



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

Room G/8, 1 Horse Guards Road, London, SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

Website: <http://www.gov.uk/acoba>

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1. You sought the Committee's advice on taking up a commission with DLA Piper LLP.

Commission details

DLA Piper LLP

2. You sought to take up a paid commission with DLA Piper (DLA Piper), as a strategic adviser. DLA Piper is a global law firm. Its website notes it has lawyers located throughout 40 countries of the Americas; Europe; the Middle East; Africa and Asia Pacific. Its clients range from '*multinational, Global 1000, and Fortune 500 enterprises to emerging companies developing industry-leading technologies*' and the firm also advises governments and public sector bodies. You stated that you will be '*strategic advisor to the partnership, providing insight to them and their clients on public policy and geopolitics*' and that as a member of the House of Lords, you will not be providing any Parliamentary advice or services, nor be lobbying.

3. You stated you did not have any official dealings; make decisions on or have access to sensitive information regarding DLA Piper or their competitors while in your former role in the Government.

4. The Cabinet Office confirmed the details you provided in your application and noted that due to your seniority at No.10, it is likely you would have had access to privileged information that could provide an unfair advantage. It highlighted that such information is protected from your use through the conditions which prevent the use of privileged information, prevent you from lobbying the Government and from advising on a bid or contract in relation to the Government.

Committee's consideration

5. This Committee¹ considered this commission fits within the description of your independent consultancy previously described as working within current affairs; public policy and delivering occasional speeches.

¹ This application for advice was considered by Jonathan Baume; Richard Thomas; Mike Weir; Lord Larry Whitty; and The Rt Hon. Lord Eric Pickles. Dr Susan Liataud was unavailable.

6. The Committee noted you had no official dealings with DLA Piper whilst at No.10. Additionally, you stated and the Cabinet office confirmed, you made no specific decisions regarding DLA Piper, or their respective competitors while in post. The Committee considered there was no evidence this role was offered as a reward for decisions taken in office at No.10.
7. The Cabinet Office stated no concerns with this commission. However, the Committee noted that given your seniority and widely drawn role as Chief of Staff to the Prime Minister, you could have access to privileged information that may confer an unfair advantage to any organisation. Additionally, DLA Piper's clients, due to the nature of the firm, are unknown which could cause potential risks. Specifically, should the firm's clients you or the Government had a commercial relationship with or where you had some influence in respect of their work whilst in post at No.10. In addition to the standard conditions applied to your consultancy, the Committee considered it would be appropriate to impose an additional condition to prevent you from advising DLA Piper's clients where it involves working on matters you had an influence in whilst at No.10.
8. Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises your commissions with **DLA Piper LLP** 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 (including parent companies, subsidiaries and partners), 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 office;
 - 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 (including parent companies, subsidiaries and partners); 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; and
 - 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.
9. In addition, the Committee considered this commission with DLA Piper LLP be subject to the following conditions:
 - **for two years from your last day in Crown service, you should not advise DLA Piper LLP or its clients on work with regard to any policy decision in which**

you had material role in developing or determining as Chief of Staff at No.10, or where you had a relationship with the relevant client during your time as Chief of Staff at No.10.

10. 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 in the House of Lords.

11. 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.

12. 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."

13. I should be grateful if you could let me know when you take up this commission, 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

Andrea Benjamin
Committee Secretariat