



House of Commons  
Committee on Standards

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**Scott Benton**

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**Second Report of Session 2023–24**

*Report, together with formal minutes relating  
to the report*

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## Committee on Standards

The Committee on Standards is appointed by the House of Commons to oversee the work of the Parliamentary Commissioner for Standards, except in relation to the conduct of individual cases under the Independent Complaints and Grievance Scheme; to examine the arrangements proposed by the Commissioner for the compilation, maintenance and accessibility of the Register of Members' Financial Interests and any other registers of interest established by the House; to review from time to time the form and content of those registers; to consider any specific complaints made in relation to the registering or declaring of interests referred to it by the Commissioner; to consider any matter relating to the conduct of Members, including specific complaints in relation to alleged breaches in the Code of Conduct which have been drawn to the Committee's attention by the Commissioner; and to recommend any modifications to the Code of Conduct as may from time to time appear to be necessary.

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## Introduction

1. This report arises from an investigation by the Parliamentary Commissioner for Standards into whether Mr Scott Benton MP breached Paragraph 11 of the Rules contained in the Code of Conduct for Members of Parliament, which states that:

Members shall never undertake any action which would cause significant damage to the reputation and integrity of the House of Commons as a whole, or of its Members generally.<sup>1</sup>

2. The Commissioner’s investigation arose from a self-referral by Mr Benton following articles published by The Times newspaper in connection with a ‘sting’ operation in which comments by Mr Benton had been covertly recorded.

3. The Commissioner has submitted to us a memorandum, in which he gives his opinion that Mr Benton breached the Code.<sup>2</sup> Mr Benton has submitted written evidence responding to that memorandum and arguing that there was no breach.<sup>3</sup> Written evidence relating to the Commissioner’s inquiry is published on our webpages. Mr Benton indicated to us that he did not seek to give oral evidence to the Committee.

4. In publishing the written material received from the Commissioner and Mr Benton, we have made redactions to protect the identity of third parties where disclosure of that identity is not relevant to the points at issue in this case.

5. In this report we summarise briefly the Commissioner’s investigation, and consider the specific objections to the Commissioner’s findings and opinion raised with us by Mr Benton. We then set out our decisions in the case.

## Background and the Commissioner’s investigation

6. Full details of the Commissioner’s inquiry are set out in his memorandum. We here summarise briefly the background to the case and the Commissioner’s findings and opinion.

7. On 7 March 2023 Mr Benton met undercover reporters from The Times at a London hotel. They were posing as representatives from a fictitious company called Tahr Partners (hereafter “the company”) who had asked Mr Benton to meet them to discuss a job opportunity. He had been told that the company might offer him a position which “would possibly entail around a day or two of work each month, with a compensation package and the possibility of a position on the board of one of our portfolio companies”.<sup>4</sup> The fictitious company was based in India and supposedly looking to extend its involvement with the betting and gaming industry in the UK. Mr Benton was at that time the chair of the All-Party Parliamentary Group (APPG) on Betting and Gaming.

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1 House of Commons, [The Code of Conduct and The Guide to the Rules relating to the Conduct of Members](#) (Session 2022–23, HC 1083), published 10 February 2023

2 Published with this report as Appendix 1.

3 Published with this report as Appendix 2.

4 Appendix 1, para 1.1

8. The meeting lasted about an hour. Following the meeting there was no further contact between Mr Benton and the journalists in their assumed identity as representatives of the company.<sup>5</sup>

9. On 27 March 2023 Mr Benton contacted the office of the Registrar of Members' Financial Interests, spoke to the Registrar, and then wrote to the Commissioner to give an account of his meeting with the undercover reporters.<sup>6</sup>

10. On 6 and 7 April 2023 The Times published articles detailing the content of their 7 March meeting with Mr Benton. On 6 April Mr Benton referred himself to the Commissioner's office "for investigation following the reports in the media that emerged yesterday as a consequence of my correspondence with a fictitious company".

11. The Commissioner conducted an inquiry into whether Mr Benton had breached paragraph 11 of the Rules in the Code.<sup>7</sup> As part of this, The Times supplied him with the text of emails exchanged with Mr Benton before and after the meeting of 7 March 2023, and with a transcript of that meeting. They also provided a copy of the full covert video recording of the meeting, which the Commissioner used to verify independently the accuracy of the transcript.<sup>8</sup>

12. The Commissioner received written evidence from Mr Benton and interviewed him. He also interviewed another individual (name redacted) who had previously provided the secretariat function to the All-Party Parliamentary Group on Betting and Gaming which Mr Benton had chaired.<sup>9</sup>

13. On the basis of his investigation, the Commissioner found that during the meeting on 7 March 2023, Mr Benton had "made statements to the effect that:

- i) he had breached the House's rules in the past;
- ii) he would be willing to breach and/or circumvent the House's rules for the company in return for payment; and
- iii) other Members had previously breached and/or circumvented the House's rules and would be willing to do so in the future in return for payment."<sup>10</sup>

14. The Commissioner found no evidence to support a finding that Mr Benton had breached parliamentary rules outside of this meeting.<sup>11</sup>

15. Having reached these findings, the Commissioner gave his opinion that "Mr Benton's conduct falls within the class of conduct that would cause significant damage to the reputation and integrity of the House of Commons as a whole and its Members generally, and accordingly amounts to a breach of paragraph 11 of the Code".<sup>12</sup>

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5 Appendix 1, para 1.3

6 Appendix 1, para 1.5

7 For which, see Para 1 above.

8 Appendix 1, para 3.1

9 Appendix 1, paras 3.2 to 3.4

10 Appendix 1, Summary; para 6.3

11 Appendix 1, Summary

12 Appendix 1, Summary

## Mr Benton's representations to us and our response

16. Having been supplied with the Commissioner's memorandum, Mr Benton submitted written evidence to us. He argued that "no parliamentary rules were broken during my one hour meeting with a fictitious company". He further stated that "it is my view that I complied with the letter and the spirit of the rules". Mr Benton told us that he wished "to express my disappointment with a number of sections of the [Commissioner's] Memorandum and I must respectfully disagree with many of the assertions that are made within it".

17. In respect of the meeting on 7 March 2023, Mr Benton argued that:

- a) at no point during the meeting did he agree to undertake activity that would be in breach of the rules;
- b) during the meeting it became clear that the opportunity offered to him by the fictitious company was not compliant with the rules, leading him to conclude that he was not 'willing in principle' to engage in activities breaching the rules;
- c) he did not suggest that other Members would be inclined to violate the rules or engage in arrangements designed to circumvent them (or previously have engaged in such activity);
- d) he never insinuated any prior breach of the rules on his part; and
- e) following that meeting, no further interactions occurred, no agreements were reached to undertake compensated work, and no contracts were signed.<sup>13</sup>

18. Mr Benton also argued that the bar for engaging Paragraph 11 of the Rules is a high one and that it would be disproportionate on the basis of the evidence available to conclude that he had breached it.<sup>14</sup>

19. In the following sections of this report we shall consider each of these arguments.

## Did Mr Benton express a willingness to breach and/or circumvent the House's rules in return for payment?

20. Mr Benton rejects the Commissioner's finding that during the meeting on 7 March, he had made statements that "he would be willing to breach and/or circumvent the House's rules for the company in return for payment".<sup>15</sup> He argues that this is one of a number of assertions in the Commissioner's memorandum "that lack justification based on the evidence and are thus factually inaccurate".<sup>16</sup>

21. Mr Benton's comments recorded during the 7 March meeting have to be assessed in the context of evidence that he believed that the company whose representatives he thought he was meeting was contemplating offering him a paid position as a strategic adviser. This would have been clear to him from the original email proposing the meeting, which stated:

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13 Appendix 2, paras 7–11.

14 Appendix 2, para 8

15 For the Commissioner's finding, see Appendix 1, Summary.

16 Appendix 2, para 13

we are looking for an expert adviser to assist our work here. [...] The position we have in mind would possibly entail around a day or two of work each month, with a compensation package and the possibility of a position on the board of one of our portfolio companies. If this opportunity is of interest, we would love to tell you more about it over a coffee or lunch.<sup>17</sup>

22. During the meeting one of the reporters put to Mr Benton that “presumably you would have to declare somewhere would you that our entity is paying you and you’re in a position with us”, to which he replied “I would have to declare it”, thereby acknowledging that what was being offered to him was a paid position.<sup>18</sup> The same reporter later stated “we envisage this as a kind of lasting relationship. This isn’t for us a kind of quick hire” - the word “hire” implying payment.<sup>19</sup> Shortly afterwards there was an explicit discussion of the “compensation” Mr Benton would receive from the company if he accepted their offer of employment, with a figure “in the range of two to four thousand pounds a month” being suggested, to which Mr Benton indicated assent.<sup>20</sup>

23. These exchanges, as well as the original offer proposed by email, make clear that what Mr Benton was discussing with the reporters was the kinds of assistance he could give the company in return for payment. When he referred to the kinds of action that MPs in general could take, he was clearly implying that these were actions he himself could and would take, or might encourage other MPs to take, if he accepted an offer of a paid position. Any other interpretation of his comments would be stretched and implausible.

24. The actions that Mr Benton referred to in this context included:

- Setting up meetings with and arranging access to Ministers, including gaining “[p]robably the direct ear of a minister who is actually going to make these decisions” (i.e. decisions on future government policy on gambling) and “direct access to a government minister”.<sup>21</sup>
- Setting up meetings with and arranging access to government advisers: “I’ll be honest, I don’t know [the Secretary of State]’s advisers. [...] I do know who they are though, so I should be able to try and fix something with them as well.”<sup>22</sup>
- Lobbying Ministers on behalf of the company: “The beauty of politicians, if you like, are we vote in the House of Commons two or three times a day, and [...] you will literally stand at the beginning at the entrance to the voting lobby. And if you wait there for five minutes, the minister has to pass you. And then you’ve got 10 minutes while you walk around to the next vote to have his ear. [...] If you’re persistent, you can get your point across pretty easily.”<sup>23</sup>
- Making approaches to other Members on behalf of the company. Asked by one of the reporters, “if it’s useful to bring other MPs on board, is that something you just kind of, can call in favours, or ...”, to which Mr Benton responded:

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17 Written evidence, p 100

18 Written evidence, p 125

19 Written evidence, p 132

20 Written evidence, p 133

21 Written evidence, p 123

22 Written evidence, p 129

23 Written evidence, p 124

“Absolutely. I can call in favours. Or we can, if for example you want to you want to, need me [sic] and I bring colleagues along as well and you can talk them through those certain asks. I can arrange that. I can host a dinner for us at the House of Commons for example [...] where we can go through some of those particular issues as well. So I’ve got quite a few favours we can pull in from colleagues who would be more than happy to support you as well”.<sup>24</sup>

- Tabling parliamentary questions on behalf of the company (“we can obviously put parliamentary questions on the table”).<sup>25</sup>
- Providing access to confidential government documents, including “private note[s]” from Ministers “giving you a bit more which they didn’t want to divulge”,<sup>26</sup> and leaking the contents of a forthcoming government white paper on gambling 48 hours before publication, giving the company information which it might have used to its advantage.<sup>27</sup> The following exchange is relevant here:

“Reporter 1: That would be really useful because one of the things we really don’t want to do is be sort of in the final stages of a deal, because some of them are already quite late stage, and kind of get caught with our pants down because something’s changed in the white paper.

SB MP: (cross talk) You weren’t expecting

Reporter 1: ..Or you know it could be to our advantage if something has changed and no-one else knows.. [Scott nods] ... so if you’re able to get us advanced sight, 48 hours would probably be enough.”<sup>28</sup>

25. With regard to leaking the White Paper, in a later interview with the Commissioner Mr Benton stated that he would not in fact have been able to access an advance copy and so “that statement there is at best a gross exaggeration, potentially a lie. I don’t think that’s truthful what I’ve said there”.<sup>29</sup> The fact that Mr Benton admits having been dishonest with the reporters on this matter does not of course obviate the fact that he had offered to breach the rules. As the Commissioner notes, “the reporters posing as company representatives would not have been aware at the time that Mr Benton’s remarks were false”.<sup>30</sup>

26. Mr Benton was asked by one of the reporters which of the actions he had referred to would have the highest impact. He responded:

Highest impact? Two or three fold really. Meeting with advisers I think is urgent. Meeting with the minister himself, Stuart [Andrew, Parliamentary Under Secretary of State at the Department for Digital, Culture, Media and Sport, with responsibility for gambling policy] or Lucy [Frazer, Secretary of State for Culture, Media and Sport] would be absolutely fantastic, although probably less [more] likely we’re meeting Stuart who is the direct

24 Written evidence, p 123

25 Written evidence, p 124

26 Written evidence, p 124

27 Written evidence, p 130–31

28 Written evidence, p 130

29 Appendix 1, para 4.7

30 Appendix 1, para 5.6



minister responsible, and tabling some written questions to try and flesh out the government's intentions on X, Y and Z and then probably writing something more formal, and having me sit down with the minister and go through it line by line.<sup>31</sup>

27. One of the reporters then asked Mr Benton what assistance he could offer by way of “insight and kind of getting a bit of a sense of behind the scenes, what’s going on and what’s likely to come”. Mr Benton responded:

Probably real time information. If I want to speak to a minister urgently, I can probably arrange that, have her call back within a day. Failing that, again it’s a voting lobbies issue. So if you were, for example, to write to her today, and you needed an urgent answer within a week and somebody hadn’t got back to her with that week period I could literally sit outside her office until she appears. Which is something only MPs can essentially do to try and get that real time flow of information and answers back.<sup>32</sup>

