



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

G/7 Ground Floor, 1 Horse Guards Road SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

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

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BUSINESS APPOINTMENT APPLICATION: Lord Edward Udny-Lister KT, former Senior Strategic Advisor (Special Adviser) to the Prime Minister, appointment with DP9 Limited.

1. Lord Udny-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 as an Advisor with DP9 Limited (DP9). 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 Udny-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 Udny-Lister during his time in service, alongside the information and influence he may offer DP9, based on the information provided by him and his former department.
3. The Committee considered whether this appointment was unsuitable given Lord Udny-Lister's former role at No.10 - given his seniority and the breadth of the role. The Committee must also consider the information provided by the department about his specific dealings with this employer and the sector. The Committee has advised that a number of conditions be imposed to mitigate the potential risks 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.

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. It should also be noted that in addition to the conditions imposed on this appointment under the government's Business Appointment Rules, there are separate rules in place with regard to his role as a member of the House of Lords.

The Committee's consideration of the risks presented

6. Lord Udny-Lister said DP9 is a planning advisory firm mainly in the Greater London area. The Committee² noted that Lord Udny-Lister did not meet with DP9 during his time in service and there is no relationship between the DP9 and the Cabinet Office. The department confirmed Lord Udny-Lister had no involvement in policy decisions specifically affecting DP9 as responsibility sat elsewhere. There is no evidence he made decisions or took action in expectation of this role.

7. When considering Lord Udny-Lister's application to join DP9 as an Advisor, the Committee took into account that Lord Udny-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 Cabinet Office confirmed that as a result of a potential conflict of interest, Lord Udny-Lister was rescued from involvement in detailed advice, discussions and decisions on property and planning policy. The department also made it clear that decision making on planning and land in London is the responsibility of the Greater London Authority and planning casework for Ministers is a quasi-judicial responsibility which falls to the Department for Levelling Up, Housing and Communities (DLUHC). Further the Committee noted he has been out of service for over 12 months and 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

8. There is a risk Lord Udny-Lister will be seen to have significant influence within government due to his senior, high profile role at No.10.

9. The Committee also took into account that Lord Udny-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 the short term duties in this role and his role at DP9.

10. Additionally, the Committee considered there may be potential risks associated with the unknown nature of DP9's clients. Specifically, should they be a company or organisation Lord Udny-Lister or the Cabinet Office had a commercial relationship with or where he had some specific insight or influence in respect of their work whilst in post.

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

The Committee's advice

11. Lord Udney-Lister has made it clear he does not intend to lobby the government in this role. However, the Committee wishes to make it explicit that it would be inappropriate for him to use contacts gained in office (directly or indirectly) to the advantage of DP9 - and that he must not engage with the UK government or its arms length bodies on behalf of DP9. This helps to mitigate the risk he may be seen to offer DP9 any unfair influence in respect of novel or complex planning issues that may fall to government via the Secretary of State for DLUCH. The Committee also advises that Lord Udney-Lister must not be involved in any work DP9 may seek to take up with the government, whether commercial bids for work, or for funding.

12. Given the unknown nature of DP9's clients the Committee imposed a specific condition on this appointment which makes clear that in working with DP9, Lord Udney-Lister should not advise DP9 or its clients on policy work or clients that overlap with his responsibilities in office.

13. 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 **DP9 Limited** 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 you 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 DP9 Limited (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 DP9 Limited (including parent companies, subsidiaries, partners and clients);
- for two years from his last day in Crown service he should not undertake any work with DP9 Limited (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;
- for two years from his last day in Crown service, he should not advise DP9 Limited or its clients on work with regard to any policy he had specific involvement or responsibility for as Senior Strategic Advisor to the Prime Minister, or where he had a relationship with the company or organisation during his time as Senior Strategic Advisor to the Prime Minister; and
- for two years from his last day in Crown service he should not have any engagement with the UK Government on behalf of DP9 Limited (including parent companies, subsidiaries, partners and clients).

14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. Once the appointment(s) has been publicly announced or taken up, we will publish this letter on the Committee's website.

Yours Sincerely,

Isabella Wynn
Committee Secretariat

Annex - Material information

The role

1. Lord Udny-Lister said DP9 is a planning advisors mainly in the Greater London area. The website states DP9 is an '*...expert consultancies in planning, development and regeneration in the UK*' and provides advice on planning strategies, the preparation of planning application submissions and negotiations throughout the entire approvals process. It states the company was formed in 2004 specifically created to focus on advising on '*...the largest, most complex and challenging development propositions in central London*'. It works on projects primarily in London and the South East.
2. Lord Udny-Lister stated he will provide strategic advice on planning applications and in the preparation of applications to Planning Authorities which in the main are London Boroughs or the Greater London Authority.

Dealings in office

3. Lord Udny-Lister told the Committee he did not meet with DP9 while in office and there is no known relationship between the Cabinet Office and DP9. Further, he said he:
 - did not have any involvement in any relevant policy development or decisions that would have affected DP9
 - no commercial or contractual responsibilities relating to DP9; and
 - nor did he meet with competitors of the DP9 or have access to sensitive information regarding these competitors.

Views from the department

4. The Cabinet Office confirmed it has no departmental relationship with DP9, and that Lord Udny-Lister did not have any official dealings with DP9. The Cabinet Office confirmed he had no involvement in decision making or planning on land in London. It said HMG decision-making on planning and land in London is the responsibility of the Greater London Authority rather than HM Government and planning casework for ministers is quasi-judicial for DLUHC. Confirmed Lord Udny-Lister made no decisions specific to DP9.

5. The department noted that given the seniority of the 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 the company, and wider industry. However, as mentioned above, the responsibility for planning and land in greater London is held by the Greater London Authority, so specific information on planning developments or policy would have been very unlikely in the Lord Udny-Lister's position.

6. Previously the Cabinet Office confirmed that as a result of a potential conflict of interest, Lord Udny-Lister was recused from involvement in detailed advice, discussions and decisions on property and planning policy. This was as a result of Lord Udny-Lister holding an interest in other property/development

companies - Stanhope PLC and Delancey Real Estate - whilst in post at No.10. The Cabinet Office told the Committee these were declared interests and said the conflict was managed by focusing his role on international and overseas policy that was not considered to conflict; and he recused himself from relevant policy.

7. In addition the Cabinet Office confirmed that he held a role as Special envoy to the Gulf after leaving office for two months. It said the purpose was to provide advice to the Prime Minister about ambitions for the UK's relations with the Gulf. It saw no conflicts arising from his role as Special Envoy to the Gulf and this role.

8. The department confirmed it had no concerns and recommended the standard conditions.