



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Lord Edward Udney-Lister Kt, former Senior Strategic Adviser (Special Adviser) to the Prime Minister between July 2019 - February 2021

1. Lord Udney-Lister sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for Former Crown servants (the Rules) on an appointment he wishes to take up with Metdist Enterprises Limited (Metdist). The material information taken into consideration by the Committee is set out in the annex.
2. The purpose of the Rules is to protect the integrity of government. As a Senior Special Adviser to the Prime Minister in No.10, Lord Udney-Lister was responsible for strategy at the highest levels of government. Under the Rules, the Committee's remit is to consider the risks associated with the actions taken and decisions made by Lord Udney-Lister during his time in service, alongside the information and influence he may offer Metdist, based on the information provided by him and his former department.
3. The Committee has advised that a number of conditions be imposed to mitigate the potential risks to government associated with this appointment under the Rules; this does not imply the Committee has taken a view on the appropriateness of this appointment in any other respect.
4. The Rules set out that Crown servants must abide by the Committee's advice¹. It is an applicant's personal responsibility to manage the propriety of any appointment. Former Crown servants are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.

The Committee's consideration of the risks presented

¹ Which apply by virtue of the Civil Service Management Code, The Code of Conduct for Special Advisers, The Queen's Regulations and the Diplomatic Service Code

5. Lord Udney-Lister described Metdist as a '*family-owned business originating in metal trading but now largely a general investor*'. The Committee² noted that Lord Udney-Lister did not meet with Metdist during his time in service and there is no relationship between the Metdist and the Cabinet Office. Whilst Lord Udney-Lister was at the centre of government in his role and was therefore involved in a broad range of policy, there is no evidence he made decisions or took action in expectation of this role.

6. When considering Lord Udney-Lister's application to join Metdist as an Advisor, the Committee took into account that Lord Udney-Lister was one of the most Senior Special Advisers to the Prime Minister in No.10. The Committee noted he will have significant knowledge of privileged material from his time in office. The application made to the Committee suggests there is no direct overlap with his role at No.10 and this proposed appointment. However, there is a risk his access to information while in government could offer an unfair advantage to any organisation.

7. The Committee noted there are several mitigating factors which reduce the scope of the risk his access to information will offer Metdist any significant unfair advantage:

- He is prevented from using sensitive information by a number of formal restraints, as well as the government's Rules - including the Official Secrets Act (which protect certain categories of information), and by his duty of confidentiality owed to the Crown. As a former Special Adviser, he is also required to confirm in writing to his department that he recognises that he continues to be bound by these provisions of the criminal law;
- Lord Udney-Lister did not have any involvement in policy information that was specific to Metdist, and information he may have had access to is no longer up to date given the passage of time since he left office, including publication of the budget in March;
- The Cabinet Office has no concerns about his access to information, subject to imposing conditions which prevent his use of privileged information.

8. The Committee also took into account that Lord Udney-Lister continued to have access to government in some capacity for two months after leaving office, when he held the role as a Special Envoy to the Gulf. However, the Committee noted there is no significant conflict with short term duties in this role and his proposed role with Metdist.

The Committee's advice

9. The Committee considered there are risks associated with his access to commercially sensitive and/or privileged information whilst a senior adviser to the Prime Minister. Further, there is a risk he will be seen to have significant influence within government. Lord Udney-Lister has made it clear he does not intend to have contact with the government in this role. However, the Committee wishes to make it

² This application for advice was considered by Jonathan Baume; Sarah de Gay; Isabel Doverly; and Dr Susan Liautaud; Richard Thomas; and Mike Weir. Lord Larry Whitty was unavailable. Andrew Cumpsty and the Rt Hon Lord Pickles were recused.

explicit that it would be inappropriate for him to use contacts gained in office (directly or indirectly) to the advantage of Metdist - and that he must not engage with the UK government on behalf of Metdist. This helps to mitigate the risk he may be seen to offer Metdist any unfair access to government. The Committee also advises that Lord Udny-Lister must not be involved in any work Metdist may seek to take up with the government, whether commercial bids for work, or for funding.

