

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: The Rt Hon Brandon Lewis CBE MP, former Lord Chancellor and Secretary of State for Justice and Secretary of State for Northern Ireland. Paid appointment with the Adam Smith Institute.

1. You approached the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former ministers (the Rules) seeking advice on taking up a paid role as Co-President/Director with the Adam Smith Institute.
2. The purpose of the Rules is to protect the integrity of the government. The Committee has considered the risks associated with the actions and decisions made during your time in office, alongside the information and influence you may offer the Adam Smith Institute. The material information taken into consideration by the Committee is set out in the annex.
3. The Committee's advice is not an endorsement of the appointment - it imposes a number of conditions to mitigate the potential risks to the government associated with the appointment under the Rules.
4. 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.

The Committee's consideration

5. You did not meet with the Adam Smith Institute, nor did you make any decisions at either the Ministry of Justice (MOJ) nor the Northern Ireland Office (NIO) specific to the Adam Smith Institute. The Committee¹ considered

¹ This application for advice was considered by Jonathan Baume; Isabel Doverty; Sarah de Gay; Richard Thomas; Mike Weir. Andrew Cumpsty was unavailable. The Rt Hon The Lord Pickles was recused from this application in line with ACOBA's published Code of Practice. This letter contains the

the risk that you were offered this role as a reward for decisions or actions taken in post was low.

6. As a think tank, the Adam Smith Institute will have an interest in government policy. As such, you may have access to information that would provide an unfair advantage. There are a number of mitigations that limit the risks associated with your access to information, including; the 7 months that have passed since you were in government; the change in government administration since your time in office; and both the MOJ nor NIO confirmed it had no concerns regarding your access to information.
7. As a former minister, there are inherent risks associated with your contacts and influence within government, especially as the Adam Smith Institute has an interest in influencing government policy. The Committee noted your role does not involve contact with government.

The Committee's advice

8. The Committee did not consider this appointment raises any particular proprietary concerns under the government's Rules. There are inherent risks associated with your access to sensitive information and contacts which the standard conditions below appropriately mitigate. In particular, they prevent you from drawing on your privileged information and using your contacts and influence within government to the unfair advantage of the Adam Smith Institute.
9. In accordance with the government's Business Appointment Rules, the Committee advises this role with the **Adam Smith Institute** 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 or its arm's length bodies on behalf of the Adam Smith Institute (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 the Adam Smith Institute (including parent companies, subsidiaries, partners and clients); and
 - for two years from your last day in ministerial office, you should not undertake any work with the Adam Smith Institute (including parent companies, subsidiaries, partners and clients) that involves providing advice on the terms

Committee's advice, arrived at without his input and which he is sending in his capacity as Chair of the Committee.

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.

10. 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.
11. 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 or otherwise.
12. 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*'. This Rule is separate and not a replacement for the Rules in the House.
13. You must inform us as soon as you take up employment with this organisation, or if it is announced that you will do so. You must also 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.
14. 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 stated the Adam Smith Institute is a think tank and educational charity. Its website states the Adam Smith Institute is one of the world's leading think tanks. Independent, non-profit, and non-partisan, they work to promote neoliberal and free market ideas through research, publishing, media commentary, and educational programmes.
2. In your paid, part-time role (4 days per year) as Co-President/Director, you stated your responsibilities would be:
 - Chairing meetings with Leadership team
 - Advising on overall strategy
 - Supporting hiring decision
 - Liaising with donors
 - Legacy planning
3. You stated you were offered the role as the Adam Smith Institute is legacy planning and want additional support at a management level.
4. You stated you will not have contact with government.

Dealings in office

5. You advised the Committee you did not meet with the Adam Smith Institute as a minister whilst in office. Further, you said you did not have any involvement in any policy development or decisions that would have been specific to the Adam Smith Institute; had no relevant commercial or contractual responsibilities; nor access to sensitive information.

Departmental Assessment

6. Both the MOJ and NIO confirmed the details you provided and confirmed you did not make any decisions, nor did you meet with the Adam Smith Institute during your time in office.
7. Neither the MOJ nor NIO have a departmental relationship with the Adam Smith Institute.
8. Both the MOJ and NIO did not have concerns regarding your access to sensitive information.
9. NIO recommended the standard conditions be applied to this appointment.