



**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 commission with Heathrow Airport under your independent consultancy – Ascalane Partners Ltd.**

1. You approached the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointment Rules for Former Ministers (the Rules) seeking advice on taking up commission with Heathrow Airport under your independent consultancy, Ascalane Partners Ltd.
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 taken during your time in office, alongside the information and influence you may offer Heathrow Airport as a former minister at the Attorney General's Office. 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. The Committee<sup>1</sup> considered this commission to be broadly consistent with the description of your consultancy. This work involves providing strategic counsel to clients on corporate strategy, the broad political landscape and public policy.
6. Heathrow Airport is the primary and largest international airport in the United Kingdom, based in London. There is no known overlap with your recent ministerial role as Solicitor General, and Heathrow Airport. You did not meet with, nor were you involved in, policy, regulatory or commercial decisions specific to Heathrow Airport during your time in office. Therefore, the Committee considered the risk this appointment could reasonably be perceived as a reward for decisions or actions taken in office is low.
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. The Committee agreed with the AGO that the risk this could offer an unfair advantage is limited because:
  - you are subject to the Law Officers' Convention – any information you may possess is subject to legal professional privilege, and neither the existence nor content of any Law Officers' advice should be disclosed outside government without the Law Officers' explicit consent;
  - the relevant policy areas of interest to Heathrow Airport are held by the Department for Transport and Civil Aviation Authority – which sat outside of your recent scope of responsibilities; and
  - it has been over 14 months and a change in government administration since you left office – putting a gap between when you last had access to information and taking up this role and reducing the likelihood it is sufficiently up to date to offer an unfair advantage.
8. As with any former minister, there are risks associated with your contacts and influence within government – with the potential for Heathrow Airport to gain unfair access or influence as a result. You confirmed the work of Ascalane Partners Ltd., and specifically your commission with Heathrow Airport, excludes any government contact, reducing the risk you could be perceived to be lobbying government – which all former ministers are prevented from doing for two years after leaving office.

## The Committee's advice

9. The Committee determined the risks identified can be appropriately mitigated by the conditions below. These seek to prevent you from making use of

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<sup>1</sup> This application for advice was considered by Isabel Doverty; Hedley Finn OBE; Michael Prescott; and The Baroness Thornton. Sarah de Gay and Dawid Konotey-Ahulu CBE DL were unavailable.

privileged information, contacts and influence gained from your recent time in ministerial office to the unfair advantage of Heathrow Airport, under Ascalane Partners Ltd.

10. The Committee advises, under the government's Business Appointment Rules, that this commission with **Heathrow Airport** should be subject to the same conditions applied to your independent consultancy:
- 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 service;
  - for two years from your last day in ministerial service, you should not become personally involved in lobbying government or any of its arm's length bodies on behalf of Heathrow Airport (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage Heathrow Airport (including parent companies, subsidiaries, partners and clients);
  - for two years from your last day in ministerial service, you should not provide advice to Heathrow Airport (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 and its arm's length bodies; and
  - for two years from your last day in ministerial service, you should not become personally involved in lobbying contacts in other governments and organisations that you developed during your time in office for the purpose of securing business and/or investment opportunities for Heathrow Airport; and
  - for two years from your last day in ministerial office, before accepting any commissions for your independent consultancy 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.
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' Interests<sup>2</sup>. 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 Civil Service Code or otherwise.
13. 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.*"
14. 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.
15. Once this appointment has been publicly announced or taken up, we will publish this letter on the Committee's website.

Isabel Doerty

**Interim Chair  
ACOBA**

### **Annex - material information**

1. You stated this is a commission under your independent consultancy, Ascalane Partners Ltd. - which provides provides 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

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<sup>2</sup> 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.

- 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 that your work as Director of Ascalane Partners Ltd would never disclose privileged information from your time in government and would not:
- lobby government ministers or officials, nor have any engagement with government on behalf of clients.
  - seek to draw on your network of contacts in government.
  - have involvement with bids or contracts involving government.
3. You stated your role as Consultant involves the provision of Ascalane Partners Ltds' consultancy services relating to Heathrow Airport, in line with the description provided of Ascalane's consultancy work, specifically:

*'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.'*

4. Heathrow Airport is the primary and largest international airport in the United Kingdom, based in London. Heathrow Airport's relationship with the UK government is multifaceted. The UK government plays a significant role in its operation and future development through various mechanisms. The government has previously supported Heathrow's expansion plans, including a third runway, and is involved in regulating its operations and ensuring it meets national and environmental obligations.
5. Several UK government departments have operations at Heathrow Airport:
- the Civil Aviation Authority regulates aviation safety in the UK, including airspace management and economic regulation of Heathrow and other major airports.
  - the Valuation Office Agency, an arm's length body of His Majesty's Revenue and Customs, sets business rates for airports.
  - the Border Force, which handles immigration and customs.
  - the Department for Transport is involved with Heathrow's operations and future development.
  - the Foreign, Commonwealth & Development Office (FCDO) manages arrangements for visiting dignitaries.

### Dealings in office

6. You stated that Heathrow Airport is a government stakeholder broadly.
7. Of your recent time in ministerial office, you stated:
  - you did not meet with officials from Heathrow Airport, nor were you involved in policy, commercial or regulatory decisions specific to the organisation
  - you do not possess sensitive information specific to Heathrow Airport.

### Departmental assessment

8. The AGO confirmed the details you provided and stated the following in relation to your time as Solicitor General:
  - you were not involved in decisions specific to Heathrow Airport;
  - the department does not hold a relationship with Heathrow Airport; and
  - you had access to confidential and legally privileged information which if disclosed inappropriately could be considered to offer an unfair insight/advantage to Heathrow Airport.
9. The AGO considered the risk relating to legally privileged information you held to be mitigated by the standard conditions. 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.'*