



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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April 2020

BUSINESS APPOINTMENT APPLICATION: The Hon Sir Dominic Asquith

1. The Committee has been asked to consider an application from Sir Dominic Asquith on setting up an Independent Consultancy. Sir Dominic Asquith was British High Commissioner New Delhi at the Foreign and Commonwealth Office, responsible for maintaining and developing relations between the UK and India, from February 2016 – January 2020.
2. His last day in post and Crown service was 31 January 2020.

Application details

3. Sir Dominic Asquith has sought the Committee's¹ advice on re-establishing his Independent Consultancy, Asquith Consultancy. Sir Dominic Asquith states the purpose of the consultancy will be to provide political and commercial advice to businesses already operating in or seeking to enter the Middle East, which will help them develop their business opportunities.
4. The Foreign and Commonwealth Office (FCO) was consulted about this application. It said it does not believe that Sir Dominic Asquith's proposed resumption of his role as Director of Asquith Consultancy on retirement as High Commissioner New Delhi could be seen as improper. It has no concerns regarding this appointment.

The Committee's Consideration

Consultancy

5. When considering Sir Dominic Asquith's application to re-establish his independent consultancy, the Committee took into account that his proposed consultancy is broadly

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

defined. Given that the nature of the advice Sir Dominic Asquith will be providing via his consultancy seems to be providing general political and commercial advice this does not seem to be a high risk consultancy. Still the Committee noted there are still generic risks that need to be appropriately considered.

6. The Committee recognises it would not be improper for him to operate a consultancy which draws on generic skills and experience he gained from his time in government. As High Commissioner for New Delhi, Sir Dominic Asquith could be seen to have access to general sensitive information regarding policy, UK plans and strategies especially in regards to India. If Sir Dominic Asquith was to take up work for organisations that are looking to operate in India or with companies where he had a relationship with while in office, there could be a perceived risk that Sir Dominic Asquith would offer an unfair advantage to these companies. However, the Committee did note that his independent consultancy has a focus on advising on companies looking to work with the Middle East not India. Therefore, helping mitigate this risk and as with all former civil servants, he is prevented from drawing on privileged information from his time in office. If Sir Dominic Asquith did look to work with an organisation related to India, the restriction imposed on all consultancies requiring applicants to return to the Committee with each new commission, will allow the Committee to assess the risks and conditions applied.

7. Given Sir Dominic Asquith seniority as the former British High Commissioner for New Delhi, there is a risk it could be perceived that the contacts he has built up within the Indian Government and the UK Government might assist potential clients. As well as the standard lobbying ban applied to all cases, the Committee would also draw his attention to the restrictions on lobbying contacts he has formed in other Governments and organisations for the purpose of securing business for future clients. Further, the Committee would also draw his attention to the restriction on providing advice on the terms of, a bid or contract relating directly to the work of the UK Government, so as to not provide an unfair advantage to his clients if they apply for contracts or funding from the Government.

Future Commissions

8. In particular where a consultancy is so broadly defined, whether the conditions set out below can sufficiently mitigate the risks presented by any future commission Sir Dominic Asquith proposes to take up will depend on the specific details of each piece of work. It is the Committee's experience that applications where there is a connection between the former Minister's responsibilities in government and the area they are looking to work in outside Government, are more likely to give rise to risks under the Rules. Further conditions may be appropriate. As is usual in such cases, Sir Dominic Asquith will need to seek advice from the Committee for each commission he wishes to accept.

9. 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. For example, should Sir Dominic Asquith seek to work on matters he had direct responsibility for in office, the Committee would consider whether a waiting period may be required. The Committee will consider such risks on a case by case basis.

10. The Committee also advises that when seeking work and/or commissions, he should adhere to the conditions below.

11. In the circumstances, the Committee recommends to the Foreign Secretary that, under the Business Appointment Rules, Sir Dominic Asquith'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 organisations to which this advice refers) any privileged information available to him from his time in service;
- for two years from his last day in crown service, he should not become personally involved in lobbying the Government on behalf of those he advises under his independent consultancy (including parent companies, subsidiaries and partners). Nor should he make use, directly or indirectly, of his government and/or Ministerial contacts to influence policy, secure funding/business or otherwise unfairly benefit those he advises under his independent consultancy (including parent companies, 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 his time in service and in other Governments and organisations for the purpose of securing business for any company or organisation (including parent companies, subsidiaries and partners);
- 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 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 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.

12. 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.

13. 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."

14. I should be grateful if you would ensure that we are informed as soon as Sir Dominic Asquith takes up this position, 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.

15. I should also be grateful if you would ask that Sir Dominic Asquith informs us if he proposes to extend or otherwise change the nature of his role as, depending on the

circumstances, it may be necessary for him to make a fresh application.

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

Yours sincerely

Isabella Wynn
Committee Secretariat