



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 APPOINTMENTS APPLICATION FOR ADVICE: Mark Stephen Fullbrook, former Chief of Staff at No.10. A paid appointment with Fullbrook Strategies Ltd.

1. Mr Fullbrook 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 Chief Executive Office of the company he previously founded - Fullbrook Strategies Ltd (Fullbrook Strategies). 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 Mr Fullbrook made during his time in office, alongside the information and influence he may offer his company.
3. The Committee considered whether it was unsuitable for Mr Fullbrook to return to this role given his time at No.10 and the company's work which has the potential to conflict with the Rules as result of its previous lobbying work and registration on the Register of Consultant Lobbyists. The Committee also considered the information provided by the department and Mr Fullbrook, including a change in the company's work - withdrawing from lobbying for a limited period.
4. There is provision in the government's Rules to vary the length of the conditions applied¹. The Committee applies conditions for two years unless there are exceptional reasons to do otherwise. The Committee determined there were exceptional circumstances in the specifics of Mr Fullbrook's applications which means time limited conditions have been applied for 6 months - a proportionate measure to mitigate potential risks under the Rules given that he spent a total of 49 days in government office in Autumn 2022. The Committee's advice is not an endorsement of this appointment in any other respect.

¹ <https://www.gov.uk/government/publications/business-appointment-rules-for-crown-servants/business-appointment-rules-for-crown-servants>

5. The Rules² 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.

The Committee's consideration

6. Mr Fullbrook is the founder of Fullbrook Strategies which he set up in 2022. He described it as 'specialising in solving complex problems for Prime Ministers, Presidents and CEOs around the world'. This includes political and business research, and running election campaigns. Fullbrook Strategies ceased all commercial activity on 5 September when Mr Fullbrook entered government office. Given Mr Fullbrook is returning to a business he founded before he joined office, the Committee³ considered the risk that this could reasonably be seen as a reward for decisions or actions taken in office is low.

7. As the former Chief of Staff at No.10, due to the breadth of its work, Mr Fullbrook may have gained general insight and had access to information across a broad spectrum of issues. The Cabinet Office advised there are specific circumstances in this case which significantly reduce the risks associated with his access to information. Mr Fullbrook was in office for 7 weeks (or 49 calendar days) during what transpired to be a short-term administration. The focus of that administration was predominantly the 'mini budget', much of which has been significantly altered, with the new administration taking a different policy approach. As a result the Cabinet Office considered it is highly likely the currency of information Mr Fullbrook had access to is degraded' and the risk any matters he advises future clients on will overlap with his work in office is limited.

8. There are significant risks associated with Mr Fullbrook's potential influence that might be seen to be used to assist Fullbrook Strategies unfairly. One of Fullbrook Strategies' main activities had previously been to put clients in touch with the government in order to influence their agenda. Previous work by Fullbrook Strategies and Mr Fullbrook's work at CT group (another lobbying firm Mr Fullbrook has worked with) received media attention, seemingly as a result of its focus on lobbying. It is also relevant that Mr Fullbrook was connected to the Conservative Party before joining the previous administration for a short time in No.10 having been involved in running various political campaigns - therefore his potential connections to the government were not gained solely during his time in public office.

9. The Committee determined that an appointment as the Chief Executive Officer of a lobbying firm would normally be unsuitable under the government's Rules - specifically as a lobbying ban applies to all former officials of Mr Fullbrook's

² Which apply by virtue of the Civil Service Management Code, The Code of Conduct for Special Advisers, The King's Regulations and the Diplomatic Service Code.

³ This application for advice was considered by Jonathan Baume; Andrew Cumpsty; Sarah de Gay; Isabel Doverty; Mike Weir. Richard Thomas and Dr Susan Liautaud were unavailable. The Rt Hon Lord Pickles was recused.

seniority on leaving office. Should the company carry out any lobbying of the UK government, there would be a reasonable cause for concern that Mr Fullbrook was taking part (directly or indirectly) in activities that are contrary to the Committee's advice. It is therefore significant that Mr Fullbrook has confirmed that Fullbrook Strategies will not conduct any lobbying whilst he is subject to the Committee's advice. As in any similar application, there are risks related to Fullbrook's Strategies' unknown clients - should Mr Fullbrook advise clients he had contact with during government, or if he was to advise on matters he had involvement in whilst in post. As above, the very short time he served in government office limits this risk.

The Committee's advice

10. Mr Fullbrook is subject to the lobbying ban and Mr Fullbrook must ensure that there can be no reasonable cause for concern that he is lobbying the UK government. As CEO he will be responsible for the company, and Fullbrook Strategies has previously undertaken lobbying activities which is not acceptable under the Rules. The Committee therefore advises that Mr Fullbrook must take all necessary steps to ensure that no person working with or for Fullbrook Strategies engages in any activity that could be construed as lobbying the government for a period of six months. This is in keeping with Mr Fullbrook's confirmation to the Committee that he will do so; and that this will be made public on the company's website.

11. In addition, the Committee's advice is that he should have no direct engagement with the government on behalf of Fullbrook Strategies or its clients, as any engagement would raise a reasonable concern that lobbying activity may take place.

