



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 APPOINTMENT APPLICATION: The Rt Hon Sir Brandon Lewis CBE MP, former Lord Chancellor and Secretary of State for Justice, Secretary of State for Northern Ireland. Paid appointment with Millbank.

1. You sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for Former Ministers (the Rules) on an appointment with Millbank as Chair of the Board and Non-Executive Director.
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 a former Secretary of State may offer Millbank. 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 of the risks present

5. You were not involved in any decisions specific to Millbank whilst you were in office, nor is there a relationship between the company and your former departments. The Committee¹ considered there is limited risk that appointment can reasonably be perceived as a reward for decisions made in office.
6. The Ministry of Justice and the Northern Ireland Office did not consider you to have access to information that might offer an unfair advantage to Millbank. It is significant that there is no overlap between your responsibilities as a minister and the company's work, and you have been out of office for 18 months which puts a significant gap between your access to information and this appointment.
7. As a result of your time as a Secretary of State there are inherent risks regarding contacts and influence within government; particularly as Millbank is a political and public sector communications company. There is a risk that you could use your contacts in government to secure business for the company. This risk is limited given your role is internally facing and your role does not involve any contacts or dealings with government.

The Committee's advice

8. The Committee did not consider this appointment raises any particular propriety concerns under the government's Rules. The risks are appropriately mitigated by the standard conditions below. In particular, they prevent you from drawing on your privileged information and using your contacts and influence within government to the unfair advantage of Millbank .
9. In accordance with the government's Business Appointment Rules, the Committee advises this role with **Millbank** 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 Millbank (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the

¹ This application for advice was considered by Andrew Cumpsty; Isabel Doverly; Hedley Finn OBE; The Rt Hon Baroness Jones of Whitchurch; Michael Prescott; Michael Weir; Sarah de Gay; and Dawid Konotey-ahulu. The Rt Hon Lord Pickles was recused from this application in line with ACOBA's published Code of Practice. This letter contains the Committee's advice, arrived at without his input and which he is sending in his capacity as Chair of the Committee.

government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage Millbank (including parent companies, subsidiaries, partners and clients);

- for two years from your last day in ministerial office you should not undertake any work with Millbank (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 or its arm's length bodies.
10. The advice and the conditions under the government's Business Appointment Rules relate to your previous role in government only; they are separate from rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists, the Parliamentary Commissioner for Standards and the Registrar of Lords' Interests.² You are reminded that as a Member of Parliament you have a separate ban on paid lobbying under the Parliamentary Code of Conduct. 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.
 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 Civil Service 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 this role, 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.

² All Members of Parliament are prevented from paid lobbying under the the House of Commons Code of Conduct. Advice on your obligations under the Code can be sought from the Parliamentary Commissioners for Standards, in the case of MPs.

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 Eric Pickles

Annex - Material Information

The role

1. You said Millbank offers videography, photography, graphic design and digital branded content.
2. According to its website, it is a political and public sector communications company, with a number of clients including elected officials, government agencies and third sector organisations. It describes it as being made up of videographers, designers, writers, and strategists.
3. You said your role will be paid and carried out on a part-time basis. You told the Committee that your role responsibilities as Chair of the Board and Non-Executive Director will include:
 - Chairing board meetings twice yearly.
 - Helping to shape the strategic development of the business.
4. You said that your role will not involve contact or dealings with government.

Dealings in office

5. You advised the Committee that you did not meet with Millbank whilst in office; that you did not make any policy, regulatory or commercial decisions specific to Millbank; and that you had no access to sensitive information that could unfairly advantage Millbank.

Departmental Assessment

6. Your former departments - the Ministry of Justice and the Northern Ireland Office (NIO) were consulted. Both departments confirmed that:
 - there is no departmental relationship with Millbank;
 - you did not make any decisions that specifically impacted the company or its competitors;
 - you did not have any contact with Millbank whilst in office; and
 - you did not have any access to sensitive information that could provide Millbank with an unfair advantage
7. Neither department had any concerns about this appointment and both suggested it be approved subject to the standard conditions.