28. All the actions listed above, if undertaken by an MP in return for payment, would be in breach of the House’s lobbying rules. Paragraph 4 of the Code of Conduct provides that “Members must rigorously follow the rules on lobbying set out in the Guide”. The Guide to the Rules states that:

Members may not [...] initiate parliamentary proceedings [which includes tabling questions] for payment in cash or kind. Members may not make approaches to Ministers, other Members or public officials in return for such payment. [...] Members must not engage in lobbying by initiating or participating in a proceeding or approach which seeks to confer, or would have the effect of conferring, any financial or material benefit on [...] an identifiable organisation from which they [...] have received, are receiving, or expect to receive outside reward or consideration”.<sup>33</sup>

29. The House’s rules also provide that “Members must only use information which they have received in confidence in the course of their parliamentary activities in connection with those activities, and never for other purposes”.<sup>34</sup> As the Commissioner notes, “[a] Member providing a White Paper prior to publication or private notes they have received from a Minister in return for payment would be a breach of this rule”.<sup>35</sup>

30. The various actions referred to by Mr Benton and cited above would have been in breach of the rules as they have been in force for many years. In addition, the latest revisions to the Code and Guide, approved by the House in December 2022, mean that the rules now prohibit Members from “advising outside organisations or persons on process, for example, how they may lobby or otherwise influence the work of Parliament, in return for payment”. Paragraph 9 of the revised Code reads: “Members must not provide, or agree to provide, paid parliamentary advice, or agree to undertake services as a Parliamentary

31 Written evidence, pp 129–30

32 Written evidence, p 130

33 House of Commons, [The Code of Conduct and The Guide to the Rules relating to the Conduct of Members](#) (Session 2022–23, HC 1083), published 10 February 2023, Guide, section 3, paras 1–2

34 House of Commons, [The Code of Conduct and The Guide to the Rules relating to the Conduct of Members](#) (Session 2022–23, HC 1083), published 10 February 2023, Code, paragraph 7 of the Rules

35 Appendix 1, para 4.8

strategist, adviser or consultant”.<sup>36</sup> It is clear that the services Mr Benton indicated he was prepared to offer to the fictitious company would have been in breach of this ban on paid parliamentary advice.

31. Mr Benton himself accepts that some of his comments at the meeting “indicated that I could assist a fictitious company in ways that MPs are not allowed to do in accordance with parliamentary rules”.<sup>37</sup> We note that when Mr Benton made those comments, he was not aware that the company was fictitious, but assumed it was a real company that was contemplating offering him a paid position.

32. In his written evidence to us, Mr Benton makes much of the fact that changes to the House’s lobbying rules, including the ban on paid parliamentary advice, had come into force not long before the 7 March meeting, and that he had lacked “guidance as per the recent changes to the Code at my disposal during the meeting”.<sup>38</sup> Ignorance of the House’s rules is not a defence against a claim that they have been breached, but we note that, as set out in paragraphs 28-30 above, even if Mr Benton had been unaware of the recent changes to the rules, the actions he was suggesting he could take would have contravened the rules in their previous form.

**33. We concur with the Commissioner’s finding that during the meeting on 7 March 2023, Mr Benton made statements that he would be willing to breach and/or circumvent the House’s rules for the company in return for payment.**

### **Did Mr Benton’s position change during the course of the meeting? What assessment should be made of his conduct after the meeting?**

34. Mr Benton claims that during the 7 March meeting he “concluded, within an hour, whilst I was under the spotlight, that what I was being asked to do would breach the rules”.<sup>39</sup> He states that “[d]uring the meeting, it became clear that the opportunity was not compliant with the rules, leading me to conclude that I was not ‘willing in principle’ to engage in activities breaching the rules”.<sup>40</sup> Again, Mr Benton states that “I had already concluded within the hour that it wouldn’t feel right for me to proceed to do anything that I had discussed with this fictitious company”.<sup>41</sup> Mr Benton further comments that “I threw away the contact details of the fictitious company on my way back to the office”.<sup>42</sup> He also states that “following that meeting, no further interactions occurred, no agreements were reached to undertake compensated work, and no contracts were signed”.<sup>43</sup>

35. The transcript of the meeting contains no internal evidence of a change in mind as asserted by Mr Benton. At the end of the meeting one of the reporters asked about Mr Benton’s “movements in the next couple of weeks if it may be useful to set you up with a quick chat with [name redacted]”, and Mr Benton indicated that he would be available for a meeting.<sup>44</sup> It is true that Mr Benton made no attempt after the meeting to make

36 House of Commons, [The Code of Conduct and The Guide to the Rules relating to the Conduct of Members](#) (Session 2022–23, HC 1083), published 10 February 2023, Guide, section 4, paras 1–2

37 Appendix 2, para 2

38 Appendix 2, para 5

39 Appendix 2, para 6

40 Appendix 2, para 11

41 Appendix 2, para 5

42 Appendix 2, para 6

43 Appendix 2, para 11

44 Written evidence, p 135

further contact with the undercover reporters. Mr Benton's decision to approach the Registrar's office on 27 March, nearly three weeks after the meeting, indicates that by then he had become uneasy about the matter, but it is not possible to say at what point in the intervening period of nearly three weeks he had become uneasy or what had prompted this unease.

**36. Even if Mr Benton had reached a conclusion in his own mind during the course of the 7 March meeting that he was being asked to commit a serious breach of the House's rules, he did not share this view with his interlocutors and took no steps to disabuse them of the impression that he was willing to lobby and provide access to Ministers and officials, and leak confidential government information, which it was clear the company intended to use for its commercial advantage, in return for payment. We conclude that any change of mind Mr Benton may have felt during the meeting, or subsequent to it, is irrelevant to the question of whether he had breached Paragraph 11 of the Code by causing significant damage to the reputation and integrity of the House of Commons as a whole, or of its Members generally, by his conduct and views expressed during the meeting.**

### **Did Mr Benton state that other Members had previously breached and/or circumvented the House's rules and would be willing to do so in the future in return for payment?**

37. Mr Benton rejects the Commissioner's finding that during the meeting on 7 March, he had made statements that "other Members had previously breached and/or circumvented the House's rules and would be willing to do so in the future in return for payment".<sup>45</sup> He argues that this is one of a number of assertions in the Commissioner's memorandum "that lack justification based on the evidence and are thus factually inaccurate".<sup>46</sup>

38. Mr Benton spoke to the undercover reporters about the willingness of Members to accept paid hospitality such as hiring a box at Cheltenham Races or offering them a private dinner ("Talk about pushing at an open door. In fact you'll have people chasing you saying colleague X, Y and Z wants to come, is there any more room. And that works very, very well").<sup>47</sup> Mr Benton immediately followed up these comments by saying, in reference to those Members who had accepted hospitality, "And those specific asks you would have, they would be able to yeah take those on board and try to do something as a bit of a return".<sup>48</sup> Mr Benton also told the reporters that he was willing to "call in favours" to "bring colleagues along" to meet company representatives to "talk them through those certain asks", and to host a dinner for that purpose at the House of Commons "where we can go through some of those particular issues as well" with "colleagues who would be more than happy to support you."<sup>49</sup> In context, the "specific asks" and "certain asks" referred to by Mr Benton must allude to the services to the company offered by Mr Benton, which as we have seen would have breached the House's rules. There is no other plausible interpretation of Mr Benton's comments. The implication is clear that the other Members referred to had engaged in such behaviour in the past and would be willing to do so in future.

45 For the Commissioner's finding, see Appendix 1, Summary.

46 Appendix 2, para 13

47 Written evidence, p 126

48 Written evidence, p 126

49 See para 24 above and written evidence, p 123.

39. We note that in some cases Mr Benton told the undercover reporters that he had influence over other Members that he later admitted he did not in fact have. He said at the meeting: “I know [name of Minister deleted] very, very well”. In a subsequent interview as part of the Commissioner’s investigation he stated: “I’ve said I know [name of Minister redacted] very well, which isn’t accurate”.<sup>50</sup>

40. Mr Benton also made remarks claiming that other companies had in the past undervalued hospitality benefits to avoid Members having to register an interest or make a declaration.<sup>51</sup> The limit below which benefits do not have to be registered or declared is £300.<sup>52</sup> Mr Benton’s comments about this alleged practice deserve to be set out in full (noting that he misrecalled the limit as £350 rather than £300):

SB MP: So if you were to, for example, going back to dinner chances are it wouldn’t more than £350 per head so they wouldn’t have to declare it. They could ask a question for you and it wouldn’t be on the public record. If you gave somebody a ticket to the FA Cup final and it was 400 pounds, a) they would have to declare it and b) obviously if they then asked a question that would potentially flag up. So a lot of companies try to be quite cute about the level of the hospitality to make sure it falls just under so people don’t have to declare it, it normally works for the company. And it normally works for MPs as well.

Reporter 1: Is that just sort of saying oh it only cost this much per person..

SB MP: Yes

Reporter 1:..even if it actually costs a bit more

SB MP: So without saying too much, you’d be amazed at the number of times I’ve been to races and the ticket comes to £295. [laughs]

Reporter 1: That’s the threshold?

SB MP: I think it’s 300. So it’s often oh the ticket’s 290 so you don’t need to. Oh fine.

Reporter 1: I guess, everyone knows it costs a lot more than that but it’s not like it’s publicly what hospitality boxes cost.

SB MP: Abso.. I mean, I probably shouldn’t say this, but essentially all MPs are looking for is an email chain saying this is how much a ticket cost so if we get caught out it’s like, well the company told me it cost this much. And essentially what you paid for is nobody else’s business.

Reporter 1: Not my fault guvnor

Reporter 2: Ok so there’s ways to

50 Written evidence, pp 26, 132

51 Written evidence, pp 126–27; Appendix 1, para 4.9

52 House of Commons, [The Code of Conduct and The Guide to the Rules relating to the Conduct of Members](#) (Session 2022–23, HC 1083), published 10 February 2023, Guide, introduction, para 8 and table

SB MP: There are ways around it absolutely.<sup>53</sup>

41. In his written evidence to us, Mr Benton argues that in these comments he was not suggesting that companies had deliberately falsified their valuations:

[...] hospitality provided to MPs frequently falls below the threshold necessitating declaration. Legitimate methods exist for companies to acquire hospitality that can genuinely fall below the declaration threshold. Providing this hospitality to MPs while accurately communicating its cost to them aligns perfectly with the rules as they are currently formed and does not constitute either ‘a breach’ or ‘a circumvention’ of these regulations. Employing discretion about the extent of the hospitality should not be conflated with ‘artificially undervaluing hospitality’, and it is not accurate to claim that I mentioned or endorsed the latter practice.<sup>54</sup>

42. In paragraph 40 above we have set out *in extenso* Mr Benton’s comments to the reporters on this subject. His statement that companies are “quite cute about the level of the hospitality to make sure it falls just under so people don’t have to declare it”, taken on its own, might be regarded as a reference to legitimate cost-minimisation, but the following further comments cannot be so regarded and must be taken as a reference to sharp practice on the part of companies offering hospitality:

Reporter 1: Is that just sort of saying oh it only cost this much per person..

SB MP: Yes

Reporter 1:..even if it actually costs a bit more

SB MP: So without saying too much, you’d be amazed at the number of times I’ve been to races and the ticket comes to £295. [laughs]<sup>55</sup>

43. In the light of the whole passage we have quoted, we regard Mr Benton’s attempted justification of these remarks to be *ex post facto* justification and lacking credibility. We note in this context that, as the Commissioner points out, a Member accepting a benefit they knew, or believed, had been deliberately undervalued in order to avoid the need for registration would be in breach of the rules; and Members who advocate a particular matter in the House to benefit a company from whom a benefit has been received would also be in breach of the rules, even if the value of the benefit falls below the threshold requiring registration.<sup>56</sup>

44. At the meeting one of the reporters continued these exchanges by asking, “[i]f we invite someone along, is it reasonable to then expect them, we’ve given you a nice day out, we kind of expect something in return? Is that how it works?” Mr Benton responded:

Generally. Most colleagues would do that, not everybody would. You would get some people who would say it was a lovely day and will never pick up the phone and call or send an email afterwards. But most would, especially

53 Written evidence, pp 126–27

54 Appendix 2, para 8

55 Written evidence, p 127

56 Appendix 1, paras 4.10–11; House of Commons, [The Code of Conduct and The Guide to the Rules relating to the Conduct of Members](#) (Session 2022–23, HC 1083), published 10 February 2023, Guide, chapter 3, para 1

if the ask wasn't too onerous, which would be can you try and find out x, y and z from members of staff, file a parliamentary question, or submit this question the next time oral questions come up in the House of Commons. [...] Sometimes we co-sign letters on behalf of different companies as well.<sup>57</sup>

45. Taking Mr Benton's comments during the meeting as a whole, we consider that the only reasonable interpretation of those comments is that Mr Benton was indicating not only that he personally was willing to take actions in breach of the rules, but that a significant number of other Members of the House took a similar attitude, the implication being that they were willing to disregard, and had in the past disregarded, those rules.

