



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: The Rt Hon Oliver Dowden CBE MP, former Minister Without Portfolio at the Cabinet Office. Paid appointment with Pierce Protocols Limited trading as Heni Limited.

1. You sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former ministers (the Rules) on an appointment you wish to take up with Pierce Protocols Limited, trading as Heni Limited (Heni) as a Strategy Adviser. The material information taken into consideration by the Committee is set out in the annex below.
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 your time in office, alongside the information and influence a former minister may offer Heni.
3. The Ministerial Code sets out that ministers must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former ministers of the Crown, and Members of Parliament, are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.
4. 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 your role as a member of the House of Commons.

The Committee's consideration of the risk presented

5. The Committee¹ noted that there is no relationship between Heni and government, and that you did not meet with the company whilst in office. Though you had overall responsibility for the arts sector as the Secretary of State for Digital, Culture, Media and Sport, the department told the Committee the only decisions of relevance during your time affected the sector as a whole, such as decisions on financial support/funding in response to the pandemic which could have affected Heni, as it may have all companies within the sector. . The Committee considered the risk this appointment

¹ This application for advice was considered by Jonathan Baume; Isabel Doverty; Sarah de Gay; Susan Liataud; The Rt Hon Lord Pickles; Richard Thomas; and Mike Weir. Andrew Cumpsty and Lord Larry Whitty were unavailable.

could reasonably be perceived as a reward for decisions made or actions taken in office is low.

6. This appointment has no specific overlap with your last ministerial role; and the Cabinet Office considers your access to information in the Cabinet raised no particular concern here. Though there is an overlap with your time as Secretary of State at DCMS, this is in respect of your broad responsibility for the arts sector rather than specific regulatory and policy involvement. It is also relevant that 12 months have passed since you were in post at DCMS and has access to this information
7. As with all applications, there is a risk associated with your influence and network of contacts within government.

The Committee's advice

8. The Committee determined the risks identified in this application can be appropriately mitigated by the conditions below. These make it clear you cannot make use of information or influence gained from your time in ministerial office to the unfair advantage of your employer.
9. The government's Rules state that as a former member of the Cabinet, you are subject to a three month waiting period as standard.
10. The Committee advises, under the government's Business Appointment Rules, that your appointment with **Pierce Protocols Limited, trading as Heni Limited** be subject to the following conditions:
 - a waiting period of three months from your last day in ministerial office;
 - you should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you from your time in ministerial office;
 - for two years from your last day in ministerial office, you should not become personally involved in lobbying the UK government or its arm's length bodies on behalf of Pierce Protocols Limited, trading as Heni Limited (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the government and/or ministerial office to influence policy, secure business/funding or otherwise unfairly advantage Pierce Protocols Limited, trading as Heni Limited (including parent companies, subsidiaries, partners and clients);
 - for two years from your last day in ministerial office, you should not undertake any work with Pierce Protocols Limited, trading as Heni 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 or its arm's length bodies.
11. The advice and the conditions under the government's Business Appointment Rules relate to your previous roles 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 your personal responsibility to understand any other rules and regulations you may be subject to in parallel with this Committee's advice.

12. 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.
13. 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*'.
14. You must inform us as soon as you take up employment with this organisation, or if it is announced that you will do so, and we will publish this letter on our website.
15. Any failure to do so may lead to a false assumption being made about whether you had complied with the Rules.
16. You must inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application.
17. Once the appointment has been publicly announced or taken up, 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

Annex - Material information

The role

1. You said you have been offered a paid, part-time appointment with Pierce Protocols Limited, trading as Heni Limited (Heni) as a Strategy Adviser.
2. You said you would provide advice on UK and international policy and public affairs developments affecting Heni and its wider corporate interests. You said '*...none of the above would not involve acting as a paid advocate in any proceeding of the House of Commons including initiating or participating in proceedings relating to Ministers, Members or public officials*'.
3. You said you would have no contact with government in this role.

Dealings in office

4. You advised the Committee that you did not meet with Heni whilst in office. You said you did not have involvement in any policy or commercial decisions that would have been specific to the company. You said you had one meeting with potential competitors of Heni on 1 March 2021. You met with a group of representatives of the art market

(Joseph Hage Aaronson LLP, Phillips, Christies, Sadie Coles, and the British Art Market Federation) to discuss import tax in the market. This meeting was declared and appears on the DCMS transparency return for ministerial meetings. You said no change in government policy arose from this meeting, you had no access to sensitive information regarding Heni's competitors.

Department Assessment

5. DCMS and the Cabinet Office confirmed the details you provided with the Cabinet Office noting you worked on no relevant policy in your most recent role at the Cabinet Office
6. DCMS said you made no significant regulatory or policy decisions in relation to the arts sector as Secretary of State at the department. The department said *'Even if there had been, from a high level understanding of the employer, these would not have directly affected the employer but may have affected its stakeholders/partners'*.
7. DCMS said it is not clear who Heni's direct competitors are as it is a unique organisation. The department said you likely met partners, stakeholders or potential clients of the company in your role as Secretary of State.
8. DCMS said it is not aware of any policy you had access to that is not yet in the public domain that might benefit Heni and noted twelve months have passed since you left your role at DCMS and had access to information.
9. DCMS said any decisions would have only indirectly affected Heni , for example, *'...to support the cultural sector through the Covid pandemic which may have benefited some artists or galleries who partner with Heni'*.
10. DCMS and the Cabinet Office said they have no concerns about this appointment and recommended the standard conditions.