



**OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS**

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June 2022

**BUSINESS APPOINTMENT APPLICATION: Vice Admiral Paul Bennett CB OBE, former Chief of Staff to the Supreme Allied Command Transformation at NATO, the Ministry of Defence. Application to establish an independent consultancy.**

1. Vice Admiral Bennett, former Chief of Staff to the Supreme Allied Command Transformation at NATO, the Ministry of Defence (MOD), 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 his proposal to establish an independent consultancy. 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 the government. Under the Rules, the Committee's remit is to consider the risks associated with the actions and decisions made during Vice Admiral Bennett's time in office, alongside the information and influence a former Crown servant may offer their consultancy and its future clients.
3. The Committee considered whether setting up this consultancy was unsuitable given that it has a focus on international defence work, overlapping with Vice Admiral Bennett's roles in office. The Committee also considered the information provided by the MOD and NATO.
4. The Committee has advised that a number of conditions be imposed to mitigate the potential risks to the government associated with this appointment under the Rules; this does not imply the Committee has taken a view on the appropriateness of a former NATO official setting up such a consultancy in any other respect.
5. The Rules<sup>1</sup> set out that Crown servants must abide by the Committee's advice. 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.

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<sup>1</sup> 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.

## The Committee's consideration of the risk presented

### **Consultancy**

6. Vice Admiral Bennett proposes to set up a consultancy to provide strategic advice. He said that within the international defence sector he would advise on the '*...contemporary operating environment*' and international defence matters - focusing on strategic planning, training and exercises. Vice Admiral Bennett said his advice would be '*...limited to helping companies understand the military/strategic implications of governmental decisions*' based on his 36 years of experience in the military. Outside of the defence sector, he wishes to take on non-executive roles, for example at an NHS trust.
7. It would not be improper for Vice Admiral Bennett to operate a consultancy which draws on generic skills and experience he gained from his time in the Crown service. The potential risks are hard to quantify given the broad and wide ranging nature of the consultancy; that clients are as yet unknown. The Committee<sup>2</sup> also recognised clients in the international defence sector may be considered to gain from his privileged insight that is unavailable to its competitors. Given his former roles in office, particularly at NATO, he will have had oversight of a wide range of information and policy in the international defence sector that may provide an unfair advantage to a broad range of organisations.
8. The Committee took into account there are a number of mitigating factors that help to reduce the risks associated with Vice Admiral Bennett's access to information and insight in defence that may be seen to offer his future commissions an unfair advantage:
  - he is prevented from drawing on privileged information and has an ongoing duty of confidentiality;
  - the MOD had no concerns in respect to his access to information at the UK MOD for the last 4 years, whilst he has been serving within NATO;
  - the MOD and NATO did not consider there are any specific risks associated with his access to sensitive information whilst he was at NATO; and
  - he left his NATO role 10 months ago, and left office 4 months ago, reducing the likelihood that any privileged information he had access to is sufficiently up-to-date.
9. Given his role and seniority at the UK MOD and NATO, there are risks attached to his potential to offer unfair influence/access to the UK MOD, NATO and its allied forces.
10. This advice provides Vice Admiral Bennett consent only to set up a consultancy, subject to a number of conditions. It does not give him consent in relation to any possible future clients. He must seek advice in relation to each client, so

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<sup>2</sup> This application for advice was considered by Jonathan Baume; Andrew Cumpsty; Isabel Doverty; Sarah de Gay; Dr Susan Liautaud; The Rt Hon Lord Pickles; Richard Thomas; Mike Weir and Lord Larry Whitty.

that risks can be assessed and it will need to be demonstrated by him and the MOD that the work would be appropriate under the Rules.

11. The Committee considered that alongside the conditions which apply as standard on consultancies, an additional condition be imposed to make it clear he must not use contacts associated with the MOD or NATO - for example, in industry or in allied nations' governments or militaries - to secure business for his independent consultancy or its clients.
12. The Committee considered whether a further waiting period was necessary to put a gap between Vice Admiral Bennett's access to information and his setting up of this consultancy, given the potential overlap with his time in office. Taking into account the mitigating factors above and the conditions imposed, the Committee considered the 10 months that have passed since he last had access to NATO and its privileged information (and the 4 months that have passed since he left Crown service) is sufficient.

