



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

Room G/8, 1 Horse Guards Road, London, SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

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

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1. You sought the Committee's advice on taking up a commission with Pall Mall Communications.

The Committee's role and remit

2. As you will be aware, it is the Committee's role to advise on the conditions that should apply to appointments or employment under the Government's Business Appointments Rules for Former Ministers (the Rules), which apply to former Ministers for two years after they leave office. The Rules seek to counter suspicion that:

- a) the decisions and statements of a serving Minister might be influenced by the hope or expectation of future employment with a particular firm or organisation; or
- b) an employer could make improper use of official information to which a former Minister has had access; or
- c) there may be cause for concern about the appointment in some other particular respect.

3. When the Committee considers applications, it must have in mind that Government has judged that it is in the public interest that former Ministers with experience in Government should be able to move into business or into other areas of public life, and to be able to start a new career or resume a former one. It is equally important that when a former Minister takes up a particular appointment or employment, there should be no cause for any suspicion of impropriety.

4. It is not the Committee's role to pass judgment on whether an appointment is appropriate or suitable in any other regard.

The Application

5. You sought the Committee's advice on taking up a commission with Pall Mall Communications (Pall Mall), which you described as providing advice to assist with the overall

appreciation and understanding of the economic and political environment in various countries with a particular focus on those in the Middle East and North Africa. You further stated you will assist the development of the business and assist their relationships with clients including visits to fulfill client aims.

6. You advised the Committee you had no official dealings with Pall Mall whilst in office, including policy decisions or development. But you did meet them at public events attended by others. Further, you are not aware of any relationship between your former department and Pall Mall; had no dealings with its competitors or access to commercially sensitive information about competitors.

7. The Permanent Secretary at the FCO was contacted about this application. The FCO confirmed you might have met with Pall Mall at official functions/receptions. The FCO did state that Pall Mall work closely with the UAE Embassy, providing consultancy advice to their PR. As a result, Pall Mall are sometimes present at diplomatic functions but the FCO stated it has little to do with them on a day-to-day basis. The FCO further stated: you did not have any official dealings or business with Pall Mall; it can find no evidence which suggests you met with Pall Mall in your Ministerial capacity and you were not involved in any policy decisions and developments that would affect Pall Mall. The FCO also confirmed you are not aware of future policy directions or announcements, nor unannounced sensitive information, that would be relevant to your future employment.

8. The Permanent Secretary of DfID was also contacted about this application. The department stated that there is no DfID spend contracts with Pall Mall.

9. FCO stated Pall Mall is a reputable organisation and they are not aware of any reason to be concerned about your potential work and your previous Ministerial position. DfID stated the Permanent Secretary is of the view that there are risks but that these are low.

The Committee's consideration

10. This commission fits within the description of your consultancy - to provide advice to assist with the overall appreciation and understanding of the economic and political environment in various countries.

11. When considering your application on taking up a commission with Pall Mall, the Committee considered whether this appointment could be perceived as a reward for decisions taken in office. You had no specific involvement in policy decisions and had no official dealings with Pall Mall. You further had no involvement in the procurement of funding decisions, in relation to contracts with each department. The Committee therefore considered the risk this appointment could be seen as a reward for decisions taken in office is low.

12. The Committee noted the departments confirmed you were not involved in policy development in relation to Pall Mall. However, by virtue of your role it could be perceived that you may offer an unfair advantage to Pall Mall given your access to information that may be of interest and relevance to Pall Mall's clients, which are at this stage unknown (though the FCO confirmed it does some work with the Emirates embassy in the UAE). This risk is in some way mitigated as FCO and DfID confirmed you had no access to specific sensitive information that would likely provide Pall Mall with an unfair advantage; and 9 months have now passed since you were in office. However, the Committee noted there may be potential risks associated with the unknown nature of Pall Mall's clients. Specifically, should they be a company or organisation you or DfID/FCO had a commercial relationship with or where you had some influence in respect of their work whilst in post. Therefore, the Committee considered it would be appropriate to impose an additional condition to prevent you from advising Pall Mall's clients where the FCO or DfID has a commercial relationship.

13. The Committee noted there is a possible risk of unfair advantage in relation to access to the contacts you gained while in ministerial office. The lobbying ban imposed below makes clear that it would be inappropriate for you to use your contacts across Government to the unfair advantage of Pall Mall. The Committee would also like to draw your attention to the ban on providing advice on the terms of a bid or contract relating directly to the work of the UK Government.

14. In accordance with the Government's Business Appointment Rules, the Committee's advice is that this commission with Pall Mall be subject to the conditions which are attached to your consultancy:

- that you should not draw on (disclose or use for the benefit of yourself or the organisations to which this advice refers) any privileged information available to you from your time in office;
- for two years from your last day in ministerial office, you should not become personally involved in lobbying the Government on behalf of those you advise under your independent consultancy (including parent companies, subsidiaries and partners). Nor should you make use, directly or indirectly, of your government and/or Ministerial contacts to influence policy, secure funding/business or otherwise unfairly benefit those you advise under your independent consultancy (including parent companies, subsidiaries and partners);
- for two years from your last day in ministerial office, you should not provide advice to any company or 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 Government; 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.

15. In addition, the Committee considered this commission with Pall Mall Communications be subject to the following condition:

- **For two years from your last day in ministerial office you should not advise Pall Mall or its clients with regard to any matter in which the FCO or DfID has a commercial interest or with regard to any matter with which you had involvement while in ministerial office. However, this is not intended to preclude you from advising foreign Governments on generic economic and political matters, provided you observe the terms of your independent consultancy and the other conditions imposed.**

16. 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 Ministerial Code/ Civil Service Code or otherwise.

17. 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*

From the Chair

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."

18. I should be grateful if you would inform us as soon as you take up this appointment, or if it is announced that you will do so, either by returning the enclosed form or by emailing the office at the above address. 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 you had complied with the Ministerial Code. Similarly, I should be grateful if you would inform us if you propose to extend or otherwise change your role with the organisation as depending on the circumstances, it might be necessary for you to seek fresh advice.

19. Once this consultancy is in operation, or has been publicly announced, we will publish this letter on the Committee's website, and where appropriate, refer to it in the relevant annual report.

The Baroness Browning

Rt Hon Alistair Burt