10. Further, as a former Special Adviser, he is subject to an ongoing duty of confidentiality - and he is prevented from lobbying the government on Metdist's behalf. He has also now been out of office for 5 months, which the Committee considered was sufficient to mitigate risks in this case.

11. Taking into account these factors, in accordance with the government's Business Appointment Rules, the Committee's advice to the Permanent Secretary is that this appointment with **Metdist Enterprises Ltd** be subject to the following conditions:

- that he should not draw on (disclose or use for the benefit of himself or the organisation to which this advice refers) any privileged information available to him from his time in office;
- for two years from his last day in Crown service, he should not become personally involved in lobbying the UK government on behalf of Metdist Enterprises Ltd (including parent companies, subsidiaries, partners and clients); nor should he make use, directly or indirectly, of his contacts in the government and/or Crown service to influence policy, pursue or resolve a dispute, secure business/funding or otherwise unfairly advantage Metdist Enterprises Ltd (including parent companies, subsidiaries, partners and clients); and,
- for two years from his last day in Crown service he should not undertake any work with Metdist Enterprises Ltd (including parent companies, subsidiaries, partners and clients) that involves providing advice 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.

12. The Committee also notes that in addition to the conditions imposed on this appointment, there are separate rules in place with regard to his role in the House of Lords.

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, the Ministerial Code 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.' This Rule is separate and not a replacement for the Rules in the house.

15. As with all Special Advisers, the Committee makes this recommendation on the understanding that, if he has not already done so, Lord Udny-Lister must confirm in writing to his department that he recognises that he continues to be bound by the provisions of the criminal law (including the Official Secrets Act) which protect certain categories of information, and by his duty of confidentiality owed to the Crown.

16. Lord Udny-Lister must inform us as soon as he takes up employment with this organisation, or if it is announced that he 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 he has complied with the Rules. Please also inform us if 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.

17. Once the appointment(s) has been publicly announced or taken up, we will publish this letter on the Committee's website.

Yours Sincerely,

Sophie Weymes-McElderry
Committee Secretariat

Annex - Material information

The role

1. Lord Udny-Lister described Metdist Enterprises Ltd as a *'family-owned business originating in metal trading but now largely a general investor'*. Metdist Enterprises Ltd focuses on the development of building projects, wholesale of metals and metal ores, and non-specialised wholesale trade. In 2016, a subsidiary of China Construction Bank purchased a 75 percent stake in Metdist Trading Ltd, which resulted in CCBI Metdist Global Ltd. However, parent company Minmetco sold its remaining equity in Metdist Trading Ltd to CCBI in 2020, and Lord Udny-Lister has confirmed there is now no Chinese financial interest in Metdist Enterprises Ltd.
2. Lord Udny-Lister stated that his role will be to *'provide general strategic advice and economic research'*. Lord Udny-Lister confirmed he did not meet with Metdist Enterprises during his time at No.10. He said he had no involvement in policy decisions or development relevant to the company, and there is no existing departmental relationship with the proposed employer. Lord Udny-Lister stated his role will not involve any government contact on behalf of Metdist.

Views from the department

3. The Cabinet Office confirmed it has no departmental relationship with Metdist, and that Lord Udny-Lister did not have any official dealings with Metdist or the wider sector while in post. The department also confirmed that he did not have access to commercially sensitive information regarding Metdist or its competitors.
4. The department confirmed his remit as a Special Adviser focused on international and overseas policy. The Cabinet Office recognised that given the seniority of Lord Udny-Lister's official role, he would have seen a wide range of information whilst in post that may or may not be relevant to any company. However, the department considered there were several mitigating factors, such as Lord Udny-Lister not having direct involvement in relevant policy, or access to policy or other departmental information that would unfairly advantage the company.
5. The Cabinet Office added that, with regard to wider economic matters that may be of relevance (e.g economic recovery plans in light of Covid-19), Lord Udny-Lister had not been involved in budget work, and given the most recent budget, any economic information he may have had access to has now been made public domain since he left office in February.
6. The Cabinet Office recommended that the role be subject to conditions which prevent him from drawing on privileged information that could benefit or be seen to benefit Metdist, and lobbying the Government, alongside a reminder of his ongoing duty to respect confidentiality.