



**OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS**

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**BUSINESS APPOINTMENT APPLICATION: The Rt Hon Nigel Adams, former Minister Without Portfolio. Application to establish an independent consultancy.**

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 an independent consultancy.
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

## Consultancy

5. In your application, you said your consultancy will involve you providing advice and consulting services to companies and organisations in the UK and overseas focused but not limited to, the telecoms/ICT sector.
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 potential risks in this case are hard to quantify given the broad and wide ranging nature of the consultancy; and you had access to a wide range of sensitive information and insight whilst in office. The Committee 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 Committee took into account that there are a number of mitigating factors that help to reduce the risks associated with your access to information and insight that may be seen to offer your future clients an unfair advantage:
  - It has been 12 months since you left ministerial office;
  - The Cabinet Office does not have concerns regarding your access to sensitive information considering the time that has passed. It is also relevant that there have been significant changes in government including the appointment of a new Prime Minister and members of the Cabinet in October 2022, after you left office in September 2022.
  - It is also relevant that the main focus is on telecoms - which relates to your career prior to joining government.
8. There are also inherent risks that you could offer your clients unfair access to government.
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 Cabinet Office that the work would be appropriate under the Rules.

## Future Commissions

10. You must seek advice from the Committee<sup>1</sup> 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

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<sup>1</sup> This application for advice was considered by Andrew Cumpsty; Isabel Doverty; Sarah de Gay; The Rt Hon Lord Eric Pickles; and Mike Weir. The Rt Hon Baroness Jones of Whitchurch was unavailable.

accepting work would be a breach of the Rules and treated as such - including reporting breaching 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<sup>2</sup> 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**, 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 your independent consultancy (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 your independent consultancy (including parent companies, subsidiaries, partners and clients);
- for two years from your last day in ministerial office, you should not provide advice to 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; 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

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<sup>2</sup> Should an applicant subsequently take up or announce this work, ACOBA will publish relevant information.

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<sup>3</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.
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 Civil Service Code or otherwise.
15. 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."
16. You must inform us as soon as your company is live or is announced. You must also inform us if you propose to extend or otherwise change the nature of your consultancy 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**

## **Annex - Material Information**

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<sup>3</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 your 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

### Independent Consultancy

1. In your application, you said your consultancy will involve you providing advice and consulting services to companies and organisations in the UK and overseas focused but not limited to, the telecoms/ICT sector.
2. You said you will not take on work which involves contact with government.
3. You wrote to the Committee that prior to your ministerial roles, you were employed in the telecoms sector for over 25 years.

### Departmental Assessment

4. The Cabinet Office stated 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, nor considered you to possess sensitive information that could provide an unfair advantage.
5. The Cabinet Office did not have any concerns with you establishing an independent consultancy and recommended the standard conditions.