12. As the Committee cannot know which clients Mr Fullbrook may work with in the future, the Committee needs to mitigate the risk associated with that. Whilst this will be limited, the Committee has imposed a condition which makes it clear that Mr Fullbrook should not advise on work that arises where it relates to matters he had a material role in developing or determining during his time as Chief of Staff at No.10.

13. The risks associated with his access to information and influence will be mitigated by banning Mr Fullbrook from drawing on privileged information from his time in office and from working on matters connected to bids and contracts with the UK government.

The length of conditions applied

14. The Committee considers the circumstances of this appointment highly unusual given Mr Fullbrook's tenure was limited to 49 days; the limited exposure he therefore had to government policy and decision making; and the policy changes that occurred before and after he was in service. The Cabinet Office, as owner of the government's Rules, described it as disproportionate to the risks in this case to apply conditions for the two years that the Rules apply. The Committee agreed with the Cabinet Office and determined there were exceptional circumstances in the specifics of Mr Fullbrook's application. The Committee did not consider that after 6

months there could be reasonable suspicion that Mr Fullbrook would be gaining clients, or unfairly influencing the government as a result of the 49 days he spent in No.10 in the autumn of 2022.

15. The Committee determined that applying time limited conditions for six months (significantly longer than he was in post) would be proportionate to the risks under the Rules.

16. The Committee would also draw to Mr Fullbrook's attention that he has an ongoing duty of confidentiality and the condition below which prevents him from drawing on privileged information is not time limited.

17. The Committee's advice in accordance with the government's Business Appointment Rules is that this role with Fullbrook Strategies Limited be subject to the below conditions:

- he should not draw on (disclose or use for the benefit of herself or the persons or organisations to which this advice refers) any privileged information available to him from his time in Crown service;
- for six months from his last day in Crown service, he should not become personally involved in lobbying the UK government or any of its Arm's Length Bodies on behalf of Fullbrook Strategies Limited (including parent companies, subsidiaries, partners and clients); nor should he make use, directly or indirectly, of his contacts in the government to influence policy, secure business/funding or otherwise unfairly advantage Fullbrook Strategies Limited (including parent companies, subsidiaries, partners and clients);
- for six months from his last day in Crown service, he must take all necessary steps to ensure no person working with/for Fullbrook Strategies lobbies the UK government or any of its Arm's Length Bodies on behalf of Fullbrook Strategies Limited (including parent companies, subsidiaries, partners and clients)
- for six months from his last day in Crown service he should not have any engagement on behalf of Fullbrook Strategies Ltd (including parent companies, subsidiaries, partners and clients) with the UK government;
- for six months from his last day in Crown service he should not provide advice to Fullbrook Strategies Limited 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 or any of its Arm's Length Bodies;
- for six months from his last day in Crown service, he should not advise Fullbrook Strategies Limited Ltd (including parent companies, subsidiaries, partners and clients) on work with regard to any policy he had a material role in developing or determining or where he had a relationship with the company or organisation during his time as Chief of Staff at No. 10.

18. The advice and the conditions under the government's Business Appointment Rules relate to an applicant'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 applicant's personal responsibility to understand any other rules and regulations they may be subject to in parallel with this Committee's advice.

19. 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/Civil Service Code or otherwise.

20. 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.*"

21. Mr Fullbrook must inform us as soon as he takes up this work or if it is announced that he will do so. Similarly, he must inform us if he proposes to extend or otherwise change his role with the organisation as depending on the circumstances, it might be necessary for him to seek fresh advice.

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

Cat Marshall
Committee Secretariat

Annex - Material information

The role

1. Mr Fullbrook said he founded Fullbrook Strategies Ltd in 2022 - an international PR, crisis management, and political campaigns company. It was agreed prior to him entering No.10 that he and the company would cease all commercial activity on 5 September 2022. During that time only basic company administration was carried out by one employee that was retained.
2. Mr Fullbrook said the purpose of the company had been to provide high level advice to people / companies who have complex problems, both in the UK and internationally, and of a political and non-political nature. For political problems, he said the company had provided advice on how the government operates and/or helps clients directly connect with the relevant political stakeholders. Fullbrook Strategies had been registered as a consultant

lobbyist since June 2022. Mr Fullbrook said his role had not been to make representations personally, on behalf of his clients, but that he had preferred to connect them with the appropriate person in government, so the client could make their own case. For non-political problems, Mr Fullbrook said this would not have involve government contact - for example, if a client wants to make a new product, the company may advise on marketing.

3. Fullbrook Strategies has previously worked with:

- The CT Group (Mr Fullbrook co-founded the British arm of the lobbying business CT Group with Sir Lynton Crosby. Its clients have included the tobacco company Philip Morris, the Saudi Arabian government, and the mining firm Glencore.) Mr Fullbrook left CT Group earlier this year but continued to own 10% of its shares.
- Sante Global - media coverage reported this company won a large contract for PPE - the Cabinet Office confirmed this was done prior to Mr Fullbrook advising the company (and prior to his joining government).
- Cerulean - a wind energy company Mr Fullbrook has been previously connected to and there was a suggestion of lobbying given its interests appear to have been served by recent decisions.

