

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: The Baroness Dr Swinburne, former Parliamentary Under Secretary of State - Minister for Housing and Communities, at the Department for Levelling Up, Housing and Communities. Establishing an independent consultancy operating as Swinburne Ltd.

1. You sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointment Rules for Former Ministers (the Rules) to establish an independent consultancy operating as Swinburne Ltd.
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 the risks presented

5. You stated that you founded this company prior to joining government and wish to re-establish its operation. You said the company will provide advisory services to global clients operating in the financial services sector. As Director, you will advise senior executives and board members, with a particular focus on global financial regulation, on environmental, social and governance matters and digital assets.
6. It would not be improper for you to operate a consultancy which draws on generic skills and experience, whether gained from your time in government or prior to that. The risks in this case are hard to quantify given the potentially broad and wide ranging nature of the consultancy. The Committee¹ considered there is a risk you could offer an unfair advantage over competitors – whether in relation to seeking new clients, or in providing them with advice.
7. The Committee took into account that your former department – the Ministry of Housing, Communities and Local Government (MHCLG) – does not have concerns regarding your access to sensitive information and insight that could offer your future clients an unfair advantage.
8. Whilst there is no obvious overlap with this business venture and your time as a minister at the Department for Levelling Up, Housing and Communities², any such overlap may present itself depending on each client of your consultancy. There is also a risk that you may be seen to have had access to contacts as a result of your ministerial roles 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. It will need to be demonstrated by you and your former department 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

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; The Baroness Thornton; Michael Prescott and Mike Weir.

² Following the General Election in June 2024, the Department for Levelling Up, Housing and Communities is now named as the Ministry of Housing, Communities and Local Government.

reporting any breach to government.

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.

The Committee's advice

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 your work with the independent consultancy operating as **Swinburne Ltd** should be subject to the conditions set out below:

- 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 Swinburne 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 Swinburne 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 Swinburne Ltd (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/clients for Swinburne Ltd; and

- for two years from your last day in ministerial office, before accepting any commissions for Swinburne 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' Interests³. You are reminded that, as a Member of the House of Lords, you are prevented from any paid lobbying under the House of Lords 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.
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. 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.

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.

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

Annex – material information

Independent Consultancy

1. You stated that the consultancy firm Swinburne Ltd, previously existed to provide financial services regulatory advice and consultancy services to the global financial sector and it was put into voluntary administration when you were Vice Chair of KPMG, in your career prior to joining government. You stated the firm has since been reformed and registered at Companies House (from January 2025) awaiting the Committee's approval for it to actively operate.
2. You stated Swinburne Ltd will provide advisory services to global clients operating in the financial services sector and as Director, you will deliver advice to C-suite (senior) executives and board members within financial services, with a particular focus on global financial regulation, environmental, social and governance matters and digital assets.
3. You confirmed the work of Swinburne Ltd with its future clients will not involve contact with, or lobbying of government.
4. In describing your experience in financial services, you stated:
 - From 2009-2019, you were a Member of the European Parliament and served on the Committee on Economic and Monetary Affairs as co-ordinator and therefore involved in amending EU financial services legislation. During this period, you had extensive contact with global financial services entities, including the banking sector.
 - Prior to 2019, your career was in financial services including as the founder of a hedge fund, as an advisor and as an investment banker.

Departmental assessment

5. MHCLG 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.

6. MHCLG did not consider you to possess sensitive information that may provide Swinburne Ltd and/or its clients an unfair advantage.
7. MHCLG did not have any concerns with you establishing Swinburne Ltd and recommended the standard conditions that apply to an independent consultancy.