**46. We concur with the Commissioner's finding that during the meeting on 7 March 2023, Mr Benton made statements that other Members had previously breached and/or circumvented the House's rules and would be willing to do so in the future in return for payment.**

### Did Mr Benton state that he had breached the House's rules in the past?

47. Mr Benton rejects the Commissioner's finding that during the meeting on 7 March, he had made statements that "he had breached the House's rules in the past".<sup>58</sup> He argues that this is one of a number of assertions in the Commissioner's memorandum "that lack justification based on the evidence and are thus factually inaccurate".<sup>59</sup>

48. As we have discussed in paragraphs 40 to 45 above, Mr Benton told the undercover reporters, referring to the £300 limit below which benefits do not have to be registered or declared, that "you'd be amazed at the number of times I've been to races and the ticket comes to £295. [laughs]"; and immediately afterwards he indicated assent when one of the reporters said that in such case "everyone knows it costs a lot more than that".<sup>60</sup>

49. In our view the only reasonable interpretation of these comments is that Mr Benton was acknowledging - indeed glorying in - his collusion in previous attempts to undervalue hospitality he had received in order to avoid the requirement to register and declare this. We note that Mr Benton, as part of his defence to the Commissioner, has argued that many of the statements he made to the reporters were exaggerations or downright lies,<sup>61</sup> but we see no reason to suppose that in making these claims about past breaches he was being dishonest.

**50. We concur with the Commissioner's finding that during the meeting on 7 March 2023, Mr Benton made statements that he had breached the House's rules in the past.**

### Other arguments adduced by Mr Benton

51. There were other aspects of this case which Mr Benton raised with the Commissioner but did not choose to raise in his evidence to us, for instance his claim that his meeting with the undercover reporters formed part of his purely private and personal life rather

57 Written evidence, p 127

58 For the Commissioner's finding, see Appendix 1, Summary.

59 Appendix 2, para 13

60 Written evidence, p 127

61 See Appendix 1, paras 4.6-7, 5.6, 5.25, 6.2

than being undertaken in his capacity as a Member;<sup>62</sup> that his offer to divulge the contents of the white paper on gambling related to the period after publication rather than before it;<sup>63</sup> and that his thinking during the meeting with the reporters was muddled because it took place in what he claimed was a noisy and disruptive environment.<sup>64</sup> As Mr Benton did not highlight these matters in his evidence to us, we have not engaged with them specifically in this report, but for the avoidance of doubt we make clear that we consider the Commissioner’s rejection of these arguments to be entirely justified.

## Our decision

52. We have set out above our agreement with the Commissioner in his three key findings, that during the meeting on 7 March 2023, Mr Benton had “made statements to the effect that:

- i) he had breached the House’s rules in the past;
- ii) he would be willing to breach and/or circumvent the House’s rules for the company in return for payment; and
- iii) other Members had previously breached and/or circumvented the House’s rules and would be willing to do so in the future in return for payment.”<sup>65</sup>

53. The case against Mr Benton is not that he breached the Code by taking the actions he indicated he was willing to take, but that by his statements he breached Paragraph 11 of the Rules, which provides that:

Members shall never undertake any action which would cause significant damage to the reputation and integrity of the House of Commons as a whole, or of its Members generally.<sup>66</sup>

54. The Commissioner’s opinion is that this rule was breached. He concludes that “Mr Benton made comments to the effect that he and other Members were ‘for sale’. Such an impression, in my opinion, would cause significant damage; it is of a type that corrodes public trust in the integrity and decency of their elected representatives.”<sup>67</sup>

55. The Commissioner adds: “I am also satisfied that the damage is not limited to Mr Benton’s reputation alone because he implied that he spoke on behalf of other Members and could vouch for the actions that other Members would be willing to take. Mr Benton gave the impression that this behaviour was commonplace in Parliament, which on his own account was a lie. [...] even in the context of the fictitious scenario in which Mr Benton thought he found himself, the people to whom he was speaking might well have spread the word to others in their own company or far wider that Members of Parliament were susceptible to corruption of this kind”.<sup>68</sup>

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62 See Appendix 1, paras 5.1–3

63 See Appendix 1, paras xx-xx

64 See Appendix 1, paras 5.14–16

65 Appendix 1, Summary

66 House of Commons, [The Code of Conduct and The Guide to the Rules relating to the Conduct of Members](#) (Session 2022–23, HC 1083), published 10 February 2023

67 Appendix 1, paras 9.1–2

68 Appendix 1, paras 9.3–4

56. In his written evidence to us Mr Benton argues that he did not breach Paragraph 11 of the Rules - and therefore did not breach the rules at all - because the criteria for establishing that his actions would cause “significant damage” to the reputation of the House and of its Members generally have not been met, and that any assertion of a breach would be “entirely disproportionate”.<sup>69</sup>

57. We note that Mr Benton’s arguments that the Paragraph 11 criteria have not been met rest on his claims that in the 7 March meeting he did not admit to willingness to breach and/or circumvent the House’s rules in return for payment, or admit to having breached the House’s rules in the past, or stated that other Members would be willing to breach or circumvent the House’s rules in return for payment.<sup>70</sup> In previous sections of this report we have examined these claims by Mr Benton and dismissed them, endorsing the Commissioner’s findings that Mr Benton had indeed made all these statements.

58. Mr Benton does not specifically raise with us the issue of entrapment, but it is proper to record that the events in question were the result of a ‘sting’ operation by a national newspaper. In a report on a previous case in 2019 our predecessor committee considered the issue of entrapment in relation to Members’ conduct.<sup>71</sup> It distinguished between entrapment which “fostered” misconduct and entrapment which “exposed” it. In this case there is nothing to suggest that Mr Benton was being inveigled into doing anything he was reluctant to do, and we do not consider that the entrapment crossed the line into “fostering” impropriety.

**59. In our view Mr Benton breached Paragraph 11 of the Rules and it was an extremely serious breach. The bar for breaching this rule is a high one but Mr Benton significantly exceeded it. The message he gave to his interlocutors at the 7 March meeting was that he was corrupt and “for sale”, and that so were many other Members of the House. He communicated a toxic message about standards in Parliament. We condemn Mr Benton for his comments which unjustifiably tarnish the reputation of all MPs. This makes it all the more important that Parliament deals decisively with cases like the present one where a Member shows themselves to be unworthy of the position they hold in public life.**

## Recommendation

60. In accordance with our usual practice, we have considered whether there are any aggravating or mitigating factors in relation to this breach. In the two paragraphs which follow the text in italics is taken from the table of potential aggravating and mitigating factors set out in a previous report from the Committee that was approved by the House in 2021.<sup>72</sup>

61. We consider the following to be aggravating factors:

- a) *Non-cooperation with the Commissioner or the investigation process; concealing or withholding evidence:* The Commissioner has concluded that when Mr

69 Appendix 2, paras 12–13

70 Appendix 2, para 13

71 [First Report](#) of Session 2019–20, *Keith Vaz* (HC 93), published 28 October 2019, paras 71–72

72 Committee on Standards, Seventh Report of Session 2019–21, [Sanctions in respect of the conduct of Members](#) (HC 241), para 80. The report was published on 21 July 2020 and approved by the House on 21 April 2021.



Benton wrote to him on 27 March 2023, before Mr Benton knew that he had been involved in a sting operation, his letter gave “an incomplete and incorrect picture of what had transpired during the meeting”.<sup>73</sup>

- b) *Motivation of personal gain*: Mr Benton’s engagement with the fictitious company was clearly motivated by desire to receive the offered financial “compensation”.
- c) *Failure to seek advice when it would have been reasonable to do so*: We endorse the Commissioner’s comment that “Mr Benton undertook no due diligence in respect of this company, nor any assessment of the House’s rules, prior to openly and freely making statements that were harmful to the reputation of Parliament”.<sup>74</sup> It was clear from the initial email contact from the fictitious company that Mr Benton was being offered paid employment related to his work as a Member. As he was clearly ill-informed about the rules of the House, he should have sought advice from the House authorities about the rules before agreeing to the meeting; and even if he had not done so he could have responded to suggestions made at the meeting by saying he needed to check on the rules before committing himself. He chose to do neither.
- d) *A repeat offence, or indication that the offence was part of a pattern of behaviour*: Mr Benton’s comments about his past willingness to collude with companies in making false valuations of hospitality suggest that this could have been a pattern of conduct on his part.
- e) *Any breach of the rules which also demonstrates a disregard of one or more of the General Principles of Conduct or of the Parliamentary Behaviour Code*: We endorse the Commissioner’s assessment of the extent to which Mr Benton breached the ‘Nolan Principles’ which are embedded in the House’s Code of Conduct, viz. those of Integrity, Honesty and Leadership.

62. We consider the following to be a mitigating factor:

- a) *Acknowledgement of breach, self-knowledge and genuine remorse*: At some point in the 20 days which followed the meeting on 7 March 2023 Mr Benton clearly developed doubts about the wisdom of his conduct, leading to his approach to the Registrar and Commissioner (although we also observe that, as noted above, the Commissioner has concluded that his letter sent at that time gave an incomplete and incorrect picture). We note that Mr Benton referred himself to the Commissioner, and that following the 7 March meeting he had no further contact with the fictitious company. We note the Commissioner’s comment that in his view “Mr Benton’s regret at having given way to a momentary temptation is real, and that he sincerely wishes that he had held to his principles and not allowed himself to be distracted by a short-term financial gain”.<sup>75</sup>

**63. By repeatedly indicating his willingness to disregard the House’s rules, and by giving the impression that many Members of the House had in the past and will in the future engage in such misconduct, Mr Benton committed a very serious breach of**

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73 Appendix 1, para 9.6

74 Appendix 1, para 5.23

75 Appendix 1, paras 9.6, 10.2

**Paragraph 11 of the Rules. His comments gave a false impression of the morality of MPs in a way which, if the public were to accept them as accurate, would be corrosive to respect for Parliament and undermine the foundations of our democracy.**

***64. A serious sanction is appropriate. We recommend that the House suspend Mr Benton from its service for a total of 35 days, with concomitant loss of salary.***

# Appendix 1: Memorandum from the Parliamentary Commissioner on Standards: Mr Scott Benton MP

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## Summary

This memorandum reports on the inquiry that I began on 20 April 2023, following a self-referral from Mr Scott Benton MP on 6 April 2023. His self-referral was connected to articles published in The Times newspaper on 6 and 7 April 2023 about comments made by Mr Benton during a meeting in March 2023, which had been covertly recorded.

My inquiry focused on whether Mr Benton had breached paragraph 11 of the Rules of Conduct as set out in the 2023 Code of Conduct for Members of Parliament ('the Code'):

*Members shall never undertake any action which would cause significant damage to the reputation and integrity of the House of Commons as a whole, or of its Members generally.*

During my investigation, I interviewed Mr Benton twice and took evidence from one witness. I also obtained and considered documentary and video evidence from The Times newspaper.

Having considered the evidence, my findings are:

- a) Mr Benton did not attend the meeting as part of his “*purely private and personal*” life because the fictitious company was presented as being interested in employing Mr Benton on account of his connections to the House of Commons and its Members.
- b) Mr Benton made statements to the effect that:
  - i) he had breached the House’s rules in the past;
  - ii) he would be willing to breach and/or circumvent the House’s rules for the company in return for payment; and
  - iii) other Members had previously breached and/or circumvented the House’s rules and would be willing to do so in the future in return for payment.

I have found no evidence to support a finding that Mr Benton had breached parliamentary rules outside of this meeting.

Having reached these findings, it is my opinion that Mr Benton’s conduct falls within the class of conduct that would cause significant damage to the reputation and integrity of the House of Commons as a whole and its Members generally, and accordingly amounts to a breach of paragraph 11 of the Code.

Breaches of paragraph 11 cannot be rectified under the Standing Orders but, in any event, this matter is so serious that I am obliged to refer it to the Committee on Standards for their consideration and decision.

**Daniel Greenberg CB**  
**Parliamentary Commissioner for Standards**  
**10 October 2023**

## Report

### 1. Background to the inquiry<sup>76</sup>

1.1 On 16 February 2023 an undercover reporter from The Times newspaper contacted Mr Benton at his parliamentary email address. The journalist posed as a representative from a fictitious company called Tahr Partners ('the company') and asked Mr Benton if he would be willing to meet to discuss a job opportunity. The journalist told Mr Benton:<sup>77</sup>

*The position we have in mind would possibly entail around a day or two of work each month, with a compensation package and the possibility of a position on the board of one of our portfolio companies.*

1.2 Mr Benton replied on 20 February 2023 confirming that he would be happy to meet.<sup>78</sup>

1.3 A meeting between Mr Benton and undercover reporters from The Times took place on 7 March 2023 at a central London hotel. The meeting lasted for approximately an hour. Following the meeting, there was no further contact between Mr Benton and the journalists in their guise as representatives of the company.

1.4 On 27 March 2023 Mr Benton contacted the office of the Registrar of Members' Financial Interests ('the Registrar') seeking advice on the rules around registration and lobbying. Mr Benton followed that approach with a phone call with the Registrar.

1.5 Following his phone call with the Registrar, Mr Benton wrote to me on 27 March 2023 to tell me that:<sup>79</sup>

*Several weeks ago I was approached by an organisation who offered 1-2 days paid employment for advisory work in the Gambling sector. I met representatives from the organisation for a conversation regarding what this may entail. During the conversation, it became apparent that the opportunity was a non-starter as it would not be compliant with the rules relating to lobbying. As such, despite the organisation at the meeting asking me to forward on further details to them, including a CV, I decided not to correspond with them further. Obviously I haven't signed a contract with them or undertaken any work for them in Parliament, whether that be asking questions, or speaking to ministers, or anything else.*

*During the meeting...my misunderstanding of the nuances between Chapter 3, Part 4 and Chapter 4 led me to give incorrect advice to the organisation about what MPs could do in particular circumstances relating to asking questions and speaking to ministers.*

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76 See Appendix 1 for a timeline of events.

