

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: The Rt Hon Sir Brandon Lewis CBE, former Lord Chancellor and Secretary of State for Justice and prior to that Secretary of State for Northern Ireland. Paid appointment with Trafalgar Strategy.

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 a Non-executive Chairman with Trafalgar Strategy.
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 Trafalgar Strategy. 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 did not meet with Trafalgar Strategy, nor did you make any decisions at either the Ministry of Justice (MOJ) or the Northern Ireland Office (NIO) specific to the company. The Committee¹ considered the risk that you were offered this role as a reward for decisions or actions taken in post was low.
6. The Committee noted there are inherent risks regarding your general access to information and influence within government as a result of your time as a minister. The risks are limited given there is no direct overlap between your government service and this proposed role. It is also relevant that you have been out of government for more than 20 months, providing a gap between your access to information and you taking up this role.
7. The Committee noted there is a risk associated with a former minister joining an organisation that may lobby government, particularly in light of the lobbying ban that applies to all former ministers for two years on leaving office. You noted that you would have no contact with the government. However, this remains a risk given the nature of Trafalgar Strategy's work.
8. The Committee therefore considered it was significant that Trafalgar Strategy confirmed your role will be separate from its lobbying of government.

The Committee's advice

9. The Committee determined the risks identified can be appropriately mitigated by the conditions below. These make it clear that you cannot make use of privileged information or influence gained from your time in ministerial service to the unfair advantage of Trafalgar Strategy.
10. Taking into account these factors, in accordance with the government's Business Appointment Rules, the Committee advises this appointment with **Trafalgar Strategy** 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;

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

- 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 Trafalgar Strategy (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 Trafalgar Strategy (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 Trafalgar Strategy (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.
11. 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' Interests². 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.
 12. 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.
 13. 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".
 14. You must inform us as soon as you take up employment with this organisation(s), 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,

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.

depending on the circumstances, it may be necessary for you to make a fresh application.

15. Once the appointment(s) 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 described Trafalgar Strategy as a strategic communications consultancy. Its website states that it specialises in public affairs, crisis comms and reputation management. It says that it draws *'on experience from operating at the highest levels of government, advising Prime Ministers and Cabinet Ministers and dealing day in, day out with the issues that have led TV news bulletins and dominated the newspaper front pages.'*
2. In your role as Non-executive Chairman, you stated you will be chairing board meetings twice a year and helping shape strategic development of the business. You stated that the company executives are changing the structure of the company to have a Board, and that you will be chairman of the main board. You added that there will be other directors - both executive and NEDs.
3. You stated you will not be receiving remuneration for the role, but will have an equity stake in the business.
4. You confirmed your role is internal to the company and will not involve contact with government.
5. The Committee contacted Trafalgar Strategy which confirmed your role will not involve lobbying government. It stated:

'For clarity, our engagement and scope of work for Brandon Lewis will not include lobbying Ministers, Members of Parliament, or public officials nor will it include providing paid parliamentary advice, and we will not ask for these services to be included under the Engagement.'

Dealings in office

6. You advised the Committee that you did not meet with Trafalgar Strategy whilst in office. You said you did not have any involvement in policy, regulatory or commercial decisions that would have been specific to the company.

Departmental Assessment

7. The MOJ and NIO confirmed the details you provided and stated:
 - a. you were not involved in policy, regulatory or commercial decisions, nor had access to sensitive information specific to Trafalgar Strategy;
 - b. that significant time that has passed since you left office - being a mitigating factor relating to your access to sensitive information and any decisions made.
 - c. the departments did not have concerns with the appointment.
8. The departments recommended the standard conditions.