



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENTS APPLICATION: Sir Robbie Paul Gibb

1. The Committee has been asked to consider an application from Sir Robbie, former Director of Communications at No.10, who sought advice on setting up an independent consultancy.

2. Sir Robbie's last day in office was 24 July 2019.

Application details

3. Sir Robbie wishes to set up an independent consultancy to advise and take up work in three areas:

- Communications advice
- Journalism and broadcasting
- Speaking at events

4. The Cabinet Office advised it has no proprietary concerns about Sir Robbie setting up an independent consultancy. However, it noted there were some risks under the Government's Business Appointment Rules. Notably, with regard to his seniority and the access he had to a range of contacts and information from across Government. However, the Cabinet Office considered the risks could be appropriately mitigated if it is made clear he must not draw on privileged information and must not lobby the UK Government. The Cabinet Office also noted that Sir Robbie is going back to the type of work he was carrying out before he joined No.10.

Commissions

5. Sir Robbie has also sought advice on specifically taking up work with the Daily Mail to write occasional articles and with Kekst CNC to provide advice on corporate communications. These will be paid roles.

Daily Mail - Newspaper

6. Sir Robbie and the Cabinet Office confirmed he met with the Daily Mail and similarly with the Daily Mail's competitors as a routine part of his role, alongside the wider journalism sector. However, this was in keeping with his responsibilities. It was also confirmed that he had no involvement in commercial contracting with the Daily Mail, or policy development/ regulation that relates to the Daily Mail or the sector more widely.

Kekst CNC (Kekst)

7. Kekst is a global strategic communications firm. It is part of the largest communications firm in the world, Publicis Groupe whose agencies provide digital and traditional advertising, media services and marketing services to national and multinational clients. Kekst describes its expertise as: mergers and acquisitions, shareholder activism and governance (using shareholder rights to bring about change), crisis communications, restructurings, regulatory investigations/resolutions, litigation support, investor relations, IPO (initial public offering) communications, issues and reputation management, change management and employee engagement, as well as digital and social communications.
8. Sir Robbie and the Cabinet Office confirmed he had no official dealings with Kekst in office and no involvement in commercial contracting or policy development/ regulation related to Kekst.

The Committee's consideration

Independent Consultancy

9. When considering Sir Robbie's application to set up an independent consultancy, the Committee¹ took into account he proposes to return to work that related to his career in journalism prior to joining No.10 (he was previously head of BBC Westminster, responsible for the BBC's political programmes, and before that he was deputy editor of Newsnight). The Committee recognised it has been the view of successive Governments that it is in the public interest that people with experience of public administration/ Government should be able to resume a former career, but that in doing so there should be no justified public concern.
10. As is usual in applications to set up a consultancy, the Committee will advise Sir Robbie to seek advice for each commission he wishes to accept. Where there may be a crossover with his time in office, the Committee will seek information from the Government to determine the risks in each case. Whether the conditions set out below sufficiently mitigate the risks presented by any future commissions will depend on the specific details of each piece of work. Further restrictions may be appropriate. However, the Committee considered it was possible to mitigate the general risks presented in this application by imposing specific conditions on the consultancy itself.
11. In addition to the standard condition which prevents individuals from drawing on privileged information, the Committee considered it would be appropriate to impose a ban on advising on the terms of a bid or contract relating to the work of the UK Government. Given Sir Robbie's access to information from across all government

¹ This application for advice was considered by Sir Alex Allan; Jonathan Baume; Baroness Angela Browning; Lord Michael German; Richard Thomas; Lord Larry Whitty and John Wood. Dr Susan Liautaud and Terence Jagger were unavailable.

departments and the contacts he made whilst in post, the lobbying ban imposed makes it clear that his includes improper use of contacts. These restrictions limit the risk Sir Robbie could be seen to offer an unfair advantage with regard to any dealings with the UK Government his future clients may have.

12. Under the Government's Business Appointment Rules, the Committee's advice to the Permanent Secretary that Sir Robbie's **independent consultancy** should be subject to the following conditions (Please note that when seeking work and/ or commissions, Sir Robbie is advised to adhere to the conditions below):

- he should not draw on (disclose or use for the benefit of himself or the organisations to which this advice refers) any privileged information available to him from his time in Crown service;
- for two years from his last day in Crown service, he should not become personally involved in lobbying the UK Government on behalf of his clients, or their partners or subsidiaries; nor should he make use, directly or indirectly, of his contacts in Government and/ or Crown service to influence government policy, or secure business or funding on their behalf;
- for two years from his last day in Crown service, he should not undertake any work as a consultant that involves providing advice to any company organisation 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 from his last day in Crown service, before accepting any commissions and/ or before extending or otherwise changing the nature of any commission, he should seek advice from the Committee. The Committee will decide whether each commission is consistent with the terms of the consultancy and consider any relevant factors under the Business Appointment Rules. (This does not apply for *one-off speaking engagements*, but he should seek the Committee's advice if in doubt of the nature of the work and whether it fits this description).

Commissions with the Daily Mail and Kekst

13. The Committee took into consideration that as part of his role, Sir Robbie would have met with the Daily Mail and various newspapers whilst in post at No.10 but had no involvement that could be deemed to be commercial or regulatory; and it was confirmed he had no official dealings with Kekst in office. Therefore, the Committee considered there was a low risk work with either company could be perceived as a reward for decisions made or actions taken in office.

14. Sir Robbie was not involved in policy or regulatory matters specifically as Director of Communications. However, the Committee recognised he would have had access to a range of policy from across government departments and that he was responsible for representing the Government's policy position externally. The Committee noted here that as a Special Adviser, Sir Robbie was required to confirm in writing to his department that he recognises 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.

15. **In the circumstances, the Committee considered this work would be consistent with the terms of his consultancy as described above. As such the conditions above at paragraph 12 apply. However the Committee would also like to draw**

Sir Robbie's attention to the following, when carrying out work with the Daily Mail and Kekst:

- the restriction that he should not draw on privileged information available to him from his time in office. 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. ; and
 - the lobbying ban which makes it clear the ban on lobbying the UK Government on behalf of the Daily Mail; Kekst CNC or its clients extends to not making use of his contacts across Whitehall/Government. (For the avoidance of doubt, that applies to any partners/ subsidiaries, including the wider Publicis Groupe).
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."*
17. I should be grateful if you would ensure that we are informed as soon as Sir Robbie's consultancy is live, or if it is announced that it will be made live. We shall otherwise not be able to deal with any enquiries, since we do not release information about appointments which have not been taken up or announced, and this could lead to a false assumption being made about whether he had complied with the rules.
18. I should also be grateful if you would ask that Sir Robbie informs us if he proposes to expand or otherwise change the nature of his consultancy or these commissions as, depending on the circumstances, it may be necessary for him to make a fresh application.
19. Once Sir Robbie's consultancy is live and/or he has announced this is the case, we will publish this letter on the Committee's website and in the relevant annual report.

Yours sincerely

Catriona Marshall
Committee Secretariat