77 See page 100 in the evidence bundle.

78 See page 100 in the evidence bundle.

79 See page 2 in the evidence bundle.

*...I am conscious of the fact that I gave them incorrect advice about what an MP could do given my misunderstanding of the rules. In light of this, whilst I haven't broken any of the rules of the Code of Conduct, I wanted to alert you to the conversation I'd had.*

1.6 I replied on 28 March 2023 to state that:<sup>80</sup>

*I note that you have given an inaccurate description to an external organisation of the constraints imposed on Members by Chapters 3 and 4 of the new Guide to the Rules relating to the Conduct of Members.*

*In the circumstances as you describe them, I do not think you are bound to contact the organisation to correct their understanding.*

1.7 On 4 and 5 April 2023 the journalists from The Times contacted Mr Benton to reveal that the meeting with the purported representatives from the company had been an undercover “sting” operation. The journalists invited Mr Benton to comment on remarks he had made at the meeting on 7 March 2023 ahead of news articles that were to be published shortly.<sup>81</sup>

1.8 On 6 and 7 April 2023 The Times proceeded to publish front-page articles detailing the content of their 7 March 2023 meeting with Mr Benton.<sup>82</sup>

1.9 On 6 April 2023 Mr Benton referred himself to my office, writing:<sup>83</sup>

*I write to refer myself to you for investigation following the reports in the media that emerged yesterday as a consequence of my conversation with a fictitious company.*

*I will obviously fully cooperate with your enquiry and any questions relating to the circumstances around this conversation, and what was said by myself during the meeting, to the best of my knowledge.*

## 2. The scope of my inquiry

2.1 Having reviewed the two news articles of 6 and 7 April 2023 and considered the comments allegedly made by Mr Benton at the meeting of 7 March 2023, I decided to open a formal inquiry under the Code of Conduct for Members of Parliament (‘the Code’).

2.2 I wrote to Mr Benton on 20 April 2023 to inform him that an inquiry was being opened and that the inquiry would investigate and consider whether his actions had breached paragraph 11 of the Code, which states:<sup>84</sup>

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80 See page 3 in the evidence bundle.

81 See pages 103–106 in the evidence bundle.

82 See pages 95–99 in the evidence bundle.

83 See page 5 in the evidence bundle.

84 See pages 6–9 in the evidence bundle. At the time of writing to Mr Benton it was not clear whether his meeting with the undercover reporters had occurred before 1 March 2023, in which case my inquiry would have considered whether Mr Benton’s actions had breached paragraph 17 of the 2019 edition of the Code of Conduct (the wording of the two rules is the same).

*Members shall never undertake any action which would cause significant damage to the reputation and integrity of the House of Commons as a whole, or of its Members generally.*

2.3 During the course of my inquiry, I also considered the possibility, based on information that Mr Benton provided at the meeting on 7 March 2023, that he had previously breached other rules of the Code. Having considered the matter, I found no evidence to justify formally extending my inquiry into considering whether Mr Benton had previously breached any other rules (see Appendix 3 for more details).

### 3. The evidence collected during my inquiry

3.1 On 25 April 2023 I wrote to The Times newspaper asking that they supply all the relevant material that they held. The Times responded on 11 May 2023 supplying me with copies of their news articles, the emails exchanged with Mr Benton before and after the meeting of 7 March 2023, and a full transcript of that meeting.<sup>85</sup> On 26 May 2023 they also provided a copy of the full covert video recording of the meeting of 7 March 2023.<sup>86</sup>

3.2 On 18 May 2023 Mr Benton responded to my letter of 20 April 2023 outlining his written position as to whether his conduct had breached paragraph 11 of the Code.<sup>87</sup>

3.3 Based on Mr Benton's written response, I decided to interview [name redacted] who had previously provided the secretariat function to the All-Party Parliamentary Group ('APPG') on Betting and Gaming. I interviewed [name redacted] on 1 June 2023.<sup>88</sup>

3.4 I also interviewed Mr Benton on 13 June 2023 and 27 June 2023.<sup>89</sup>

3.5 A timeline of my investigation is attached at Appendix 2.

### 4. Comments made during meeting of 7 March 2023 and the House's rules

4.1 In the following section I have reviewed various comments made by Mr Benton during his meeting with the Company, which are relevant to the rules of the House.

#### 4(a) Lobbying Ministers, Members, and other officials

4.2 At his meeting with the undercover reporters on 7 March 2023 Mr Benton made the following statements that have a connection to the House's rule on paid lobbying:

- Mr Benton offered to introduce the company to Ministers and their special advisers and said he could provide the company with access to a Minister and request a meeting:

**Page 120**

85 See pages 110–136 in the evidence bundle.

86 I used the video recording to independently verify the accuracy of the transcript provided to me of the meeting of 7 March 2023.

87 See pages 10–17 in the evidence bundle.

88 See pages 137–150 in the evidence bundle.

89 See pages 18–66 and 67–81 in the evidence bundle.

*SB MP: Have you spoken to any ministers directly?*

*Reporter 1: No*

*SB MP: Would you be interested in speaking to ministers or somebody in DCMS in an advisory capacity?*

*Reporter 1: Yes, definitely*

*SB MP: Right if you're happy with me being the middle man I'll get the most appropriate details if I haven't got them already and try and get you a foot in the door. I'm sure that will be absolutely fine.*

### **Page 120**

*SB MP: ...So it would probably be with Stuart, if we can pull that off. Or failing that, one of his advisers. To try and feed in. That would be the best.*

*Reporter 1: And these are people I guess that you know, and kind of have connections with?*

*SB MP: Yes*

*Reporter 1: Ok great*

*SB MP: I can definitely get your foot in the door in both regards. So that's that's probably the best way....*

### **Page 122**

*Reporter 1: Certainly that's the concern that we have in terms of making these investments and that they have voiced to us. Meeting the ministers and chatting to them would be great. How kind of, if we brought you on board, how quickly would that be possible.*

*SB MP: Well I can make those calls today essentially.*

- Mr Benton advised the company that in the past he had arranged introductions to Ministers and officials for other firms and even for people he had never met in-person.

### **Page 122**

- *SB MP: I can try and get your foot in the door. So I don't mind doing that, I'd do that for any firm by the way. Done that for people who I've never even met, I've only had a phone conversation with. So I will try and get you a foot in the door....*
- Mr Benton advised that he could ask other colleagues to support the company to attain their key requirements.

### **Page 123**

- *SB MP: ... And I can encourage other colleagues to get on board with those asks as well. What we tend to do as colleagues, those of us who are interested in the*

*industry have a number of key asks which are broadly similar. And I've supported other colleagues particular asks in meetings, when they've spoken to Company X, Y, and Z, and I'm sure they would return the favour as well. So there's a broad base of colleagues who can sort of settle behind a coherent number of key requirements or key asks, and we can certainly do that.*

### **Page 129**

*SB MP: I'll be honest, I don't know Lucy's advisers. I knew Michelle and Paul because I'd built up relations, relationships with them as soon as a new minister comes in the whole team underneath them goes and a new special advisor team come in so I've not met Lucy's yet. I do know who they are though, so I should be able to try and fix something with them as well.*

- Mr Benton suggested that he would be able to 'call in favours' to further the aims of the company.

### **Page 123**

*Reporter 1: I guess what would the strategy be there in terms of bringing other, if it's useful to bring other MPs on board, is that something you just kind of, can call in favours, or*

*SB MP: Absolutely, I can call in favours....*

- Mr Benton suggested that he could provide access to other Members by either arranging a dinner at the House of Commons or facilitating the company's attendance at an APPG meeting to speak to a wider audience of colleagues.

### **Page 123**

*SB MP: ... Or we can, if for example you want to you want to, need me and I bring colleagues along as well and you can talk them through those certain asks. I can arrange that. I can host a dinner for us at the House of Commons for example..*

*Reporter 2: Oh yeah, great*

*SB MP: ...where we can go through some of those particular issues as well. So I've got quite a few favours we can pull in from colleagues who would be more than happy to support you as well.*

- Mr Benton explained that other Members could table questions on behalf of the company in exchange for a benefit and would not have to declare the benefit if valued at less than £350/£300.

### **Page 126**

- *SB MP: So if you were to, for example, going back to dinner chances are it wouldn't more than £350 per head so they wouldn't have to declare it. They could ask a question for you and it wouldn't be on the public record....*



- Mr Benton advised that some Members would be willing to submit a Question, or would be willing to co-sign a letter, in return for a hospitality benefit.

#### Page 127

- *SB MP: Generally. Most colleagues would do that, not everybody would. You would get some people who would say it was a lovely day and will never pick up the phone and call or send an email afterwards. But most would, especially if the ask wasn't too onerous, which would be can you try and find out x, y and z from members of staff, file a parliamentary question, or submit this question next time oral questions come up in the House of Commons which generally takes, those asks would take an MP 30, 60 seconds out of their time. Considering we have about five staff who would probably do it for me anyway it's not asking the earth. Sometimes we co-sign letters on behalf of different companies as well. Okay, so a company will write to the Secretary of State about X, Y and Z. Instead of just me writing to the Secretary of State we try and get 10, 12 signatures on so it goes to the top of the list and gets taken a bit more seriously. Again, most colleagues are happy to put the names to something.*
- Mr Benton stated that where a Minister does not respond to a Question within a week, he could sit outside their office to pursue their answer.

#### Page 130

*SB MP: Probably real time information. If I want to speak to a minister urgently, I can probably arrange that, have her call back within a day. Failing that, again it's a voting lobbies issue. So if you were, for example, to write to her today, and you needed an urgent answer within a week and somebody hadn't got back to within that week period I could literally sit outside her office until she appears. Which is something only MPs can essentially do to try and get that real time flow of information and answers back.*

- Mr Benton advised that he has many links throughout Parliament and so could assist the company in different areas in future. For example, Mr Benton agreed to assist the company in relation to trade by 'getting up to speed ... pretty quickly'<sup>90</sup> and asserted that he knows the relevant Secretary of State very well as he supported her leadership campaign.

#### Page 132

*Reporter 1: ... But in terms of other areas, I mean the India free trade agreement for example, there are things that would be great to have in that around the current red tape for visas and for workers in certain areas, and particularly looking at having businesses that are going to straddle both countries. Are you able to do you have any influence there? Or how kind of siloed are these things?*

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90 See page 132 in the evidence bundle.

*SB MP: No. A pretty broad span really. I have to admit trade, international trade isn't one of my areas of expertise or particular hobby horses, so to speak, but it is something I mean, I could get up to speed on pretty quickly for want of a better term. I know Kemi very, very well, I supported her for leadership.*

- Mr Benton advised he could approach and lobby Ministers on behalf of the company in the House, for example while they voted.

#### **Page 124**

*SB MP: ... The beauty of politicians, if you like, are we vote in the House of Commons two or three times a day, and we'll be voting later, you will literally stand at the beginning at the entrance to the voting lobby. And if you wait there for five minutes, the minister has to pass you. And then you've got 10 minutes while you walk around to the next vote to have his ear. So even if I say Stuart [Andrew], or Lucy [Frazer] can I speak to you today, and nobody gets back to me. If you're persistent, you can get your point across pretty easily. So it's two-fold, so it's easy access to ministers.*

- Mr Benton suggested that he could table questions on behalf of the company and obtain a response within 5 days.

#### **Page 124**

- *SB MP: ... And secondly, well, secondly, and thirdly, we can obviously put parliamentary questions on the table. So DCMS questions on Thursday. So we can ask things in a direct manner, in public to see if the reaction we get is consistent with what we get in private which isn't always the case. There's written questions as well, where we can table things on the public record and get an instant response within five working days on any question whatsoever, which obviously nobody else outside the political realm can.*

### **Relevant rules of the House and their application**

4.3 The rules on lobbying state that Members are not permitted to take payment in return for advocating a particular matter in the House.<sup>91</sup> This includes speaking in the House and making approaches to both Ministers and public officials. Members may not initiate approaches which seek to confer a benefit on a company that has paid them. Therefore, the following actions would be a breach of the lobbying rules if undertaken by a Member that has received payment (including hospitality) from a company:

- a) introducing the company to Ministers and requesting meetings that seek to confer a benefit on the company;
- b) approaching and lobbying Ministers on behalf of the company;
- c) asking other Members to support the company to attain their key requirements; and
- d) tabling parliamentary questions on behalf of the company.

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91 Rule 4 of the Code of Conduct and Chapter 3 of the Guide (Lobbying for reward or consideration).

4.4 This restriction only applies to companies or individuals from whom Members have received payment, including hospitality or other benefits.<sup>92</sup> Therefore, a Member arranging introductions for firms and ministers from whom they have not received payment would not be a breach of lobbying rules. At the conclusion of the meeting, Mr Benton agreed that compensation in the range of two to four thousand pounds a month in return for the lobbying activities listed above would be acceptable.<sup>93</sup>

#### 4(b) Access to documents

4.5 At his meeting with the undercover reporters on 7 March 2023 Mr Benton made the following statements that are connected to the sharing of confidential information:

- Mr Benton advised that he could share any private notes he received from a Minister in response to a tabled Question, which would sometimes contain information not in the public domain that the Minister did not want to divulge publicly.

##### Page 124

*SB MP: .... And then within five days you get a full answer. In response to that answer as well, you get a private note from the minister which sometimes tells you information you couldn't put in the public domain, because all those questions on the public record, but he might say I couldn't say this in public but this is the real answer I would have given you in private. So that's useful.*

- Mr Benton explained he could provide access to papers and information which PR agencies would not have access to.

##### Page 124

- *SB MP: ... And thirdly, we have access to papers and information which PR companies wouldn't. So they can sort of shake the tree and see what falls out. We can go beneath the surface and get the specifics, which is sometimes a lot more useful than general vague conversations around a particular topic....*
- Mr Benton confirmed he could guarantee that the company could have sight of a specific pending White Paper at least 48 hours before publication.

