

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: The Rt Hon Steve Baker FRSA, former Minister of State at the Northern Ireland Office and Cabinet Office. Application to establish a newsletter online.

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 establishing a newsletter hosted online, entitled '*Fighting For A Free Future*', on a self-employed basis.
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 you made during your time in office, alongside the information and influence you may offer. 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 newsletter - it imposes a number of conditions to mitigate the potential risks to the government associated with the newsletter under the Rules.
4. The Rules¹ set out that former minister must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former ministers 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 presented

¹ Which apply by virtue of the Civil Service Management Code, The Code of Conduct for Special Advisers, The King's Regulations and the Diplomatic Service Code.

5. You propose to establish a newsletter and to use the platform provided by Substack, Inc ('Substack') for publication to paying subscribers. Your income from the newsletter is derived wholly from those subscribers, not from the platform provider. Revenue streams to Substack are on a commission basis and therefore depend on subscribers to your newsletter. The Northern Ireland Office (NIO) confirmed that you did not have involvement in any decisions specifically with Substack. The Committee² considered the risk this appointment could reasonably be perceived as a reward for decisions made or actions taken in office is low.
6. As a former minister, there are inherent risks associated with your privileged access to information and contacts which may be seen to be of general use to any media or publication entity. The risk associated with your access to information is limited given the transparent nature of this role.

The Committee's advice

7. The Committee did not consider establishing the newsletter to raise any particular propriety concerns under the government's Rules, subject to the conditions below. However, the Committee would remind you it is your responsibility to manage the propriety of the specific work undertaken within the newsletter. In particular as a former minister, you must be careful when discussing the inner workings of Whitehall and government not to offer any privileged insight as a result of your time as minister - which the conditions below seek to mitigate.
8. The Committee advises, under the government's Business Appointment Rules, that this appointment to establish a newsletter, hosted on **Substack Inc.** should 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 government or its arm's length bodies on behalf of the newsletter (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the government and/or ministerial service to influence policy, secure

² This application for advice was considered by Andrew Cumpsty; Isabel Doverty; Hedley Finn OBE; David Konotey-Ahulu CBE DL; Sarah de Gay; The Rt Hon Lord Pickles; Michael Prescott; and Mike Weir.

business/funding or otherwise unfairly advantage the newsletter (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 newsletter (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 government or its arm's length bodies.
9. 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' Interests³. 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.
 10. 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.
 11. 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.*"
 12. 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.
 13. 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.

³ All Peers and Members of Parliament are prevented from paid lobbying under the House of Commons Code of Conduct and the Code of Conduct for Members of the House of Lords. Advice on obligations under the Code can be sought from the Parliamentary Commissioners for Standards, in the case of MPs, or the Registrar of Lords' Interests, in the case of peers.

The Rt Hon Lord Pickles

Annex - Material Information

The role

1. You informed the Committee that you wish to publish a newsletter for a fee, called 'Fighting For a Free Future'. You stated you would be writing: '*Unique insights into UK and international politics, public policy, prosperity and society derived from 30 years of leadership experience in the armed forces, business, parliament and government*'.
2. You said you will use Substack Inc, an online platform, to publish, invite subscriptions to and otherwise administer the newsletter.
3. You confirmed your role will not involve contact with the UK government.

Dealings in office

4. You advised the Committee that during your time in office, you did not meet with Substack and did not have access to information or make policy or regulatory decisions of relevance here.

Department Assessment

5. The NIO and the Cabinet Office confirmed the details you provided and recommended standard conditions be applied.