### **Future commissions**

13. Vice Admiral Bennett must seek advice from the Committee for each commission he wishes to accept. Whether the conditions set out below can sufficiently mitigate the risks presented by any future commission he proposes to take up will depend on the specific details of each piece of work. Any failure to seek advice before accepting work would be a breach of the Rules and treated as such - including reporting breaches to the government.
14. The risks under the Rules will be most significant where Vice Admiral Bennett seeks to provide advice on matters where he had insight or access to sensitive information in office - these applications will need close scrutiny. The Committee will want to carefully consider the suitability of this work, and may advise that a further waiting period is required. Where conditions and a suitable waiting period cannot appropriately mitigate the risks, the Committee may advise the work is unsuitable<sup>3</sup> to take up within the two years the Rules apply. The Committee will consider such risks on a case by case basis.
15. All potential clients must be notified of this advice, and when seeking work/new clients, Vice Admiral Bennett must adhere to the conditions below. Under the government's Business Appointment Rules, the Committee advises that this **independent consultancy** should be subject to the following conditions:
  - he should not draw on (disclose or use for the benefit of himself or the persons or organisations to which this advice refers) any privileged information available to him from his time in Crown service;
  - for two years from his last day in Crown service, he should not become personally involved in lobbying the UK government (including the UK MOD) and its arms' length bodies, nor NATO and its allied nations'

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<sup>3</sup> Should an applicant subsequently take up or announce this work ACOBA will publish relevant information.

governments / militaries, on behalf of those he advises under his independent consultancy (including parent companies, subsidiaries, partners and clients); nor should he make use, directly or indirectly, of his contacts in government and/or Crown service, the UK MOD or NATO to influence policy, secure business/funding or otherwise unfairly advantage those he advises under his independent consultancy (including parent companies, subsidiaries, partners and clients);

- 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 or contract with, or relating directly to the work of the UK government (including the UK MOD) and its arms' length bodies, nor NATO and its allied nations' governments / militaries;
- 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 office and in other governments and organisations for the purpose of securing business for his independent consultancy and its clients; 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.

16. The advice and the conditions under the government's Business Appointment Rules relate to Vice Admiral Bennett's previous role in government only; they are separate to rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists or the Parliamentary Commissioner for Standards. It is an individual's responsibility to understand any other rules and regulations they may be subject to in parallel with this Committee's advice.

17. 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.

18. 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*'.

19. You must inform us as soon as Vice Admiral Bennett's company is live or is announced, either by returning the enclosed form or by emailing the office at

the above address. 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 Vice Admiral Bennett has complied with the Rules.

20. Please also inform us if Vice Admiral Bennett proposes to extend or otherwise change the nature of his consultancy as, depending on the circumstances, it may be necessary for him to make a fresh application.
21. Once Vice Admiral Bennett's consultancy has been publicly announced or set up, we will publish this letter on the Committee's website, and where appropriate, refer to it in the relevant annual report.

Yours Sincerely,

William Young  
**Committee Secretariat**

## **Annex - Material information**

### The role

1. Vice Admiral Bennett described his consultancy as a vehicle to provide strategic advice to organisations within and outside of the defence sector. Within the defence sector he described the work as advising on the '*...contemporary operating environment*' including strategic planning, training and exercises. Vice Admiral Bennett said his advice would be '*...limited to helping companies understand the military/strategic implications of governmental decisions*' based on his 36 years of experience in the military. He said he would not use his '*...now relatively distant*' contacts to influence individuals. Outside of the defence sector, he said he wishes to take on non-executive roles, for example at an NHS trust.

### Department Assessment

2. The MOD provided its views on this application, confirming the details Vice Admiral Bennett provided. The department said he has no access to privileged information at the UK MOD other than the general knowledge accrued from his military career. The department said the period he has spent in NATO and the time he has spent on resettlement leave and since leaving Crown service (10 months in total) has mitigated this risk.
3. In respect of his access to information at NATO, the department said Vice Admiral Bennett was '*...responsible for the conceptual development of the Alliance, but this was at the strategic level and did not translate to capability choices, which are, in any case, for nations and not the NATO Command*

*Structure of which Bennett was a part*. On this basis, the MOD said the risk of undue influence is low.

4. The MOD said Vice Admiral Bennett has been employed by NATO, '*...far away*' from any contractual discussions in the UK MOD for 4 years and had no responsibility for NATO tenders or contracts.
5. The MOD added that although Vice Admiral Bennett had responsibility for setting the strategic requirements for NATO, he took no role in the outward facing elements of the HQ's capability responsibilities, which were run exclusively by a different 3\* officer. The department said Vice Admiral Bennett was therefore '*...far removed from influencing decisions*' relating to contracts with NATO nations.
6. The MOD said Vice Admiral Bennett intends to remain at the strategic advice level in his consultancy work, having no involvement in contracts.
7. The MOD recognised there were some risks, particularly that '*...the extent of Bennett's knowledge and experience and his network of contacts would be extremely valuable*'. The department noted the standard lobbying ban would therefore be appropriate.
8. Overall, the MOD said it has no reservations about the consultancy subject to the standard conditions, '*...extended to include dealings with NATO, not just UK MOD and UK Government*'. The department also considered it would be inappropriate for Vice Admiral Bennett to advise his clients on any aspect of NATO business which he had specific involvement in or responsibility for.