##### Page 130

*Reporter 1: Would we. Would it be realistic to get advanced sight of the white paper, for example, when it's finally decided or along those lines?*

*SB MP: Probably, that would only be a number of days though*

*Reporter 1: It would still be useful for investment*

*Reporter 2: Yeah for a bit of advanced sight.*

*SB MP: Absolutely. I could guarantee you within 48 hours of publication for example*

92 Paragraph 4, Chapter 3 of the Guide (Lobbying for reward or consideration).

93 See page 133 in the evidence bundle.

*Reporter 1: Before publication?*

*SB MP: Yeah, I would make a song and dance and making sure that happened*

4.6 In his first interview with me, Mr Benton claimed that he had not offered to provide at least 48 hours' advance disclosure of the White Paper to the company before general publication. He explained that what he was actually offering was advance sight 48 hours after publication.<sup>94</sup> He stated that it would be ridiculous to expect a backbench MP to be able to access an advance copy.<sup>95</sup> However, Mr Benton later stated:

*...I can't think of one example when I've been given any government paper which isn't accessible to the public. Genuinely. So that statement there is at best a gross exaggeration, potentially a lie. I don't think that's truthful what I've said there....<sup>96</sup>*

4.7 I have noted carefully Mr Benton's assertion that he was not referring to arranging for pre-publication access to a White Paper and compared that assertion with his later acceptance that his remarks to the reporters about this issue were a gross exaggeration and "*potentially a lie*". I do not accept Mr Benton's initial position that he was talking about sight of the document 48 hours after publication: even on its own, this explanation is not credible, as by then the Paper would be in the public domain and freely accessible by all. Taken with Mr Benton's later remarks, the assertion is even less credible. My view is that Mr Benton was stating that he would be able to secure advance sight of a White Paper, albeit this was a misrepresentation.

### **Relevant rules of the House and their application**

4.8 The rules of conduct specify that "*Members must only use information which they have received in confidence in the course of their parliamentary activities in connection with those activities, and never for other purposes*".<sup>97</sup> A Member providing a White Paper prior to publication or private notes they have received from a Minister in return for payment would be a breach of this rule.

### **4(c) Registration of outside interests**

4.9 At his meeting with the undercover reporters on 7 March 2023 Mr Benton made the following statements about the registration of outside financial interests:

- Mr Benton claimed that a lot of companies artificially undervalue hospitality benefits so as to avoid Members having to register an interest or make a declaration.<sup>98</sup>
- Mr Benton advised that he had been to races a number of times and the ticket was valued at £295, which is just under the threshold requiring registration.<sup>99</sup>

94 See page 46 in the evidence bundle.

95 See page 48 in the evidence bundle

96 See page 51 in the evidence bundle.

97 Rule 7 of the Code of Conduct

98 See page 126–127 in the evidence bundle.

99 See page 127 in the evidence bundle.

- Mr Benton asserted that for benefits to be undervalued below the threshold, Members only require an email chain confirming the value of the benefit in case they get 'caught out'.<sup>100</sup>

### **Pages 126 and 127**

*SB MP: So if you were to, for example, going back to dinner chances are it wouldn't more than £350 per head so they wouldn't have to declare it. They could ask a question for you and it wouldn't be on the public record. If you gave somebody a ticket to the FA Cup final and it was 400 pounds, a) they would have to declare it and b) obviously if they then asked a question that would potentially flag up. So a lot of companies try to be quite cute about the level of the hospitality to make sure it falls just under so people don't have to declare it, it normally works for the company. And it normally works for MPs as well.*

*Reporter 1: Is that just sort of saying oh it only cost this much per person..*

*SB MP: Yes*

*Reporter 1:..even if it actually costs a bit more*

*SB MP: So without saying too much, you'd be amazed at the number of times I've been to races and the ticket comes to £295. [laughs]*

*Reporter 1: That's the threshold?*

*SB MP: I think it's 300. So it's often oh the ticket's 290 so you don't need to. Oh fine.*

*Reporter 1: I guess, everyone knows it costs a lot more than that but it's not like it's publicly what hospitality boxes cost.*

*SB MP: Abso.. I mean, I probably shouldn't say this, but essentially all MPs are looking for is an email chain saying this is how much a ticket cost so if we get caught out it's like, well the company told me it cost this much. And essentially what you paid for is nobody else's business.*

*Reporter 1: Not my fault guvnor*

*Reporter 2: Ok so there's ways to*

*SB MP: There are ways around it absolutely. Everyone, well not everybody, but a lot of companies would utilise. Put it that way. That's a politically correct way of putting it. [chuckles]*

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100 See page 127 in the evidence bundle.

### *Relevant rules of the House and their application*

4.10 The rules of conduct are clear that Members must fulfil conscientiously the requirements of the House in respect of the registration of financial interests.<sup>101</sup> A Member accepting a benefit they knew, or believed, had been deliberately undervalued in order to avoid the need for registration would be acting in breach of this rule.

4.11 In addition, the rules on lobbying state that Members are not permitted to advocate a particular matter in the House to benefit a company from whom a benefit has been received, even if the value of the benefit falls below the threshold requiring registration.<sup>102</sup>

### **4(d) Declaration of outside interests**

4.12 At his meeting with the undercover reporters on 7 March 2023 Mr Benton made the following statement about the declaration of outside interests:

- Mr Benton explained that he would need to make a declaration before tabling a Question but would not have to specify that the Question was on behalf of the company.

#### **Page 125**

*SB MP: So as long as I've gone on public record and say I'm declaring an interest because I may be connected to an operator in the gaming world whose, who I've had contact with in the past. I wouldn't have to say Company X have asked me to...yeah.*

*Reporter 2: Ok.*

*SB MP: So as long as I'm open that there is a link, I don't have to say what the link is.*

### *Relevant rules of the House and their application*

4.13 The rules of conduct state that “Members must always be open and frank in declaring any relevant interest in any proceeding of the House or its Committees”.<sup>103</sup> Any attempt by a Member to conceal a relevant declaration would be a breach of this rule.

### **4(e) Suggested that he had previously taken action which would have amounted to breaches of the rules**

4.14 At his meeting with the undercover reporters on 7 March 2023 Mr Benton made the following statements suggesting that he had previously taken actions which would have amounted to breaches of the rules:

#### **Page 127**

*SB MP: So without saying too much, you'd be amazed at the number of times I've been to races and the ticket comes to £295. [laughs]*

101 Rule 5 of the Code of Conduct

102 Paragraph 1, Chapter 3 of the Guide (Lobbying for reward or consideration).

103 Rule 6 of the Code of Conduct

*Reporter 1: That's the threshold?*

*SB MP: I think it's 300. So it's often oh the ticket's 290 so you don't need to. Oh fine.*

*Reporter 1: I guess, everyone knows it costs a lot more than that but it's not like it's publicly what hospitality boxes cost.*

*SB MP: Abso...I mean, I probably shouldn't say this, but essentially all MPs are looking for is an email chain saying this is how much a ticket cost so if we get caught out it's like, well the company told me it cost this much. And essentially what you paid for is nobody else's business.*

*Reporter 1: Not my fault guvnor*

*Reporter 2: Ok so there's ways to*

*SB MP: There are ways around it absolutely. Everyone, well not everybody, but a lot of companies would utilise. Put it that way. That's a politically correct way of putting it. [chuckles]*

### **Relevant rules of the House and their application**

4.15 The rules of conduct are clear that Members must fulfil conscientiously the requirements of the House in respect of the registration of financial interests.<sup>104</sup> A Member accepting a benefit they knew, or believed, had been deliberately undervalued in order to avoid the need for registration would be acting in breach of this rule.

#### **4(f) Summary**

4.16 The rules are clear that Members cannot enter any contractual arrangement which fetters their complete independence in the performance of their parliamentary functions. The rules are also clear that Members cannot undertake to advise outside organisations on process, for example, how they may lobby or otherwise influence the work of Parliament, in return for payment.<sup>105</sup> Although a contract was not signed, Mr Benton's comments to the undercover reporters, in summary, suggested that he was willing in principle to act as a paid parliamentary adviser and to use his privileged position actively to pursue the interests of the company. This would be a clear breach of the rules.

4.17 Mr Benton accepted he made the above statements and put forward the following points for my consideration.

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104 Rule 5 of the Code of Conduct

105 Paragraph 3, Chapter 3 of the Guide (Lobbying for reward or consideration).

## 5. Mr Benton's evidence

### 5(a) *The status of the meeting as 'private'*

5.1 Mr Benton told me repeatedly that his meeting with the company was a private meeting, and that he had not attended the meeting in his capacity as a Member.<sup>106</sup> As the Code is clear that it does not seek to regulate the actions of Members in their purely private and personal lives,<sup>107</sup> I have considered whether this exemption applies.

5.2 I do not consider this meeting could be said to relate to Mr Benton's purely private and personal life for the following reasons:

- a) At the time of the meeting, as far as Mr Benton was aware, the individuals he was meeting with were professionals representing an international company. They were not friends or family with whom he had a personal connection.
- b) The notional employment opportunity was entirely based on Mr Benton's position as a Member. Most of the meeting conversation turned on parliamentary matters and the actions Mr Benton could take by reason of and in the course of his privileged position as a Member of Parliament.
- c) The invitation to the meeting had been sent to Mr Benton's parliamentary email address.

5.3 I am strongly of the view, given the content of the interview, that the company was being presented as one which was interested in employing Mr Benton because of his connections to the House of Commons and its Members. I do not accept that this meeting was in any sense a meeting relating to Mr Benton's "*purely private and personal*" life.

### 5(b) *Registration of outside interests - exaggeration and dishonesty*

5.4 When *Mr Benton was asked in his first interview with me about his comments on circumventing the hospitality rules by artificially lowering the price of a financial benefit to below the required threshold, he said:*

*My comments are not accurate in any way, shape, or form, they are a gross exaggeration and in fact a downright lie.*<sup>108</sup>

5.5 Mr Benton said he had no reason to believe other Members were circumventing the registration rules in this way but was unable to explain why he gave this impression to the company.<sup>109</sup>

5.6 Whilst Mr Benton said he exaggerated and lied about his own conduct, and misrepresented the position of other Members, it is my view that this does not prevent his statements on 7 March 2023 from being statements that would have caused "*... significant damage to the reputation and integrity of the House of Commons as a whole, or of its Members generally*". *This is because the reporters posing as company representatives would not have been aware at the time that Mr Benton's remarks were false.*

106 See page 58 in the evidence bundle.

107 Section B of the Code of Conduct.

108 See page 52 in the evidence bundle.

109 See pages 52- 53 in the evidence bundle.



5.7 Whether true or false, what he said in the context of a meeting with people in whose discretion he had no reason to trust clearly had the potential to significantly damage the reputation of Parliament by leading those individuals to believe that considerable numbers of Members have breached the Code and are prepared to breach the Code.

### 5(c) *The nature of the role*

5.8 Mr Benton told me that when he received the email from the company, he was unsure what the company were seeking from him. He stated, “*It wasn’t particularly clear over and above saying the employment would be in the realm of one to two days per month and it would be in the field of betting and gaming.*”<sup>110</sup> Mr Benton stated numerous times during his interview with me that he was not sure what the company wanted from him and “*bitterly*” regrets not asking the company to clarify this.<sup>111</sup> *Mr Benton was adamant that the compensation package was unclear and that his answers “...were not given through the lens of ‘I’m expecting a payment from you to do x y and z...’”*<sup>112</sup>

5.9 When considering Mr Benton’s assertion that many of his comments were not on the basis that he would be paid by the company, I have considered the following:

- a) the initial email to Mr Benton on 16 February 2023 made clear the interview was for a paid role;<sup>113</sup>
- b) at the beginning of the interview the company stated they were looking at the role of strategic adviser;<sup>114</sup>
- c) the answers given by Mr Benton as to what action he could take for the company were phrased as what a Member could offer, as a strategic adviser, that a public affairs agency could not;
- d) Mr Benton later specifically referred to other Members taking actions in return for hospitality or benefits; and
- e) compensation and remuneration were specifically discussed at the end of the meeting where Mr Benton agreed a few days’ work a month for two to four thousand pounds would be acceptable.<sup>115</sup>

In view of these facts, I do not accept that Mr Benton made his statements throughout the interview on the basis that the role would be unpaid.

5.10 Mr Benton told me that he was not offering to breach the rules but was talking generally about what he could do on an unpaid basis. *Mr Benton does not accept that he offered to do anything for the company.*<sup>116</sup>

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110 See page 19 in the evidence bundle.

111 See page 23 in the evidence bundle.

112 See page 42 in the evidence bundle.

113 See page 15 in the evidence bundle.

114 See page 114 in the evidence bundle.

115 See page 133 in the evidence bundle.

116 See page 34 in the evidence bundle.

5.11 I do not find any substance in this proposition as my view is that Mr Benton appears freely to suggest that he would be able and willing to undertake activities that would be in breach of the rules, and it is clear from the transcript that those suggestions are made unequivocally by Mr Benton.

