

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Mr Robert Courts KC, former Solicitor General at the Attorney General's Office. Paid appointment to establish a consultancy operating as Ascalane Partners Ltd with Mr Tom Pursglove.

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) to establish a consultancy operating as 'Ascalane Partners Ltd' (Ascalane) alongside Mr Tom Pursglove.
2. The purpose of the Rules is to protect the integrity of the government. Under the Rules, the Committee's remit is to consider the risks associated with the actions and decisions you made during your time in office, alongside the information and influence you may offer your potential clients. 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 risks presented

5. In your application, you said your consultancy will involve you providing strategic analysis involving support and advice to clients on – media,

communications, UK public policy, regulatory developments and the broader political landscape which may affect their interests, where relevant.

6. It would not be improper for you to operate a consultancy which draws on generic skills and experience you gained from your time in government. The risks in this case are hard to quantify, given the potentially broad and wide ranging nature of the consultancy; and because you had access to a wide range of sensitive information and insight whilst in office. The Committee¹ considered you could offer a potential unfair advantage over competitors—whether in relation to seeking new clients, or in providing them with advice.
7. The Attorney General’s Office (AGO) noted that as the former Solicitor General, you would have had access to legally privileged information and insight that could offer future clients an unfair advantage. The Committee considered the risks are limited because:
 - You are subject to the Law Officer’s Convention. Any information you may possess is subject to legal professional privilege; and the existence nor content of any Law Officers’ advice should be disclosed outside government without the Law Officers’ explicit consent.
8. Whilst there is no obvious overlap with this business venture and your time as a minister at the AGO, such overlap may present itself depending on each client of your consultancy. There is also a risk that you may be seen to have access to contacts from your time in office that could now be used to gain business for your consultancy.
9. This advice provides you consent only to set up a consultancy, subject to a number of conditions. It does not give you consent in relation to any possible future clients. You must seek advice in relation to each client, so that risks can be assessed and it will need to be demonstrated by you and the AGO that the work would be appropriate under the Rules.

Future Commissions

10. You must seek advice from the Committee for each commission you wish to accept. Whether the conditions set out below can sufficiently mitigate the risk presented by any future commission you propose to take up will depend on the specific details of each piece of work. Any failure to seek advice before accepting work would be a breach of the Rules and treated as such – including reporting breaches to government.

¹ This application for advice was considered by Andrew Cumpsty; Isabel Doverty; Sarah de Gay; Hedley Finn OBE; Dawid Konotey-Ahulu CBE DL; The Rt Hon Lord Pickles; Michael Prescott and Mike Weir. Baroness Thornton was unavailable.

11. The risks under the Rules will be most significant where you seek to provide advice on matters where you made decisions, or had access to sensitive information in office: these applications will need close scrutiny. The Committee will want to carefully consider the suitability of this work, and may advise that a further waiting period is required. Where conditions and a suitable waiting period cannot appropriately mitigate the risks, the Committee may advise the work is unsuitable to take up within the two years the Rules apply. The Committee will consider such risks on a case by case basis.

12. All potential clients must be notified of this advice, and when seeking work/new clients, you must adhere to the conditions below. Under the government's Business Appointment Rules, the Committee advises that this Independent Consultancy operating as **Ascalane Partners Ltd** 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 UK government or any of its arm's length bodies on behalf of those you advise under Ascalane Partners Ltd (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 contacts to influence policy, secure business/funding or otherwise unfairly advantage those you advise under Ascalane Partners Ltd (including parent companies, subsidiaries, partners and clients);
- for two years from your last day in ministerial office, you should not provide advice to or on behalf of those you advise under your independent consultancy (including parent companies, subsidiaries, partners and clients) 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 any of its arm's length bodies;
- for two years from your last day in ministerial office, you should not become personally involved in lobbying contacts you developed during your time in office and in other governments and organisations for the purpose of securing business for Ascalane Partners Ltd; and
- for two years from your last day in ministerial office, before accepting any commissions for Ascalane Partners Ltd and or/before extending or

otherwise changing the nature of your commissions, you 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.

13. 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 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.
14. 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.
15. The Business Appointment Rules explain that the restriction on lobbying means that you "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".
16. You must inform us as soon as you take up employment with this organisation, or if it is announced that you will do so. Please 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.
17. 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

² 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.

Annex – Material Information

Independent Consultancy

1. You stated that alongside your former parliamentary colleague, Mr Tom Pursglove, you will operate Ascalane Partners Ltd to provide strategic counsel to clients on:
 - Corporate strategy
 - Strategic analysis, including on the broad political landscape and public policy
 - Operational practices and ways of working
 - Campaigns
 - Messaging
 - Media presentation, including crisis communications
 - General coaching around parliamentary appearances, such as Select Committees
 - Analysis, support and advice to clients on UK public policy and regulatory developments and the broader political landscape which may affect their interests, where relevant.

2. You stated you would:
 - not lobby government ministers or officials, nor have any engagement with government on behalf of clients.
 - not seek to draw on your network of contacts in government.
 - never disclose privileged information from your time in government.
 - not have involvement with bids or contracts involving government.

Departmental Assessment

3. The AGO confirmed you were not involved in any regulatory or policy decisions that could unfairly advantage the work you may take on as part of your consultancy.

4. The AGO stated you had access to confidential and legally privileged information and departmental strategic planning proposals which if disclosed inappropriately could be considered to offer an unfair insight/advantage to Ascalane Partners Ltd or any clients operating in that sector.

5. The AGO recommended the standard conditions to appropriately mitigate the risk relating to the access and use of any sensitive information you may possess. It also noted:

'In addition to legal privilege, Law Officers' advice is subject to the Law Officers' Convention, which provides that neither the existence nor content of any Law Officers' advice should be disclosed outside government without the Law Officers' explicit consent.'