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**Decision document submitted by the
Parliamentary Commissioner for Standards**

Scott Benton MP

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Summary

5 I opened an investigation after receiving a complaint that Mr Scott Benton MP had breached paragraph 14 of the Code of Conduct for Members. The complainant alleged Mr Benton had made various late entries on the Register of Members' Financial Interests. The complainant also alleged that Mr Benton had failed to record an entry in the Register of Interests of Members' Secretaries and Research Assistants.

10 During my inquiry I found that Mr Benton had failed to register six entries in the Register of Members' Financial Interests within the House's 28-day deadline, for payments received for work as a Member's researcher, before he became a Member and work as a Councillor.

In failing to register his various interests within the specified time frame, I found the Member had acted in breach of the rules. Mr Benton has acknowledged and apologised for all of the breaches and has taken steps to prevent a recurrence.

15 I concluded the inquiry using the rectification procedure available to me under Standing Order no 150.

Resolution letter:

Letter from the Commissioner to the complainant, 22 December 2020

I wrote to you on 26 August 2020 to tell you that I had begun an inquiry into the alleged breach by Mr Scott Benton MP.

5 I have now completed my inquiry and I have upheld your complaint.

Mr Benton has acknowledged and apologised for his breach of the rules, has put in place measures to avoid a recurrence including attending a refresher meeting with the Registrar. The full rationale for my decision can be found in my letter to Mr Benton, dated 27 November 2020 (item 9 in the written evidence pack), which you
10 can access once the evidence pack has been published.

I consider this breach to be at the less serious end of the spectrum and have decided that this inquiry should be concluded through the rectification procedure, available to me through House of Commons' Standing Order No 150.

15 I will publish my decision and the written evidence pack shortly on my webpages and I will report the outcome to the Standards Committee in due course. Please note that only correspondence I consider relevant to my inquiry has been included in the evidence pack.

Thank you for bringing this matter to my attention. I confirm that the matter is now closed.

20 *22 December 2020*

Written evidence

1. Letter from the complainant to the Commissioner, 26 July 2020

I am writing regarding to Scott Benton MP and his entries onto the MPs' Register of Interests and, prior to the 2019 General Election, the Register of Interests of Members' Secretaries and Research Assistants.

I had some correspondence with [name redacted], the Commons' Registrar in February last year when it became clear that Mr Benton, then an employee of [name redacted], was not declaring on the Register the substantial allowance as leader of the Conservative Group of Calderdale Council. [The Registrar] took the view that this was not a breach because, whilst Mr Benton did have a Parliamentary pass, the fact that he only visited Parliament sporadically meant that this would, in some way, only give him negligible advantage from this employment in Calderdale. I disagreed with this interpretation of the rules. Mr Benton was spoken to at the time by the Registrar's office and so would have, presumably, been reminded of the rules and his obligations.

I now wish to report what appear to be three further failures to meet his obligations. First, I understand that the rules for Parliamentary research assistants state that 'Any gift (e.g. jewellery) or benefit (e.g. hospitality, services) that you receive, if the gift or benefit in any way relates to or arises from your work in Parliament and its value exceeds £410 in the course of a calendar year' must be declared on the same register within 28 days.

On the Register of MPs' interests for 11 January 2020, Mr Benton has an entry as follows:

4. Visits outside the UK

Name of donor: Conservative Friends of Israel (CFI Ltd) Address: Blick Rothenberg, 7-10 Chandos Street, London W1G 9DG Estimate of the probable value (or amount of any donation): Flights, accommodation and hospitality with a total value of £2,500 Destination of visit: Israel Dates of visit: 28 July 2019 – 2 August 2019 Purpose of visit: Fact finding political delegation to Israel. (Registered 06 January 2020)

The Parliamentary Archives Office kindly sent me the Register of Interests of Members' Secretaries and Research Assistants for 6 September, 18 October and 5 November 2019 – the three updates subsequent to Mr Benton's trip. None of these three updated registers have any declaration of this benefit.

It therefore appears that Mr Benton failed to declare the benefit he received within the time limits of the rules of the House. It quite clearly relates to or arises from his work with Parliament – in his own words it was a ‘fact finding political delegation’.

5 Second, Mr Benton continues to be a Calderdale MBC councillor, despite his election as MP. He declared his income from Calderdale in respect of this role for 2019 in the Register of MPs’ interests for 11 January 2020 as follows.

1. Employment and earnings

10 13 December 2019, received £1,550.74 from Calderdale Council, Town Hall, Crossley Street, Halifax HX1 1UJ, for my roles as Councillor and Conservative Group Leader. Hours: 25 hrs. (Registered 06 January 2020) 27 December 2019, received £249.21 from West Yorkshire Fire & Rescue Authority, Oakroyd Hall, Bradford Road, Birkenshaw BD11 2DY, for my role as Local Councillor Representative. Hours: 5 hrs. (Registered 06 January 15 2020)

This indicates that, as of 6 January 2020 at the latest, Mr Benton was aware that his Calderdale MBC income had to be declared.

20 On 24 June 2020 Blackpool Gazette published a letter (Exhibit 1) complaining that Mr Benton was still a Calderdale councillor and that this was incompatible with him being the MP for Blackpool South. It seems that this dual appointment was something of a revelation amongst constituents in Blackpool.