#### **5(d) Action taken following the meeting**

5.12 In his interview with me Mr Benton was insistent that he did not agree to work for the company at any point and he told me that this is supported by the fact that he never contacted the company following the interview, and no other steps were taken to progress the matter. Mr Benton stated that he threw away the contact details of the firm as soon as he left the meeting as he considered the meeting to have been a waste of his time as it was apparent to him that the role offered would not be compliant with the House's rules.<sup>117</sup> However, Mr Benton also told me that he had been interested in meeting with the company as the possibility of a job offer could have been helpful for his career post-Parliament.<sup>118</sup>

5.13 I accept that Mr Benton did not sign a contract at or after the meeting and that he did not contact the company following the meeting. If I were investigating Mr Benton for a breach of paragraph 9 of the Code for agreeing to provide parliamentary advice, or to act as a parliamentary strategist, I might have concluded that his actions at the meeting fell short of agreeing to provide such advice or undertake such a strategic role. However, as my investigation relates to a breach of paragraph 11 of the Code, a firm or binding agreement is not necessary.

#### **5(e) Mr Benton's additional points and my response**

5.14 Mr Benton states in his interviews with me that the meeting on 7 March 2023 was held in a noisy and distracting environment that was not necessarily conducive to the clearest of thinking.<sup>119</sup>

5.15 I have watched the video of the meeting and although it is held in a hotel, there is nothing extraordinary about the environment. My view is that even in the event Mr Benton found the environment distracting, this provides no justification for the statements he made during the interview.

5.16 In addition, the following exchange takes place during the interview with the company:<sup>120</sup>

*Reporter 1: Exactly, it's pretty convenient. It's nice, because quite a lot of these big hotels around here are quite busy and quite noisy. I find the music often in these places makes it impossible to hear the other person so.*

*SB MP: That's very, very true. It's quite quiet here and you're close to the Commons as well.*

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117 See page 26 in the evidence bundle.

118 See page 35 in the evidence bundle.

119 See page 65 in the evidence bundle.

120 See page 114–115 in the evidence bundle.

This contradicts Mr Benton’s position that the meeting was held in a noisy and distracting environment.

5.17 Mr Benton explained that many of the comments he made during the meeting were as a result of the “*vast majority*” of questions from the company representatives being “*leading*”.<sup>121</sup>

5.18 I do not agree. I accept that some questions were encouraging Mr Benton in a certain direction. However, my view is that Mr Benton’s statements in response were freely provided, and nothing prevented Mr Benton from being honest and upholding the rules and principles set out in the Code.

5.19 Mr Benton has frequently referred to the fact that this was a “*sting*” operation, to support his contention that to find him in breach of the Code would be disproportionate.<sup>122</sup>

5.20 I have some sympathy with Members who are misled by journalists to create stories. In the course of preparing this memorandum I have considered carefully the implications in this case of the entire scenario having been fabricated by journalists to discover whether Mr Benton would be prepared to agree to breach the Code in respect of paid lobbying and related matters.

5.21 Looking at these events in the round, I am clear that the nature of the sting operation neither excuses Mr Benton’s actions nor changes the reputational impact of his words. The Committee on Standards has previously reported on the action of Members caught up in a “*sting*” operation, and stated:<sup>123</sup>

*For their own protection, all those in public life should bear in mind the likelihood that what they say in private may be made public and should be weighed accordingly. They should always be aware that their conduct will be measured against the seven principles of public life.*

5.22 In this situation, I do not believe that the journalists did more than provide Mr Benton with an unexceptional opportunity to breach the Code. He is not the first Member of Parliament to be approached by a company, purporting to be genuine, seeking to gain an improper advantage by paying for favourable treatment. Approaches of this kind occur from time to time and some of them have been the subject of general publicity. Members are expected to resist these approaches. They are expected to react to what are, in effect, invitations to corruption in a manner that demonstrates integrity, selflessness, openness and leadership (four of the Principles of Public Life which underpin the Code, and to which I am expressly directed by the Code to have regard in considering allegations of breaches).

5.23 Mr Benton undertook no due diligence in respect of this company, nor any assessment of the House’s rules, prior to openly and freely making statements that were harmful to the reputation of Parliament.<sup>124</sup>

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121 See page 34 in the evidence bundle.

122 See page 76 in the evidence bundle.

123 Paragraph 5 of Committee on Standards - First Report of the 2015–16 session on the conduct of Sir Malcolm Rifkind and Mr Jack Straw

124 See page 19 in the evidence bundle.

5.24 When explaining the comments he made during the meeting of 7 March 2023, Mr Benton told me:

*Again, I'm just trying to exaggerate my remarks as part of an interview as I've done throughout on a number of different occasions. Clearly an interview where I'm trying to impress company that's broadly what people do within interviews. I've made exaggerated remarks. I've made...I've been clear...a number of references to things which MPs could do which aren't within the rules.<sup>125</sup>*

5.25 Throughout Mr Benton's two interviews with myself, he accepted that many of the comments he made on 7 March 2023 were lies.<sup>126</sup> It goes without saying that it is intensely disturbing and disappointing that a Member makes assertions to strangers, that he later readily describes as lies.

### 5(f) Paragraph 11

5.26 Mr Benton told me that a finding of a breach of rule 11 would be disproportionate as the negative consequences of his meeting were limited. The substance of rule 11 does not require me to make an assessment of any actual damage to the reputation caused but instead is carefully worded to limit the assessment as to whether the actions "*would*" cause significant damage to the reputation and integrity of the House of Commons as a whole, or its Members generally (see the Committee's previous remarks on this at paragraph 6.5 below).

5.27 Mr Benton stated that he has complied with both the letter and the spirit of the rules and does not accept that the damage his actions caused is significant.<sup>127</sup> In his view the perception of the public about the integrity of Members following publication of the details of the interview has not been tarnished. I examine this further below.

5.28 Mr Benton reiterated numerous times during his interview with me that he did not sign a contract, which I accept.<sup>128</sup> However, in order for me to assess whether Mr Benton's actions would cause *significant damage to the reputation and integrity of the House of Commons as a whole, or of its Members generally, it is not relevant whether a contract had in fact been signed. For the purposes of this investigation, I have assessed Mr Benton's behaviour during the meeting only.*

5.29 Based on the comments made by Mr Benton during the meeting with the Company as summarised in paragraphs 4.2 to 4.14, and taking into account Mr Benton's evidence, I have made the following findings.

## 6. My findings

6.1 During the meeting on 7 March 2023 Mr Benton:

- a) gave examples of actions he could take on behalf of the company which would not have been compliant with the spirit or wording of the rules, including:

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125 See page 55 in the evidence bundle.

126 See page 68 in the evidence bundle.

127 See pages 71–72 in the evidence bundle.

128 See page 26 in the evidence bundle.

- i) offering to introduce them to Ministers and special advisors, getting them a ‘foot in the door’ (*para 4.2, pages 120 & 122 of evidence bundle*);
- ii) getting other MPs to support the company, settling behind ‘key asks’, with Mr Benton ‘calling in favours’ (*paragraph 4.2, page 123 of evidence bundle*);
- iii) stating he could approach other Members in the House on the company’s behalf (*paragraph 4.2, page 123 of evidence bundle*);
- iv) stating he could table parliamentary questions on the company’s behalf (*paragraph 4.2, page 124 of evidence bundle*);
- v) providing access to other Members (*paragraph 4.2, page 123 of evidence bundle*); and
- vi) stating he could ‘sit outside’ a Minister’s office if the company needed an urgent answer to a letter (*paragraph 4.2, page 130 of evidence bundle*).

These actions would all amount to lobbying, given the context that this was a meeting to discuss a paid role.

- vii) advising he could share private notes received from a Minister in response to a tabled question; provide access to papers and information PR agencies would not have access to, and to a White Paper 48 hours before publication, breaching the rule on using information received in confidence in his parliamentary role (*paragraph 4.5, pages 124 & 130 of evidence bundle*); and
  - viii) advising he could avoid declaring that a question was on behalf of a company, a breach of declaration rules and of lobbying rules (*paragraph 4.12, page 125 of evidence bundle*).
- b) suggested that other Members would be prepared to breach the rules in return for payment in the form of hospitality by:
- i) stating that if a benefit were under £350 other Members wouldn’t have to declare it and could ask a question for the company (*paragraph 4.2, page 126 of evidence bundle*); and
  - ii) stating that generally, ‘most colleagues’ would take action to benefit the company following a ‘lovely day’ of hospitality, especially if the ask ‘wasn’t too onerous’ (*paragraph 4.2, page 127 of evidence bundle*).

These actions would be in breach of lobbying rules, as a financial benefit being under the threshold from registration does not make it exempt from the lobbying rules; and of declaration rules as the benefits would meet the test of relevance.

- c) suggested that he had previously taken actions which would have amounted to breaches of the rules (*paragraph 4.14, page 127 of evidence bundle*);
- d) suggested that he and other Members had taken and do take actions, or co-operate with arrangements, which are designed to circumvent the rules by:

- i) asserting that “*all MPs are looking for*” is an email chain saying how much a ticket cost, to protect them if “*we get caught out*”, stating “*there are ways around it, absolutely*” (paragraph 4.9, pages 126 and 127 of evidence bundle);

6.2 I accept that Mr Benton’s statements at his interview with the company about his past actions were untruthful. I also accept that many of his offers to assist the company were also based either on exaggerations or untruths.

6.3 However, when his statements at the interview with the company are viewed as a whole, I am clear that on the balance of probabilities Mr Benton made numerous comments to the effect:

- a) That he had breached the House’s rules in the past.
- b) That he would be willing to breach and/or circumvent the House’s rules for the company in return for payment.
- c) That other Members also breached and/or circumvented the House’s rules and would be willing to do so in the future in return for paid hospitality.

6.4 I will now consider whether my findings in relation to Mr Benton’s actions represents a breach of the Code.

## 7. The relevant rule of conduct

7.1 Paragraph 11 of the Code states:

*Members shall never undertake any action which would cause significant damage to the reputation and integrity of the House of Commons as a whole, or of its Members generally.*

7.2 This Rule carries a high bar. The Rule exists to protect the reputation and integrity of both the House and its Members. The action cannot merely have the capacity to cause significant damage to the Member’s own reputation, rather the action must go beyond this and stain the reputation and integrity of the House or of all its Members. It is also not sufficient that the action merely has the capacity to damage the reputation and integrity of the House and its Members: the damage must be significant. Although “*significant*” is not defined by the Code or the Guide to the Rules, I have taken the word’s ordinary meaning and inferred that the damage caused to the House and its Members must be more than trivial, must be noteworthy, and important to address.<sup>129</sup>

7.3 Previous recent inquiries about a potential breach of paragraph 11 have been relatively rare (or paragraph 17 under the 2019 edition of the Code).<sup>130</sup> However, recent inquiries involve the same underlying theme: that the conduct of the Members risked furthering the public perception “*that Members are able and willing to use the privileges of office to...attempt to set themselves above the rules that apply to others*”.<sup>131</sup>

129 <https://www.oed.com/search/dictionary/?scope=Entries&q=significant>

130 See the Committee on Standards’ First Report of Session 2019–20, the Committee on Standards’ First Report of Session 2019–21, and Committee on Standards’ Twelfth Report of Session 2022–23

131 See paragraph 51 of the Committee on Standards’ First Report of Session 2019–21.

7.4 In its recent report, “*Review of the Code of Conduct: proposals for consultation*”,<sup>132</sup> the Committee on Standards commented on the scope of, and rationale behind, paragraph 11 (paragraph 17 as was at the time of the Committee report):

*The practical effect of this rule is to prohibit serious misconduct which is not specifically prohibited by other rules in the Code. Because of its breadth, breaches of the rule have been found both individually, and where another breach has been sufficiently serious that paragraph 17 has also been breached. The bar for engaging paragraph 17 is rightly high. It is not sufficient for the individual Member’s reputation to have been damaged; rather, the action must be sufficiently serious as to reflect on the House as a whole. Nor is it merely a test of consequences—the test is whether a Member’s action is apt to cause such damage, regardless of whether that behaviour has been made public (for example). It is necessary for a Member’s behaviour to be so serious that it “would” cause significant damage to the reputation and integrity of the House as a whole (or its Members generally). We consider that such a rule is still necessary, since it is impossible to create rules that will capture every circumstance.*<sup>133</sup>

## 8. The relevant Principles

8.1 As required by paragraph B of the Code, I have also considered the Seven Principles of Public Life which underpin the Code as part of my deliberations. The three principles that I believe are most relevant to this inquiry are:

### **Integrity**

*Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.*

### **Honesty**

*Holders of public office should be truthful.*

### **Leadership**

*Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.*

## 9. My analysis of whether there has been a breach

9.1 Mr Benton was not aware at the interview that the company representatives were undercover reporters. His statements were freely made to individuals whom he believed to represent a British-Indian company that was looking to pursue “*major investment*

132 Fourth Report of Session 2021–22.

133 Paragraph 23 of the Committee’s report.

*opportunities in the UK*".<sup>134</sup> He was content for those representatives to leave the interview with the incorrect impression that Mr Benton and other Members had little or no regard for the House's rules and would be willing to breach the rules for payment. Regardless of the circumstances of this "*sting*" interview, it is my firm view that Mr Benton made comments to the effect that he and other Members were "*for sale*".

9.2 Such an impression, in my opinion, would cause significant damage; it is of a type that corrodes public trust in the integrity and decency of their elected representatives.

9.3 I am also satisfied that the damage is not limited to Mr Benton's reputation alone because he implied that he spoke on behalf of other Members and could vouch for the actions that other Members would be willing to take. Mr Benton gave the impression that this behaviour was commonplace in Parliament, which on his own account was a lie.

