



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: AIR MARSHAL STUART EVANS

1. The Committee has been asked to consider an application from Air Marshal Stuart Evans, former Deputy Commander, Air Command, NATO and former Senior British Military Advisor at the Ministry of Defence (MOD), on establishing an independent consultancy.
2. Air Marshal Evans informed the Committee during his role with NATO he was responsible for oversight of NATO's air policing and ballistic missile defence standing missions. He was also responsible for training and delivering NATO's air component headquarters staff for NATO operations.
3. Air Marshal Evans last day in post was 16 August 2019 and his last day in Crown service was 17 February 2020.

Appointment Details

4. Air Marshal Evans described the purpose of the independent consultancy advising on international defence matters, including air and space related issues and strategic planning, training and exercises.
5. The MOD Business Appointment's Panel considered Air Marshal Evans' application and confirmed the information he provided. The MOD stated owing to his 3 year tour in NATO he was far removed from contracting and he has had no access to commercially sensitive information. The MOD stated his access to policy or departmental information was '*nothing beyond the general accrued knowledge from his military career*'.
6. The MOD said Air Marshal Evans' most recent roles have focussed on operations not commercial involvement with companies, so the risk of perception of use of commercially sensitive information to the unfair benefit of proposed clients is low. The risk of perception of unfair benefit to proposed clients through access to his network at the MOD, will be appropriately mitigated by conditions it recommends below. The MOD

panel recommended that Air Marshal Evans's independent consultancy be subject to restrictions which prevent:

- the use of privileged information, such as '*commercially sensitive information or not-yet-announced decisions on strategy, policy, or delivery*'
 - lobbying the UK Government/ the MOD on behalf of himself or his clients
 - lobbying contacts developed during Crown Service in other Governments or organisations to secure business for his consultancy
 - working on the bids and contracts related to the work of the UK MOD or its trading funds
7. Additionally, Air Marshal Evans should seek advice from the Committee for each additional commission he wishes to take up. It said given that Air Marshal Evans has served predominantly in operational posts for the last 6 years with no contractual or financial responsibilities, the conditions above are sufficient and that a waiting period is not warranted.

The Committee's Consideration

Independent consultancy

8. When considering Air Marshal Evans' application to set up an independent consultancy, the Committee¹ took into account that his proposed work is closely related to his time in office - drawing on his knowledge and experience from working with the MOD and NATO on air and space related issues and strategic planning and training.
9. With all applications related to the area for which applicants worked in office, there are inherent risks. As Deputy Commander of NATO's Air Headquarters, Air Marshal Evans will no doubt have access to information that may be seen to benefit any company operating in the areas for which he held responsibility at NATO, including training and air defence operations. However, the Committee recognised there are several mitigating factors here. The MOD confirmed it has no concerns about his access to sensitive information; a significant amount of time has passed since he was in post at NATO with access to any information; and his most recent roles have focussed on operations not commercial involvement with companies, so the risk of him using commercially sensitive information to the unfair benefit of his proposed clients is low. The Conditions below prevent the use of any privileged information from his time in office.
10. Given his proposed areas of consulting, there could be questions about whether he could give his new clients an unfair advantage regarding possible contacts within NATO, the MOD and the UK Government. This issue can be mitigated by imposing conditions which prevent lobbying and which prevent him from providing advice on contracts and bids related to the MOD or NATO.

Future commissions

11. The Committee is mindful of the risks attached to Air Marshal Evans setting up a consultancy closely related to his time in service. Whether the conditions set out below can sufficiently mitigate the risks presented by any future commission Air Marshal Evans proposes to take up will depend on the specific details of each piece of work.

¹ This application for advice was considered by Sir Alex Allan; Johnathan Baume; The Rt Hon Lord Pickles; Richard Thomas; Lord Larry Whitty; John Wood and Dr Susan Liautaud.

Further conditions may be appropriate, **for example, should he seek to work on matters he had direct responsibility for in NATO, the Committee would consider whether a waiting period may be required.** The Committee will consider such risks on a case by case basis. As is usual in such cases, Air Marshal Evans will need to seek advice from the Committee for each commission he wishes to accept.

12. The Committee will consider with each commission whether the restrictions below sufficiently mitigate the risk attached and will decide whether each commission is consistent with the terms of the consultancy, considering any relevant factors under the Business Appointment Rules. The Committee would draw his attention to the fact that, in particular, the nature of any work in the UK defence sector will need particular consideration. The Committee will consider such risks on a case by case basis.
13. **When seeking work and/or commissions, Air Marshal Evans is advised to adhere to the conditions below.**
14. Under the Government's Business Appointment Rules, the Secretary of State for Defence accepted the Committee's advice that, Air Marshal Evans' application to set up an independent Consultancy be subject to the following conditions:
 - that he should not draw on (disclose or use for the benefit of himself or the 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 of Crown service he should not become personally involved in lobbying the UK Government, the UK MOD or NATO on behalf of his clients (including parent companies, subsidiaries and partners); nor should not make use, directly or indirectly, of his MOD, NATO or government contacts to influence policy, secure funding/business or otherwise unfairly benefit his clients (including parent companies, clients, subsidiaries and partners);
 - for two years from his last day in Crown service, he should not become personally involved in lobbying contacts he has developed during Crown service, within other Governments and organisations, for the purpose of securing business for his independent consultancy, its subsidiaries, partners or 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 MOD or its trading funds or NATO; 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.
15. 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.
16. 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."

17. I would be grateful if you would ensure that we are informed as soon as Air Marshal Evans' consultancy is live, 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 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.
18. I should also be grateful if you would ask that Air Marshal Evans informs us if he proposes to expand or otherwise change the nature of his consultancy, depending on the circumstances, it may be necessary for him to make a fresh application.
19. Once Air Marshal Evans' consultancy is live and/or he has announced this is the case, we will publish this letter on the Committee's website and in the relevant annual report.

Yours sincerely

Isabella Wynn
Committee Secretariat