Barwell said that during his time as Minister of State for Housing, his role would have included policies such as housing supply policy; home ownership policy; and planning policy. Therefore, he would have taken policy decisions that affected Clarion (an all organisations working in that sphere), such as house association Right to Buy. Also, in his

capacity as Housing Minister, he may have approved allocations to Clarion from the Government's Affordable Housing Programme. Lastly, Lord Barwell confirmed although he was not aware of specific contracts, he was responsible for officials who he suspects his previous department (DCLG at the time, now MHCLG) would have likely had contracts with its predecessor organisations Affinity Sutton and Circle.

Director General Secretariat and Deputy Secretary to the Cabinet at the Cabinet Office countersigned this application and confirmed the details. The details were also confirmed by the Ministry of Housing Communities and Local Government and Number 10.

The Cabinet Office confirmed it had no relationship with Clarion and confirmed Lord Barwell's account of having official contact with the housing sector as the Prime Ministers Chief of Staff. It notes this was solely via his involvement in an event for the National Housing Federation. It also confirmed such engagement was part of his role which included accompanying the Prime Minister and drafting the speech.

The department believes due to his seniority and wide portfolio Lord Barwell may have had political influence on decisions affecting many sectors. In addition, he would have had access to a wide range of information from his time in office and across Government, including Brexit related work. However, it noted Lord Barwell is unaware of any commercially sensitive knowledge that he may hold about the sector of relevance. Further, it noted that his access to information ended in July 2019 and that there has been a change in Prime Minister since then.

The department noted Lord Barwell's account of having no direct commercial dealings with Clarion Housing Group and although he has declared responsibility for people involved in contractual dealings this was actually in reference to his time as Housing Minister, not as Chief of Staff. It has no reservations around this role.

MHCLG confirmed that given the length of time that has passed since he was in office at MHCLG it had no concerns. The department also confirmed there was no specific involvement in policy, or otherwise, that the committee should be aware of and recommended the appointment be subject to a ban on lobbying the Government and a ban on his using privileged information.

Number 10 confirmed Lord Barwell was involved in housing policy decisions in line with his responsibility as Chief of Staff but not for the sole benefit of Clarion. In addition, these decisions would have affected the housing sector more widely than just Clarion.

The Committee's consideration

The Committee¹ took into consideration this role will not involve contact with the Government. Although it is somewhat related to his most recent role as Chief of Staff to the Prime Minister, the Committee notes the decisions taken in office were in line with his responsibilities and not for the sole benefit of Clarion and affected the housing sector more widely. Lord Barwell's role as Housing Minister ended in 2017 putting significant distance between his taking up this role now and his involvement in decisions. Further, Lord Barwell

¹ This application for advice was considered by Sir Alex Allan; Jonathan Baume; Baroness Angela Browning; Terence Jagger; Dr Susan Liautaud; Richard Thomas; Mike Weir; Lord Larry Whitty and John Wood.

was offered this role via a recruitment firm. Therefore, the risk of reward for decisions taken in office is considered to be low.

As a Chief of Staff, Lord Barwell would have been privy to a range of information from across Government, particularly in relation to its position on Brexit. However, the Committee has taken into consideration the change in administration and ongoing policy development on Brexit. There is no objective evidence that he will offer any insight that is not already in the public domain given the changing nature of Brexit policy. Moreover, the Cabinet Office told the Committee it believed any information he was privy to is unlikely to still be relevant. However, the Committee would draw his attention to the ban on using privileged information which also makes it clear he should not offer any privileged insight on Brexit related matters around the negotiating position of the UK Government from his time in office.

The Committee also recognises housing was a strategic priority during Lord Barwell's time at Number 10. In this capacity he did have some involvement in policy related to housing and may have had involvement or access to information about high profile cases. However, the Committee understands any involvement is in line with his role in office and affected the housing sector as a whole. The Committee is minded to agree with the Cabinet Office that the change in administration is also relevant to the sensitivity and relevance of any information he may have been privy to and noted the Cabinet Office's view that it had no concerns with this appointment. The Committee also noted that as a former Special Adviser, Lord Barwell is required to confirm in writing to his department that he recognises that he continues to be bound by the provisions of the criminal law (including the Official Secrets Act) which protect certain categories of information, and by his duty of confidentiality owed to the Crown.)

Given his seniority, there is a risk Lord Barwell would be seen to offer an unfair advantage via contacts and privileged information gained in office. However, the lobbying ban below appropriately mitigates this risk and makes it clear that it would be inappropriate for him to use contacts he has gained in office to the advantage of Clarion.

Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee's advice to the Permanent Secretary is that this appointment be subject to the following conditions:

- that he should not draw on (disclose or use for the benefit of himself or the organisation to which this advice refers) any privileged information available to him from Crown service. In the context of this general provision, the Committee considers he should specifically avoid giving Clarion Housing Group, or its subsidiaries, partners or clients, privileged insight into the Brexit related issues, insofar as it as it pertains to the negotiating position of the UK Government prior to the date upon which he left Crown service office, whether generally or regarding housing matters; and
- for two years from his last day in Crown service, he should not become personally involved in lobbying the UK Government on behalf of Clarion Housing Group, nor should he make use, directly or indirectly, of his government and/or whitehall contacts to influence policy or secure business on behalf of Clarion Housing Group or its partners/clients/subsidiaries.

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. (As with all Special Advisers, the Committee makes this recommendation on the understanding that, if he has not already done so, Lord Barwell must confirm in writing to his department that he recognises that he continues to be bound by the provisions of the criminal law (including the Official Secrets Act) which protect certain categories of information, and by his duty of confidentiality owed to the Crown.)

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.*"

I should be grateful if you would let us know whether the Permanent Secretary is content with the Committee's recommendation and copy us into the final decision. I should also be grateful if you would ensure that we are informed as soon as Lord Barwell takes up this role, or if it is announced that he will do so (I enclose a form for this purpose). 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 Lord Barwell complied with the rules.

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

Tiffany Amusu
Committee Secretariat

