



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 to take up work via an independent consultancy.

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.

Appointment Details

6. You sought advice on taking up work through an independent consultancy, a company named Palatine Hill Limited, alongside your business associate, Mr Andrew Duckworth. You described the focus of this company as providing general strategic corporate advice, including with the property management, agricultural and leisure development sectors. You told the Committee that before you became a minister in 2017 you were a corporate lawyer offering similar strategic corporate advice to companies. You noted you will not be offering official legal advice through this consultancy.

7. 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 your application details as stated and raised no concerns on the terms of your consultancy.

The Committee's consideration

Independent consultancy

8. The Committee recognised it would not be improper for you to operate a consultancy which draws on generic skills and experience you gained from your time in government. You stated your consultancy will be focused on providing general strategic corporate advice and legal advice, including in the property management and agricultural and leisure development sectors. Therefore, there are broad risks that arise under the Government's Business Appointment Rules from work that may be related to your time in office, though the Committee notes the legal advice you would be offering is similar to the work you performed before ministerial office.

9. The Committee noted the inherent risks associated that can be mitigated. The conditions below prevent: lobbying of the UK Government; use of privileged information; and advising on the subject matter and terms of bids or contracts relating to the UK Government. The Committee also noted your former departments had no concerns with the terms of this independent consultancy.

Future Commissions

10. Whether the conditions set out below can sufficiently mitigate the risks presented by any future commission you propose to take up will depend on the specific details of each piece of work. The Committee will consider with each commission whether the restrictions below sufficiently mitigate the risks attached. For example, should you seek to work on matters you 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.

11. In accordance with the Government's Business Appointment Rules, the Committee recommends that your **independent consultancy** be made subject to the following conditions:

- 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.

12. 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.

13. 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.

14. 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."

15. We should be grateful if you would ensure that we are informed as soon as you take up commissions through this consultancy, 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 which have not been taken up or announced, and this could lead to a false assumption being made about whether you have complied with the Rules.

16. You must also inform the Committee if you propose to extend or otherwise change the nature of this consultancy as, depending on the circumstances, it may be necessary for you to make a fresh application.

17. 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.

The Rt Hon Lord Pickles

The Rt Hon Jake Berry MP