



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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Dear Lord Barwell,

You sought the Committee's advice on taking up commissions with Barratt Developments plc and Avonhurst Legal Services (and the Blackstone group).

Commission details

Commission with Barratt Development plc

Barratt Developments plc (Barratt) are described as one of the largest residential property development companies in the United Kingdom operating a network of over 30 divisions.

You described your role with Barratt as including:

- providing advice and assistance to the Board and Senior Management on housing policy;
- actively participating in Barratts' charitable activities including participation in the, yet to be formed, Charitable Foundation and the Whizz Kidz Board (a charity for young wheelchair users);
- providing advice and assistance with individual developments or activities that require specific focus with local or central government (e.g. Citiscape or joint ventures with local authorities); and
- *'providing such other advice and assistance and/or participating in such other activities as are agreed between the parties from time to time (acting reasonably and in good faith)'*.

You said you will be remunerated via an annual retainer payable quarterly and a day rate, however there is no guarantee of specific days.

You informed the Committee that during your time as Chief of Staff, you did not meet with Barratt. However, you would certainly have met them in your role as Housing Minister (which you left over two years ago) and would have taken policy decisions that would have affected them (such as the help to buy scheme). Further, you advised the Committee you pushed

housing as a domestic political priority during your time as Chief of Staff in No.10, but can only recall getting involved in the detail of the following policy decisions:

- banning 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 (allowing a broader range of organisations to bid for government funding for affordable housing).

You further informed the Committee that you were involved in these areas for the purpose of influencing key decision makers, rather than being an integral part of the policy development. You also advised the Committee you did not have any involvement in contractual decisions that may have affected Barratt and had no dealings with its competitors. However, as Housing Minister (which you left in June 2017) you were responsible for officials who you suspect may have had contracts with them.

Commission with Avonhurst Legal Services LLP (and the Blackstone Group)

Avonhurst Legal Services LLP (Avonhurst) describe themselves as an advisory business focused exclusively on 'sophisticated' capital; providing political, commercial and legal advice for some of the world's most discerning funds. Your role will be to provide advice on UK public policy and current affairs to Avonhurst's client, the Blackstone Group Inc. (Blackstone). Blackstone is an American multinational private equity, alternative asset management, and financial services firm based in New York City. Described as '*the largest alternative investment firm in the world*', Blackstone specialises in private equity, credit, and hedge fund investment strategies. You said you will be remunerated through a monthly rate for an initial six-month period.

You informed the Committee that you had no involvement with policy decisions related to Avonhurst nor Blackstone; no involvement in the development of departmental policy or policy decisions that may have affected its competitors; nor any contractual dealings with Avonhurst nor Blackstone, nor responsibility for anyone who did.

You said neither commission is set to involve contact with the Government and noted that as a member of the House of Lords you will not be providing any Parliamentary advice or services; nor will you be lobbying the Government or Parliamentarians.

The Cabinet Office confirmed the details provided in your application. It acknowledged due to your seniority at No.10 and wide portfolio, you may have had political influence on decisions affecting many sectors. However, there is nothing specific tying you to the consulting or housing sectors (outside your previous Ministerial role).

The Cabinet Office noted your account of having no contractual dealings with your prospective clients or competitors and to your knowledge, no access to commercially sensitive information. The Cabinet Office considered that, as Chief of Staff, it is possible you may have had access to commercially sensitive information whilst at No.10 that may be of value to future consultancy clients. However, you noted no contractual dealings with the prospective clients or competitors and no known access to commercially sensitive information. It raised no concerns with you taking on these commissions.

Commissions with Barratt and Avonhurst (Blackstone)

These commissions fit within the description of your independent consultancy, which was previously described as providing advice on public policy, current affairs; and giving the occasional speech.

The Committee¹ noted you had no official dealings with Barratt, Avonhurst or Blackstone whilst at No.10. Although you did have some involvement in housing policy at a high level, helping to push through policy on banning letting agent fees; ending six-month tenancies; and providing government funding to councils to start building council homes again, these affected the housing market in general rather than Barratt specifically. Therefore, the Committee considered there was no evidence either of these commissions was offered as a reward for decisions taken while you were in office at No.10.

The Cabinet office has no concerns about these commissions; noting the time that has passed since you were in post at the Ministry of Housing Communities and Local Government; and the change in administration since leaving No.10. The Committee notes the Commission with Barratt is not entirely unrelated to your time at No.10 given housing was a priority. The Committee also noted you may be seen to offer Blackstone, and Avonhurst more generally, an unfair advantage in relation to your access to information whilst at No.10. However, as Chief of Staff you were not actively involved in the day to day development of policy, and you informed the Committee of the policy you did have some responsibility for pushing through, as above. Any inherent risks from your access to information are sufficiently mitigated by the conditions which are attached to your consultancy – making it clear you must not make use of any privileged information gained from your time in office, nor make use of your contacts (directly or indirectly) in Government/ Whitehall to the unfair advantage of your clients. It is also relevant that five months have passed since you left office.

Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises your commissions with Barratt and Avonhurst (Blackstone) be subject to the conditions attached to your Independent Consultancy:

- that you should not draw on (disclose or use for the benefit of yourself or the organisation to which this advice refers) any privileged information available to you from Crown service. In the context of this general provision, the Committee considers you should specifically avoid giving your clients, or their subsidiaries, partners or clients, 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 you left Crown service, whether generally or regarding housing matters;
- for two years from your last day in Crown service, you should not become personally involved in lobbying the UK Government on behalf of your clients, or their partners or subsidiaries; nor should you make use, directly or indirectly, of your contacts in Government and/ or Crown service to influence government policy, or secure business or funding on their behalf;
- for two years from your last day in Crown service, you 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;
- for two years from your last day in Crown service, before accepting any commissions and/ or before extending or otherwise changing the nature of any commission, 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.

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

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.

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 could let me know when you take up these commissions, or if it is announced that you are to do so. This will enable the Committee to 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