



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

G/08 Ground Floor, 1 Horse Guards Road SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

Website: <http://www.gov.uk/acoba>

16 December 2019

BUSINESS APPOINTMENT APPLICATION: The Rt Hon. the Lord Barwell

1. The Committee has been asked to consider an application from Lord Barwell, former Chief of Staff to the Prime Minister, in relation to establishing an independent consultancy.
2. As Chief of Staff, 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 from July 2016 to May 2017.

Independent consultancy

3. Lord Barwell sought the Committee's advice on establishing an independent consultancy which he describes as providing advice on public policy, current affairs; and giving the occasional speech.

Departmental view

4. The Cabinet Office confirmed the details provided by Lord Barwell. It also acknowledged some of Lord Barwell's potential clients, may have contractual relationships with the UK Government to provide services at various levels.
5. In relation to policy, the department said due to Lord Barwell's wide portfolio seniority in No.10, he may have had political influence on decisions affecting many sectors. The Cabinet Office considered that, as Chief of Staff, it is possible Lord Barwell may have had access to commercially sensitive information whilst at No. 10 that may be of value to future consultancy clients. However, Lord Barwell has noted no contractual dealings with the prospective clients or competitors and no known

access to commercially sensitive information. It raised no concerns with Lord Barwell setting up this consultancy.

The Committee's consideration

Independent consultancy

6. When considering Lord Barwell's application to establish his own consultancy, the Committee¹ took into account this broadly relates to his time in office, in so far as it draws on generic skills he gained in post. The Committee does not consider this to be improper, or present any particular risk of impropriety in itself.
7. Given the broad nature of his role as Chief of Staff, the Committee agreed with the Cabinet office there is a risk that he may have had some access to information that is of relevance to his potential clients. The conditions below, which apply to his consultancy generally, mitigate inherent risks presented in the broad area of his consultancy work. That includes the risk that he may have access to information and contacts that could be used unfairly. The conditions prevent: lobbying of the UK Government; the use of privileged information; and advising on the terms of bids or contracts relating directly to the UK Government.

Future commissions

8. The Committee also notes whether the conditions set out below can sufficiently mitigate the risks presented by any future commission Lord Barwell proposes to take up will depend on the specific details of each piece of work. Further conditions may be appropriate. Lord Barwell will need to revert to the Committee to seek advice on each commission. Should Lord Barwell seek to work on matters he had direct responsibility for in office, the Committee will consider the associated risks on a case by case basis, including whether, for example, and a waiting period or other specific conditions may be required.
9. Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee's advice to the Permanent Secretary is that Lord Barwell's **Independent Consultancy** 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 his clients (including parent companies, subsidiaries and partners), privileged insight into 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;

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

- for two years from his last day in Crown service, he should not become personally involved in lobbying the UK Government on behalf of his clients (including parent companies, subsidiaries and partners); nor should he make use, directly or indirectly, of his contacts in Government and/ or Crown service to influence government policy, or secure business or funding on their behalf;
 - for two years from his last day in Crown service, he should not undertake any work as a consultant that involves providing advice to any company organisation 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
 - for two years from his last day in Crown service, before accepting any commissions and/ or before extending or otherwise changing the nature of any commission, 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.
10. 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 or otherwise.
11. 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."
12. I should be grateful if you would ensure that we are informed as soon as Lord Barwell takes up this work, 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 which have not been taken up or announced, and this could lead to a false assumption being made about whether he had complied with the Rules.
13. I should also be grateful if you would ask that Lord Barwell informs us if he proposes to extend or otherwise change the nature of his consultancy role as, depending on the circumstances, it may be necessary for him to make a fresh application.

14. Once this 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