



## **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](mailto:acoba@acoba.gov.uk)

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

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1. You approached the Committee for advice on taking up an appointment as an advisor to the board of Elite Capital Partners Capital.

### The Committee's role and remit

2. As you will be aware, it is the Committee's role to advise on the conditions that should apply to appointments or employment under the Government's Business Appointments Rules for Former Ministers (the Rules), which apply to former Ministers for two years after they leave office. The Rules seek to counter suspicion that:

- a) the decisions and statements of a serving Minister might be influenced by the hope or expectation of future employment with a particular firm or organisation; or
- b) an employer could make improper use of official information to which a former Minister has had access; or
- c) there may be cause for concern about the appointment in some other particular respect.

3. When the Committee considers applications, it must have in mind that Government has judged that it is in the public interest that former Ministers with experience in Government should be able to move into business or into other areas of public life, and to be able to start a new career or resume a former one. It is equally important that when a former Minister takes up a particular appointment or employment, there should be no cause for any suspicion of impropriety.

4. It is not the Committee's role to pass judgment on whether an appointment is appropriate or suitable in any other regard.

### The Application

5. You sought the Committee's advice on taking up a paid, part-time position as an advisor to the board of Elite Partners Capital (EPC), an alternative asset management firm. You told the Committee EPC is a Singaporean based property investment company. The website states it was incorporated in 2017 and '*...was established to deliver unique and lasting value for investors based on common interests, long-term perspectives and a disciplined approach*'. You said the role proposal is to be an advisor to the board of the Holding Company to advise on investment strategy. You informed the Committee the nature of the advice would be to update the Board on economic and political developments in the UK that could impact the group's international investments. You also confirmed you do not expect the role to involve any contact with the Government.

6. You advised the Committee that you initially met EPC during a seminar organised by the Department for International Trade (DIT) seeking to attract Foreign Direct Investment into the UK in Spring 2019. EPC attended at the request of DIT as investors in the UK. You told the Committee these meetings were to highlight City and Growth Deal policies around Wales and the UK; and were organised by the Wales Office and DIT to raise awareness and to attract investors to the programmes. You confirmed you were not involved in any decisions specific to EPC - as any deal discussions or negotiation around investments or proposals would be with the Welsh Government and/ or relevant the local City of Growth Deal Boards and staff. You said you are not aware of EPC investing in any City or Growth Deal plan and confirmed there is no relationship between the Wales Office and EPC.

7. You also said your former department, the Wales Office, is a non Executive Department and policies on land, property and regeneration are devolved to the Welsh Government - who have legislative competence in these areas, alongside economic development and regeneration policy. Therefore, your involvement here, and that of the Wales Office, was to champion investment opportunities in general and to highlight the benefits of investing and living in Wales. You noted that in your capacity, you regularly spoke at a range of events seeking to encourage investment into the UK generally and to highlight UK and Wales policies that could be seen as attractive to investors. However, you confirmed that had any organisation wanted to pursue an investment opportunity further, they would have been passed to the Welsh Government or to the local City or Growth Deal team to develop further.

8. The Welsh Office was consulted on this appointment and confirmed the information you provided. The Department told the Committee potential competitors may have been at some of the events where you were present. However, it confirmed your role was to promote investment opportunities rather than conduct specific investment discussions.

9. It also confirmed you did not make, nor had any involvement in, any decisions relevant to EPC. Nor were you involved in relevant policy decisions. It also stated any sensitive information you did have access to has now been made public or would no longer be relevant, due to the amount of time that has passed since you were in office.

10. The Department said it has no concerns about you taking up this role, under the Business Appointment Rules.

### The Committee's consideration

11. When considering this application, the Committee<sup>1</sup> noted you did meet with EPC, however these were at events and seminars to encourage investment in the UK. You made no decisions affecting EPC specifically and therefore, the Committee considered the risk this appointment could be seen as a reward for decisions taken in office is low.

12. The Committee considered there is a risk you may offer an unfair advantage to EPC and its clients, due to your access to general sensitive information gained as Secretary of State. The Committee noted the Welsh Office did not consider you had access to any specific information that was likely to provide an unfair advantage to EPC - noting the amount of time that has passed since you were in office, meaning any information you did have access to would be out of date or in the public domain. The Committee therefore considers the below conditions sufficiently mitigate the risks associated with your access to information in this case.

13. The Committee noted there is a low but inherent risk of unfair advantage in relation to access to the contacts you gained while in Ministerial office. The lobbying ban imposed below makes clear that it would be inappropriate for you to use your contacts across Government to the unfair advantage of EPC and any underlying investments or partnerships. The Committee would also like to draw your attention to the ban on providing advice on bids and contracts relating to the work of the Government. However, the Committee noted this was in keeping with your proposed role.

14. The Committee also noted that EPC's potential clients are unknown. It is possible that you may be asked to offer advice in relation to clients who were affected by matters of policy that relate to policy areas you had direct involvement in. Therefore, the Committee imposed a specific condition on this appointment which

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<sup>1</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.

makes clear that in working with EPC, you should not advise EPC or its clients on work with regard to any policy you had specific involvement or responsibility for as Secretary of State of Wales or where you had a relationship with the company or organisation during your time as Secretary of State of Wales.

15. In accordance with the Government's Business Appointment Rules, the Committee advises this appointment with **Elite Partners Capital** be subject to the following conditions:

- that you should not draw on (disclose or use for the benefit of yourself or the organisation to which this advice refers) any privileged information available to you from Ministerial office.
- for two years from your last day in ministerial office, you should not become personally involved in lobbying the UK Government, including the Welsh Government, on behalf of Elite Partners Capital (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 Elite Partners Capital (including parent companies, subsidiaries, partners and clients);
- for two years from your last day in ministerial office you should not advise Elite Partners Capital (including parent companies, subsidiaries, partners and clients) on the terms of, or with regard to the subject matter of, a bid or contract relating directly to the work of the UK Government, including the Welsh Government; and
- For two years from your last day in ministerial office you should not advise Elite Partners Capital or its clients on work with regard to any policy you had specific involvement or responsibility for as Secretary of State of Wales, or where you had a relationship with the company or organisation during your time as Secretary of State of Wales.

16. 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.

17. 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."*

18. I should be grateful if you would inform us as soon as you take up this appointment, or if it is announced that you will do so, 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 you had complied with the Ministerial Code. Similarly, I should be grateful if you would inform us if you propose to extend or otherwise change your role with the organisation as depending on the circumstances, it might be necessary for you to seek fresh advice.

19. Once this 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

Rt Hon Alun Cairns MP