



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

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1. You approached the Committee seeking advice on taking up an appointment with Travers Smith LLP.

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:
  - 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
  - an employer could make improper use of official information to which a former Minister has had access; or
  - 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 seek to join the Travers Smith LLP (Travers Smith) as a Consultant, a paid part-time role.
6. Travers Smith is a corporate law firm headquartered in London, United Kingdom. It advises national and multinational companies in the UK and internationally across the full range of corporate and commercial matters. You said as a consultant you would be an external consultant advising Travers Smith on their tech legal practice.

You said you will be the adviser to the tech legal practice at Travers Smith. You do not expect your role to involve contact with government.

7. You informed the Committee you worked for Travers Smith as a corporate lawyer between 2002 and 2010 and did some consultancy work for them briefly in 2010.
8. You informed the Committee that in your most recent ministerial role at the Department for Media, Culture and Sports (DCMS), you neither met, nor made any commercial or contractual decisions with, or on, Travers Smith while in office. Nor did you have any involvement in policy development or decisions affecting Travers Smith directly. However you did note during your time at DCMS your work included digital and tech policy which would be of relevance to this role.
9. DCMS was contacted regarding your application. It confirmed your statements and said you had no involvement in any direct relevant policy but you were responsible for policy on tech and digital which the firm covers. However, it said you would have no access to unannounced policy or information of specific sensitivity that could be seen to benefit Travers Smith. It also confirmed your information on relevant policy would be thinking around the future of digital and tech regulation and while sensitive at the time, *'it is now out of date as the current Secretary of State has taken his own approach'*. The Department has no concerns over this appointment.

#### The Committee's consideration

10. When considering this application, the Committee<sup>1</sup> noted that you did not meet with, nor make any policy or contractual decisions regarding Travers Smith while in office. Further, the Committee noted this role is a return to your former career before government and as such considered the risk you were offered the role for decisions made in post as low.
11. Travers Smith provides legal services to a wide range of national and multinational companies. The Committee considered the broad nature of its business means it is likely that some of the sensitive information you had access to whilst in office would be of general relevance to the company, especially as you will consult on the tech legal practice. The Committee noted the Department's comment that you do not have access to sensitive information that could provide an unfair advantage as it considered your relevant policy information would now be out of date.
12. However, the given you were the Secretary of State at DCMS and therefore held strategy and policy responsibilities which may overlap with Travers Smith's clients in tech. As such, there are potential unknown risk associated with your time in office, specifically, should a client be a company or organisation you had a direct engagement with whilst in office or where you had a material role in determining policy related to them whilst in office. Therefore, the Committee considered it would be appropriate to impose an additional condition to prevent you from advising Travers Smith's clients you had a relationship with or working on matters you were materially involved in developing as Secretary of State.
13. As a former minister you will have a wide network of contacts in government/Whitehall. Therefore, the Committee would draw your attention to the condition below preventing you from lobbying the UK Government, including

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<sup>1</sup> This application for advice was considered by Sir Alex Allan; Jonathan Baume; The Rt Hon Lord Pickles; Richard Thomas; Mike Weir; Lord Larry Whitty and John Wood. Dr Susan Liautaud was recused.

indirectly. Additionally, the Committee has applied a ban on providing advice to Travers Smith (and its clients) on contracts and bids for work with the UK Government to prevent any unfair advantage in this regard.

14. Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment with **Travers Smith LLP** be subject to the following conditions:
  - 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 on behalf of Travers Smith LLP (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the Government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage Travers Smith LLP (including parent companies, subsidiaries, partners and clients);
  - for two years from your last day in Ministerial office you should not undertake any work with Travers Smith LLP (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; and
  - For two years since your last day in office, you should not advise the Travers Smith LLP or its clients on work with regard to any policy which you had a material role in developing or determining as Secretary of State, or where you had a relationship with the relevant client during your time as Secretary of State.
15. 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 as a member of the House of Lords.
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 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. 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 in the relevant next annual report.

The Rt Hon Lord Pickles

Baroness Morgan of Cotes