



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: THE RT HON JAKE BERRY MP

1. The Committee has considered your application for your company, Palatine Hill Ltd to work with Midia Investors Limited.

The Committee's role and remit

2. It is the Committee's role to advise on any 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.
3. 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.
4. 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.
5. 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 informed the Committee that your company Palatine Hill Limited (Palatine Hill) had been approached by Midia Investors Limited in to offer advice on the development and management of a hotel chain. You stated that it would mainly be your partner in Palatine Hill working with the company and you sought the Committee's advice as the work will be carried out by Palatine Hill.

6. Midia Investors Limited (MIL) is a development and building company based in Manchester. You told the Committee it works on various projects including hotels and leisure buildings. It is part of the Midia Group, a broader building and development group with a focus on real estate investment and development including in public sector contracts.

7. You stated you did not have any contact with MIL in your ministerial duties and that this company did not fall under your portfolio as a minister. You stated that you had no involvement in policy or contractual decisions whilst in office and did not have access to sensitive information about competitors of MIL.

8. Due to the Northern Powerhouse sitting with multiple departments the Committee consulted the Department for Business, Energy and Industrial Strategy (BEIS), the Ministry for Housing, Communities and Local Government (MHCLG) and the Cabinet Office on this appointment. They confirmed the details provided and had no concerns about your application.

The Committee's Consideration

9. The Committee considered that you did not have any official contact with MIL whilst in office and did not make policy or contractual decisions that would have specifically affected MIL. The risk that this commission is perceived as a reward for actions taken in office is therefore low.

10. The Committee further considered that as you are offering strategic advice to companies through your consultancy there is a general risk that you may offer an unfair advantage by virtue of the sensitive information you had access to whilst in office. You stated you did not have involvement in relevant policy and the Committee gave weight to the department's register of no concern when asked about your access to any sensitive information on competitors or unannounced policy. Alongside these mitigating factors, the ban on sharing privileged information in place on your independent consultancy prevents you from offering any unfair advantage in this way.

11. Given the wider Midia Group's stated focus on public sector work the Committee noted there is a risk that you might assist in the procurement of government funding or contracts. The Committee would however note that Palatine Hill does not have an intention to offer such advice via Palatine Hill. The Committee would also draw your attention to the conditions in place on your independent consultancy preventing you from lobbying the UK government or advising on the subject matter or terms of any bids or contracts with the UK Government. Additionally, the conditions in place on your independent consultancy state that any change to the terms of your employment requires a further application for advice wherein the Committee will consider any further risks.

12. In accordance with the Government's Business Appointment Rules, the Committee advises this role with **Midias Investors Limited** be subject to the same conditions as your independent 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 clients, 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 clients, 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 UK 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.

13. The Committee also notes that in addition to the conditions imposed on this appointment, there are separate rules in place with regard to your role as a member of the House of Commons.

14. 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.

15. 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."*

16. 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. 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.

17. 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.

Rt Hon The Lord Pickles

The Rt Hon Jake Berry MP