9.4 Had his actions not been publicised, and the interview been genuine, with a subsequent complaint from the company or its representatives only, I would still be satisfied that a breach of paragraph 11 had occurred. This is because Mr Benton's statements so seriously undermine the House's rules that even had they only reached a limited audience; they still would have caused significant damage to the reputation and integrity of the House and its Members generally. These were not statements made in the course of a confidential and private meeting with persons on whose discretion Mr Benton had reason to rely: even in the context of the fictitious scenario in which Mr Benton thought he found himself, the people to whom he was speaking might well have spread the word to others in their own company or far wider that Members of Parliament were susceptible to corruption of this kind.

9.5 As it was, his actions were publicised, which serves substantially to increase the damage to the House and its Members generally. Even if there were a way to publicise that Mr Benton's reported comments included lies, that would not repair the impression that he was content to consider, and discuss seriously, breaching the rules of the House. The damage that Mr Benton did to the reputation of the House was reasonably predictable from the outset.

9.6 I have considered whether Mr Benton writing to me before I initiated my inquiry impacts my making a finding. It is my view that it does not. This is because Mr Benton's letter to me gives both an incomplete and incorrect picture of what had transpired during the meeting. I do not accept that the statements made by Mr Benton arose from a misunderstanding of the "*nuances*" in the guidance.

## 10. Other factors to consider

10.1 The meeting the undercover reporters was not in any sense of Mr Benton's seeking, and there is no evidence that he has ever sought opportunities to make improper financial gains from his position as a Member.

10.2 I have formed the view that Mr Benton's regret at having given way to a momentary temptation is real, and that he sincerely wishes that he had held to his principles and not allowed himself to be distracted by the prospect of a short-term financial gain.



## 11. Mr Benton's response to the draft memorandum<sup>135</sup>

11.1 Mr Benton's response to my memorandum dated 25 August 2023 can be found at pages 83–92 of the Evidence Bundle.<sup>136</sup>

11.2 Mr Benton's general concern was that my findings have not been supported by direct quotes from the meeting transcript. In response I have added direct quotes to section 4 above.

11.3 Mr Benton requests that his self-referral is considered. The relevance of this as a factor is a matter for the Committee on Standards.

11.4 Page 9, point 19 - I have amended the relevant sentence in response to Mr Benton's concern that the original wording created a false impression.<sup>137</sup>

11.5 Pages 8 & 9, Section 5 - I have dealt with this issue thoroughly in paragraphs 5.8 to 5.11.

11.6 Page 10, Point 21 - I have dealt with this point throughout my memorandum.<sup>138</sup>

11.7 Page 11, point 26 - the direct quotes to support my findings can be found in paragraph 4.9.<sup>139</sup>

11.8 Page 11, point 26 - I have removed reference to '*absolutely ridiculous*'.<sup>140</sup>

11.9 Page 15, Points 40e & 42/Page 12, Point 30 - I have dealt with this issue thoroughly in paragraphs 5.12 to 5.13.<sup>141</sup>

11.10 Page 16, point 46 - I have dealt with this point in paragraphs 5.14 to 5.16.<sup>142</sup>

11.11 Page 17, Point 53 - It is reasonable to include information about Mr Benton's preparation for the meeting.<sup>143</sup>

11.12 Page 18, Point 59b - *It appears that* Mr Benton has not fully understood the rules on paid advocacy. Even if Members declare a financial benefit, it is not permissible to table parliamentary questions on behalf of a company, from whom the Member has obtained a financial benefit including hospitality.<sup>144</sup>

11.13 Page 18, Section 59c - I have dealt with this point in paragraphs 4.14 - 4.15.<sup>145</sup>

11.14 Page 18, Point 59d - I have dealt with this point at paragraphs 4.2–4.4 and 4.9–4.11.<sup>146</sup>

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135 Please note that Mr Benton's page referencing is in relation to an earlier memorandum version

136 The points made by Mr Benton relate to a previous version of a Memorandum with different paragraph numbers. I have footnoted the relevant paragraph number to which Mr Benton refers in this memorandum for ease of reference.

137 Paragraph 4.2

138 Paragraph 4.4

139 Paragraph 4.9

140 Paragraph 4.9

141 Paragraphs 5.9(e) and 5.11

142 Paragraph 5.15

143 Paragraph 5.23

144 Paragraph 6.1(b)

145 Paragraph 6.1(c)

146 Paragraph 6.1(d). This also applies to Mr Benton's point regarding Page 21, Point 69

11.15 Page 19, Point 62 a) b) & c) - *I have dealt with this point already.*<sup>147</sup>

11.16 Page 20, Point 64 - *I have already dealt with paragraph 11 in sections 7 and 8 of this report. Mr Benton states that my statement of “more than trivial” is at odds with the rule carrying a “high bar”. However, the reference to “more than trivial” relates only to the definition of “significant” rather than the test as a whole. Mr Benton has also omitted that in addition to more than trivial, I went on to state the damage “must be noteworthy, and important to address”.*<sup>148</sup>

11.17 Page 22, Point 74 - *I cannot accept that the comments made by Mr Benton throughout the meeting were made on the basis that the fictitious position was to be unpaid. I have already given my reasons for this at paragraphs 5.8 to 5.10.*<sup>149</sup>

11.18 Page 22 - the relevance of these factors is a matter for the Committee on Standards.

11.19 Having made these changes to my memorandum, I decided to give Mr Benton a final opportunity to review my report before submitting it to the Committee.

11.20 Mr Benton replied with his comments on the amended memorandum on 29 September 2023.<sup>150</sup> In his response, Mr Benton asks me why I had not referred expressly in a draft of this memorandum to his having discarded the company’s details immediately after the meeting and not having attempted to contact them again, which he says is proof that he had concluded that what he was being asked to do would breach the rules. I have no reason to doubt Mr Benton’s evidence that he discarded the company’s details immediately after the meeting (and I consider this issue at paragraphs 5.12 and 5.13 above). If I were making a finding that Mr Benton had breached the Code by agreeing to act contrary to its terms as a paid lobbyist or otherwise, that would be important evidence. As my findings are that Mr Benton breached Rule 11 by telling what he acknowledges to be lies about his own past behaviour and by traducing the reputation of Members generally by his remarks in the meeting, the fact that he did not attempt to contact the company after the meeting is irrelevant. As to his assertion that “*parliamentarians in a democracy have got to be able to have the ability to speak freely and in private with people and should then be judged for the actions they take*”, I am indeed inviting the Committee to judge Mr Benton only by reference to his actions; in this case the action of telling lies about himself and MPs generally in a manner that would cause (and did cause) significant damage to the reputation of the House of Commons as a whole and its Members generally, contrary to paragraph 11 of the Code.

## 12. Conclusions and recommendation

12.1 In accordance with paragraph 43 of the Procedural Protocol, I consider that Mr Benton has breached Rule 11 of the Code as his actions during a meeting on 7 March 2023 were such as would cause (and as it happens have caused) significant damage to the reputation and integrity of the House of Commons as a whole, and of its Members generally.

**Daniel Greenberg CB**

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147 Paragraph 6.3

148 Paragraph 7.2

149 Paragraph 10.2

150 See page 94 of the evidence bundle.

**Parliamentary Commissioner for Standards**  
**10 October 2023**

**Appendix 1: Timeline of events**

Date	Event	Evidence
16 February 2023	Initial contact by Reporter 1 (on behalf of fictitious company) to Mr Benton asking to meet up. Proposes position around one or two days per month, with a compensation package and possibility of position on board of one of portfolio companies.	Email from The Times
20 February 2023	Mr Benton responds seeking availability w/c 6 March 2023.	Email from The Times
20 February 2023	Reporter 1 responds stating reporter 3 will make arrangements.	Email from The Times
20 February 2023	Mr Benton acknowledges Reporter 1's email.	Email from The Times
20 February 2023	Reporter 3 emails Mr Benton to make arrangements for meeting.	Email from The Times
20 February 2023	Mr Benton responds and agrees Tuesday 7 March 2023 at 11am for the meeting.	Email from The Times
21 February 2023	Reporter 3 confirms meeting and provides Reporter 1's mobile number.	Email from The Times
21 February 2023	Mr Benton acknowledges Reporter 3's email.	Email from The Times
7 March 2023	Meeting takes place with reporter 1 and reporter 2.	Transcript from The Times Mr Benton
27 March 2023	Mr Benton contacts the Registrar and the Commissioner.	Mr Benton Registrar and Commissioner
4 April 2023	Reporter 1 emails Mr Benton to disclose the 'sting'.	Email from The Times
4 April 2023	Mr Benton responds to Reporter 1's email with a statement.	Email from The Times
6 April 2023	First article is published by The Times.	
6 April 2023	Mr Benton self refers to the Commissioner.	
7 April 2023	Second article is published by The Times.	

**Appendix 2: Timeline of my inquiry**

Date	Event	# working days since previous action		
		76	77	78
6 April 2023	Mr Benton's self-referral received			

20 April 2023	Mr Benton is notified of the start of my inquiry			1
25 April 2023	Request to The Times newspaper for material		3	
11 May 2023	The Times submits written material	10		
18 May 2023	Mr Benton replies to my initial letter	5		
26 May 2023	The Times submits audio-video material		6	
1 June 2023	Interview with [name redacted] conducted		3	
13 June 2023	First interview with Mr Benton conducted		8	
27 June 2023	Second interview with Mr Benton conducted		10	
2 August 2023	Draft memorandum sent to Mr Benton for his comments			31
25 August 2023	Mr Benton's response is received	17		
15 September 2023	Amended draft memorandum sent to Mr Benton for his comments			14
18 September 2023	Mr Benton requests an extension to review second draft memorandum	1		
29 September 2023	Mr Benton's response is received	9		
4 October 2023	Redaction request received from witnesses	3		
10 October 2023	Finalised memorandum submitted to the Committee on Standards			4

This investigation has taken 125 working days.

Of this:

- For 45 working days, PCS was awaiting responses and documentation from witnesses or the Member.
- For 30 working days, PCS was awaiting responses and documentation from witnesses or the Member whilst progressing other enquiries.
- For 50 working days, PCS was conducting investigative enquiries and drafting the memorandum.

### Appendix 3: Mr Benton's past conduct

1. During my inquiry I was aware that some of the information that Mr Benton provided on 7 March 2023 to the undercover reporters implied that Mr Benton had previously breached the rules of conduct:

*I can try and get your foot in the door. So I don't mind doing that, I'd do that for any firm by the way. Done that for people who I've never even met, I've only had a phone conversation with. So I will try and get you a foot in the door.*<sup>151</sup>

*What we tend to do as colleagues, those of us who are interested in the industry have a number of key asks which are broadly similar. And I've supported other colleagues' particular asks in meetings, when they've spoken to Company X, Y, and Z, and I'm sure they would return the favour as well.*<sup>152</sup>

*...you will literally stand at the beginning at the entrance to the voting lobby. And if you wait there for five minutes, the minister has to pass you. And then you've got 10 minutes while you walk around to the next vote to have his ear...*<sup>153</sup>

*...If I want to speak to a minister urgently, I can probably arrange that, have her call back within a day. Failing that, again it's a voting lobbies issue. So if you were, for example, to write to her today, and you needed an urgent answer within a week and somebody hadn't got back to within that week period I could literally sit outside her office until she appears. Which is something only MPs can essentially do to try and get that real time flow of information and answers back.*<sup>154</sup>

*So there's a written question that was sent in on behalf of one business, essentially... "To ask the Secretary of State for Business and Trade, what penalties the Office for Product Safety and Standards can impose on a regulator for repeated breaches of the regulators code". Which was essentially the Gambling Commission.*<sup>155</sup>

*I'd have to declare an interest, but I wouldn't have to declare what the interest is... I wouldn't have to say Company X have asked me to...*<sup>156</sup>

*...you get a private note from the minister which sometimes tells you information you couldn't put in the public domain, because all those questions on the public record, but he might say I couldn't say this in public but this is the real answer I would have given you in private. So that's useful...and I'd probably get a private note as well giving you a bit more, which they didn't want to divulge, necessary, which is often the case. So that's probably, they are the main advantages of [a politician over other candidates].*<sup>157</sup>

*Absolutely. I could guarantee you [access to a White Paper] within 48 hours of publication for example.*<sup>158</sup>

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151 Page 120 of the evidence bundle  
 152 Page 121 of the evidence bundle  
 153 Page 122 of the evidence bundle  
 154 Page 128 of the evidence bundle  
 155 Page 122 of the evidence bundle  
 156 Page 123 of the evidence bundle  
 157 Page 122 of the evidence bundle  
 158 Page 128 of the evidence bundle

*So without saying too much, you'd be amazed at the number of times I've been to races and the ticket comes to £295...essentially all MPs are looking for is an email chain saying this is how much a ticket cost so if we get caught out it's like, well the company told me it cost this much.*<sup>159</sup>

2. In order to establish whether there was a need to formally extend the scope of my inquiry to consider past breaches of the rules, I undertook background research in relation to relevant oral or written parliamentary questions tabled by Mr Benton. I then analysed those questions in relation to Mr Benton's registered financial interests to determine whether declarations had been overlooked. I also considered carefully whether on the face of it any of the questions had been asked to benefit any individuals or organisations who had provided an outside interest to Mr Benton.

3. In addition, I also reviewed Mr Benton's social media activity for evidence about hospitality or other benefits which might not have been registered by Mr Benton in line with the rules.

4. When I interviewed Mr Benton on 13 and 27 June 2023, I asked Mr Benton about his past compliance with the rules and the statements he made to the undercover reporters on 7 March 2023. Mr Benton was clear in his responses that he had never breached any of the rules in the past. Mr Benton told me that many of the comments he made on 7 March 2023 were "*gross exaggerations*" and admitted that some were dishonest. Mr Benton explained that he had not intended to deliberately mislead the undercover reporters but acknowledged that he had been "*reckless*" with the truth.