4. Mr Fullbrook seeks to take back up his role as CEO of the company he founded. He plans to restart its business, though its business will be altered. Given the lobbying ban that applies to Mr Fullbrook under the government's Business Appointment and Mr Fullbrook's desire to abide by the Rules - Mr Fullbrook has confirmed he will amend the purpose of the organisation and confirm on its website that in order to comply with the Rules he and anyone working for him will be involved in no lobbying of the UK government in line with the Committee's advice. It will continue to service clients where their needs do not require lobbying of the UK government. Mr Fullbrook confirmed he does not plan to work with Cerulean.

5. Mr Fullbrook was informed that the most significant risk in this case lies in the work of the company as it provides advice on how the government operates and/or helps clients directly connect with the government. The government's Business Appointment Rules prevent individuals at his seniority from lobbying the government for two years after leaving Crown service. Such activity would not be acceptable. Mr Fullbrook was asked to provide evidence to demonstrate that he could carry out the role in keeping with the lobbying ban that applies.

6. Mr Fullbrook told the Committee he would take steps to ensure that the company would not carry out any lobbying activity for a limited period and that he would make that statement clearly on the company's website for any clients and members of the public to see, for example it could read:

Fullbrook Strategies Limited is fully aware of and agrees with the importance of maintaining standards in public life. For this reason no employee, director or consultant at Fullbrook Strategies Limited will engage in any lobbying of the UK government for at least six months from them leaving government, or as specifically advised under the government's Business Appointment Rules.

Dealings in office

7. Mr Fullbrook said he neither had any dealings with, nor met with nor made any decisions specific to the company while in office. Mr Fullbrook said he had very little contact or dealings with wider government departments. Where such contact did occur, it was of a political / strategic nature to discuss priorities. He told the Committee he was very careful not to involve himself in any conversations that would benefit any potential client the company had worked with (and therefore may also work with again). Mr Fullbrook was rescued from any dealings that involved green energy.

Department Assessment

8. The Cabinet Office confirmed the details provided by Mr Fullbrook. It also noted there had been press interest in Mr Fullbrook's activities with two clients specifically:
 - Libya's house of representatives, which is allied to a rival government trying to gain official power in Libya (in the spring/summer of this year, 2022)
 - Sante Global, which was awarded a £680m PPE contract in 2020 via the procurement fast-track (before Fullbrook Strategies was founded)
9. The department said Mr Fullbrook's role was planned to be temporary with a view to returning to his business. To manage any potential conflicts it said Mr Fullbrook was recused from involvement in green energy policy matters; and matters relating to clients from previous roles for two years prior to being employed by the government. The Cabinet Office noted Mr Fullbrook's 'strenuous' non attendance at meetings and lack of engagement in '*...conversations which would impinge on their ability to return to their existing consultancy clients, or have dealings with competitors of their consultancy*'.
10. The Cabinet Office said given Mr Fullbrook's role, he would have had access to a wide range of government information. As above, steps were taken to rescue him from any policy matters which may cross over with the areas the consultancy operated in and as a result his duties did not include operating in the policy space at any level of detail, focussing instead on overarching strategy/communications. It said the wholesale change in government personnel and priorities degraded the currency of any information he may have had access to.
11. The Cabinet Office said the risks are further lessened by the fact that Mr Fullbrook is seeking to return to his previous role, after a break in employment for a short time - as was always planned. Further, Mr Fullbrook was only in office for less than two months and is not seeking to start work until January which will be at least two and a half months after leaving his government role.
12. The Cabinet Office, as owner of the Rules asked the Committee to consider applying the time-limited conditions for six months (or '*over twice the length of time the applicant was in government service*'). It stated '*the seniority of the applicant is significant when considering conditions, but it is also highly relevant that he was in post for only a very short period of time. We would*

argue that the caveat in the Rules that the length of conditions "...may be reduced and/or modified by the Advisory Committee if they consider this to be justified by the particular circumstances of an individual application" is highly applicable to this situation given the extraordinarily short tenure (c.seven weeks). It is unlikely that the applicant will have been able to form sufficiently strong new relationships in such a short period of time to give him a material advantage upon return to his former role. This is made more relevant by the narrow focus of the administration - e.g. primarily the 'mini-budget' and subsequent reaction to it. It is also highly relevant that - following the departure of the PM and the applicant - there was a very substantial change in government leadership, senior personnel and policy direction. The applicant already had considerable contacts in the Conservative Party due to his previous employment at CT Group and his short tenure in government is unlikely to have materially improved them - given the wide-ranging change to the personnel in No.10 following the change in PM. The new administration is also focussed on different priorities to the one the applicant served in, and it is not clear that his time in government will afford him greater access to the current members of the administration'.

13. The Cabinet Office said the privileged information ban should operate for the length of time Mr Fullbrook is subject to the Rules (two years) - given its fundamental basis in underpinning the basics of good governance during interchange between the public and private sectors. It recommended that the standard time limited conditions, including the ban on lobbying government and working on bids and contracts with the UK government apply for 6 months.