5. At the end of these enquiries, I was satisfied that there was no substantive evidence to show that Mr Benton had breached any of the House's rules of conduct in the past. On that basis, I decided not to formally widen my inquiry to consider any potential past breaches of the rules, and I instead focussed solely on whether Mr Benton's comments on 7 March 2023 "*would cause significant damage to the reputation and integrity of the House of Commons as a whole, or of its Members generally*" (i.e. amount to a breach of paragraph 11 of the Code).

## Appendix 2: Written evidence to the Committee from Mr Benton

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Standards Committee

House of Commons

London

SW1A 0AA

24 October 2023

Dear Committee Members,

1. Thank you for allowing me the opportunity to write to you directly in relation to this matter. I sincerely hope that this letter, along with the evidence already provided to the Commissioner, both orally (during two separate interviews) and in writing, provides you with the extra context you need to make a formal finding that no parliamentary rules were broken during my one hour meeting with a fictitious company. If the Committee require further clarification of any points I would of course be happy to provide these either in writing, or through meeting with the Committee.

2. My view regarding my meeting with the fictitious company has not changed since I originally corresponded with the Parliamentary Commissioner for Standards on 27th March, ten days before I made a self-referral in requesting this inquiry take place, and before being made aware that the company did not exist and the individuals claiming to represent it were journalists. During the one hour meeting on 7th March I made a series of comments, including some which indicated that I could assist a fictitious company in ways that MPs are not allowed to do in accordance with parliamentary rules.

3. I would like to take this opportunity to apologise profusely, as I have throughout this investigation, for giving an inaccurate description to the fictitious company and I have since met with the Registrar to discuss the recent changes to the Code which govern this area. I would also like to apologise for the fact that this issue is having to take up your time. As a new Member of the House, elected in 2019, this meeting is the only occasion on which I have been approached in this manner and I was somewhat taken by surprise and caught 'on the hop' during the meeting by the nature of the fictitious company's questions. It was a mistake, during the meeting, not to be clearer about what MPs couldn't do, referencing the Code as appropriate. It is the honour of my life to serve my constituents in Parliament and I sincerely regret and apologise for this incident.

4. During the conversation with the fictitious company, it became apparent that the opportunity was a non-starter as it would not be compliant with the rules. This is why I didn't communicate with the organisation again following our only conversation. I stand by this assessment today. Furthermore, during the meeting I made it clear to the organisation that I would obviously have to declare any financial payment from them, as per the rules, and that there were things which MPs couldn't do according to the rules.

5. I do not consider my actions to be a breach of the rules: it is my view that I complied with the letter and the spirit of the rules. Without having guidance as per the recent

changes to the Code at my disposal during the meeting, I had already concluded within the hour that it wouldn't feel right for me to proceed to do anything that I had discussed with this fictitious company.

6. In a democracy, it is imperative for parliamentarians to have the freedom to engage in private conversations and express their views openly. They should then be evaluated based on their subsequent actions in a balanced and proportionate manner: in this case, for having concluded, within an hour, whilst I was under the spotlight, that what I was being asked to do would breach the rules. Indeed, I threw away the contact details of the fictitious company on my way back to the office; didn't communicate with any of its representatives again after the meeting; and didn't agree to undertake any work for them during the meeting or sign any contracts. Nor did I send my CV details to them despite their request. Although the significance of this crucial evidence is undisputed, the Memorandum fails to duly acknowledge its relevance.

7. I have the upmost respect for the Code of Conduct and the Standards process, however, I would like to take this opportunity to express my disappointment with a number of sections of the Memorandum and I must respectfully disagree with many of the assertions that are made within it. Given the pivotal importance that the Commissioner places upon these sections in reaching his findings, it is incredibly important that they are based upon indisputable evidence: in this case, in the form of direct quotations from the transcript of the meeting. In particular, I believe the following points are factually inaccurate and it is important to highlight these again:

- **6.1(b) Mr Benton...suggested that other Members would be prepared to breach the rules in return for payment in the form of hospitality;**
- **6.1(d) Mr Benton...suggested that he and other Members had taken and do take actions, or co-operate with arrangements, which are designed to circumvent the rules.**

8. Most importantly, I must stress that I did not suggest that other Members would be inclined to violate the rules or engage in arrangements designed to circumvent them (or previously have engaged in such activity). There exists no supporting evidence for this claim: it is an assumption made by the Commissioner that lacks a factual basis. This assumption is made from my observation that hospitality provided to MPs frequently falls below the threshold necessitating declaration. Legitimate methods exist for companies to acquire hospitality that can genuinely fall below the declaration threshold. Providing this hospitality to MPs while accurately communicating its cost to them aligns perfectly with the rules as they are currently formed and does not constitute either 'a breach' or 'circumvention' of these regulations. Employing discretion about the extent of the hospitality should not be conflated with 'artificially undervaluing hospitality,' and it is not accurate to claim that I mentioned or endorsed the latter practice.

9. It is of the utmost importance that such assertions are based on substantiated evidence, rather than inferences: without this basic requirement being met, it is simply impossible to draw these conclusions or reach a fair judgement on the matter.

- **6.1(c) Mr Benton...suggested that he had previously taken actions which would have amounted to breaches of the rules;**



10. During the meeting with the fictitious company, it is important to emphasise that I never insinuated any prior breach of the rules on my part. My comments regarding tabling a Parliamentary Question, or establishing a link with Government Ministers on behalf of a company didn't state, or allude to, anything which would have breached parliamentary rules. Similarly, my comments in relation to hospitality and its value do not constitute a suggestion that I had previously taken actions which would have amounted to breaches of the rules. Additionally, the Independent Office of the Registrar of Consultant Lobbyists (ORCL) concluded in their investigation (published on 28th April 2023) that 'Mr Benton has not conducted unregistered consultant lobbying activity. [Mr Benton] has not received payment or benefits in kind in return for lobbying'. The assertion in 6.1(c), upon which the findings of the Memorandum partly rely, is not substantiated by unequivocal evidence.

11. In reference to Rule 11 of the 2023 edition of the House of Commons' Code of Conduct for Members, the only 'action' which I could be said to have 'undertaken' was in meeting the fictitious company for a private conversation. No further interactions occurred, no agreements were reached to undertake compensated work, and no contracts were signed. During the meeting, it became clear that the opportunity was not compliant with the rules, leading me to conclude that I was not 'willing in principle' to engage in activities breaching the rules. Indeed, the assertion made in 6.3b 'That (I) would be willing to breach and/or circumvent the House's rules for the company in return for payment' is incorrect. At no point during the meeting did I agree to undertake activity that would be in breach of the rules: had I been 'willing' to do so, as is asserted, then I would have pursued the opportunity which I clearly didn't.

12. In Section 7.4 of the Memorandum, it is noted that the Committee defined 'significant' as follows: 'The bar for engaging paragraph 17 is rightly high. It is not sufficient for the individual Member's reputation to have been damaged; rather, the action must be sufficiently serious as to reflect on the House as a whole'. This definition provided by the Committee appears to be fundamentally incongruent with the definition of 'more than trivial' which is presented by the Commissioner in the Memorandum. As the Committee has articulated its expectation that 'a breach should only occur in extreme and extremely limited circumstances', it becomes even more imperative that reports relating to this investigation are supported by unequivocal and verifiable evidence in the form of direct quotes, rather than inferences, from the transcript of my meeting with the fictitious company. Anything less would render an assertion that I have breached Rule 11 as entirely disproportionate, considering the Committee's definition of a 'high bar' for such breaches, as highlighted above.

13. As previously outlined, there are several assertions in the Memorandum that lack justification based on the evidence and are thus factually inaccurate. Since there are no direct quotations to unequivocally demonstrate, as asserted within the Memorandum, that I stated I had: 'breached the House's rules in the past'; 'would be willing to breach and/or circumvent the House's rules for the company in return for payment'; and 'That other Members also breached and/or circumvented the House's rules and would be willing to do so in the future in return for paid hospitality', the criteria for establishing 'significant damage', as per Rule 11, has not been satisfactorily met. Section 9.3 of the Memorandum states 'that the damage is not limited to Mr Benton's reputation alone because he implied that he spoke on behalf of other Members and could vouch for the actions that other Members would be willing to take'. For the reasons previously outlined, I vigorously reject

this assertion: it is completely inaccurate to suggest that I made such categorical claims during my meeting with the fictitious company and there is no evidence to substantiate this. While it could be argued that my personal reputation has been adversely affected, the findings lack sufficient evidence to conclude that this action has met the 'high bar' of reflecting upon the House as a whole, as per the Committee's definition quoted above. Therefore with respect, in reference to Rule 11 of the Code, and after reviewing the Memorandum and the lack of indisputable evidence which underpin the findings upon which the conclusions and recommendation ultimately rely, I remain of the opinion that this action has not caused 'significant damage to the reputation and integrity of the House of Commons as a whole' and it is not possible to substantiate the Commissioner's findings of a breach of Rule 11.

14. In addition to the three specific points above, I would also refer Members of the Committee to my other, numerous comments in relation to the Memorandum (and the previous Draft) and the paucity of actual evidence in form of direct quotations to substantiate many of the assertions.

15. Representing my constituents is a profound honour in my life and it is a responsibility I hold in the highest regard. The meeting was a lapse in judgment and I deeply regret my comments. I would like to again offer my unequivocal apologies for the inaccurate statements I have made. I believe I have been transparent and have engaged with this investigation throughout, doing my best to clarify the circumstances surrounding the meeting and dispute any inaccuracies with the highest respect. Nevertheless, the last few months have undoubtedly been the most challenging of my life. The stress and strain have taken a toll on not only my well-being but also that of close family and friends. My sincere hope is that I will be granted the opportunity to make amends for it throughout the remainder of my time in Parliament and I can continue representing my constituents effectively. I would finally like to extend my heartfelt apologies to them for any negative repercussions this situation may have caused.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Benton', enclosed within a large, loopy circular flourish.

Scott Benton MP

# Formal Minutes

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## Tuesday 12 December 2023

Members present:

Ms Harriet Harman, in the Chair

Alberto Costa

Allan Dorans

Philip Dunne

Sir Michael Ellis

Yvonne Fovargue

Sir Francis Habgood

Sir Bernard Jenkin\*

Dr Michael Maguire

Mehmuda Mian

Dr Rose Marie Parr

Victoria Smith

Dr David Stirling

Carys Williams

*\*Sir Bernard Jenkin recused himself from attending the Committee during proceedings on the draft Report.*

Draft Report (*Scott Benton*), proposed by the Chair, brought up and read.

Paragraphs 1 to 64 read and agreed to.

Two papers were appended to the Report.

*Resolved*, That the Report be the Second Report of the Committee to the House.

None of the lay members present wished to submit an opinion on the Report (Standing Order No. 149(8)).

*Ordered*, That the Chair make the Report to the House.

The following written evidence was ordered to be reported to the House for publication:

Written evidence bundle from the Parliamentary Commissioner for Standards.

## Adjournment

The Committee adjourned.

## List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the publications page of the Committee's website.

### Session 2023–24

Number	Title	Reference
1st	Stephen Flynn	HC 348

### Session 2022–23

Number	Title	Reference
1st	New Code of Conduct and Guide to the Rules: promoting appropriate values, attitudes and behaviour in Parliament	HC 227
2nd	Code of Conduct: Procedural Protocol	HC 378
3rd	New Guide to the Rules: final proposals	HC 544
4th	Andrew Bridgen	HC 855
5th	Precautionary exclusion: response to the House of Commons Commission's consultation	HC 1049
6th	Alex Davies-Jones	HC 1048
7th	Rules for the use of House of Commons stationery	HC 1263
8th	All-Party Parliamentary Groups: final proposals	HC 228
9th	Margaret Ferrier	HC 1276
10th	Matt Hancock	HC 1417
11th	Jess Phillips	HC 1439
12th	Christopher Pincher	HC 1653
13th	Mr Marcus Fysh	HC 1811
14th	Rishi Sunak	HC 1810
1st Special	Government Response to the Committee's First, Second and Third Reports	HC 709
2nd Special	All-Party Parliamentary Groups: final proposals: Government Response to the Committee's Eighth Report	HC 1706

### Session 2021–22

Number	Title	Reference
1st	Boris Johnson	HC 549
2nd	Mrs Natalie Elphicke, Sir Roger Gale, Adam Holloway, Bob Stewart, Theresa Villiers	HC 582

<b>Number</b>	<b>Title</b>	<b>Reference</b>
3rd	Mr Owen Paterson	HC 797
4th	Review of the Code of Conduct: proposals for consultation	HC 270
5th	Daniel Kawczynski	HC 1036
6th	Review of fairness and natural justice in the House's standards system	HC 1183
7th	All-Party Parliamentary Groups: improving governance and regulation	HC 717

### Session 2019–21

<b>Number</b>	<b>Title</b>	<b>Reference</b>
1st	Kate Osamor	HC 210
2nd	Stephen Pound	HC 209
3rd	Greg Hands	HC 211
4th	Conor Burns	HC 212
5th	Mr Marcus Fysh	HC 213
6th	Confidentiality in the House's standards system	HC 474
7th	Sanctions in respect of the conduct of Members	HC 241
8th	David Morris	HC 771
9th	Dr Rosena Allin-Khan	HC 904
10th	The House of Commons and the criminal law: protocols between the police and the Parliamentary Commissioner for Standards and the Committee on Standards	HC 883
11th	ICGS investigations: Commons-Lords agreement	HC 988
12th	Sanctions and confidentiality in the House's standards system: revised proposals	HC 1340