On 25 June 2020 – one day after the Blackpool Gazette letter was published – Mr Benton made a declaration on the MPs’ Register of Interests as follows.

25 Allowances from Calderdale Council, Town Hall, Crossley Street, Halifax HX1 1UJ, for my role as Councillor, to which I commit approx. 8 hrs a month: 15 January 2020, received £517.87. (Registered 25 June 2020) 15 February 2020, received £517.87. (Registered 25 June 2020) 15 March 2020, received £684.81. (Registered 25 June 2020) 30 15 April 2020, received £517.87. (Registered 25 June 2020) 15 May 2020, received £517.87. (Registered 25 June 2020) From 15 June 2020 until further notice I expect to receive £517.37 a month. (Registered 25 June 2020).

I note that the payments received, apart from the one on the 15 June 2020, were declared late, in breach of Mr Benton’s obligations.

35 Mr Benton made an attempt to explain away his continuance in office as a councillor the following week, again in the Blackpool Gazette (Exhibit 2). He asserts that he did not resign as a councillor because the elections due for May 2020 were cancelled

due to coronavirus. Unfortunately, this is not true. Calderdale Council are due to hold a disciplinary hearing into Mr Benton's conduct in September 2020. In arranging that, [name redacted], the solicitor to the council, wrote to me on 4 March 2020 and said

5 I am trying to convene a Hearings Panel to hear your complaint but it has proved difficult due to uncertainty around Cllr Benton's status as a Borough Councillor post May 7th when we hold local elections.

He has now confirmed that he will not be stepping down as a Councillor so that jurisdiction over his conduct continues.

10 The Electoral Commission wrote to the government on 12 March 2020 that the local elections should be cancelled, and they were cancelled on 13 March – at the very least some nine days after Mr Benton told [the solicitor to the council] that he was staying on as a councillor.

15 Mr Benton was demonstrably aware, from 2019 and in January 2020 that he must declare this income. He failed to do so until after there was publicity in the Blackpool Gazette highlighting that he was still a councillor. He then made an apparently false claim in the Blackpool Gazette that his continuance as a councillor was almost accidental and a by-product of the coronavirus pandemic, when in fact he had made a considered decision prior to the cancellation of the elections.

20 Third, the entry for Mr Benton on the MPs' Register of Interests for 16 March states

27 December 2019, received payment of £915.82 from IPSA, 2nd floor, 85 Strand, London WC2R 0DW, for work done as a MP's research assistant. Hours: no hours since my election to Parliament. (Registered 28 February 2020)

25 Mr Benton omitted this payment from his 6 January 2020 declaration and declared it some two months after receipt, in breach of the regulations.

As a member of the public I am alarmed that an elected representative – and one who is no stranger to the rules of Parliament – can behave in this way. I request that this matter be thoroughly investigated.

30 *26 July 2020*

Exhibit 1 – Image of letter of complaint published in the Blackpool Gazette on 24 June 2020



Exhibit 2 – Article in Blackpool Gazette dated 27 June 2020¹

5 I'm only still a councillor because of coronavirus

In response to the letter printed with no name or address in The Gazette on June 24, I would like to take this opportunity to reassure all of my constituents in Blackpool South that I am a full time MP working to serve you.

10 Before December's General Election, I was a councillor in Calderdale – I said that I would step down as a councillor as soon as an election could be arranged to pick a replacement and this remains the case.

I have not attended a single council meeting in Calderdale since becoming your MP as my efforts are focused on you in Blackpool South. Any allowances I receive for being a councillor are all donated to local charities.

15 Due to Covid-19, all elections are on hold at the moment and so it is not possible to hold a by-election to elect my replacement. As soon as elections resume I will resign my position as a councillor at the earliest opportunity so that somebody else can be elected to replace me.

20 If it was not for Covid-19 I would have resigned as a councillor earlier this year so that an election could have been held in May when Calderdale was due to have an election anyway – this would have ensured that no additional costs for the taxpayer were incurred.

25 In the meantime I remain a full-time MP working to help local people with cases. During the current Covid-19 crisis my office has assisted over 2,500 different residents with issues and we are here to assist all of those who require help. Please contact me on [redacted] if you require any advice.

SCOTT BENTON MP
Blackpool South

2. Letter from the Commissioner to Mr Scott Benton MP, 26 August 2020

30 I am writing to seek your help with an inquiry into an allegation I have received from [name redacted], about your compliance with paragraph 14 of the House of

¹ Typed out due to illegible quality of original

Commons Code of Conduct for Members and the rules for Members' Secretaries and Research Assistants. I enclose a copy of [name redacted] email and enclosures.

The scope of my inquiry

5 My inquiry will focus on whether you have acted in breach of paragraph 14 of the House of Commons' Code of Conduct for Members. I am also looking at whether, while working as an employee of [name redacted] you complied with the rules for Members' Secretaries and Research Assistants, following a visit to Israel between 28 July 2019 to 2 August 2019.

My inquiry concerns your following registrations.

- 10 1. 27 December 2019, received payment of £915.82 from IPSA, 2nd floor, 85 Strand, London WC2R 0DW, for work done as a MP's research assistant. Hours: no hours since my election to Parliament. (Registered 28 February 2020)
- 15 2. Allowances from Calderdale Council, Town Hall, Crossley Street, Halifax HX1 1UJ, for my role as Councillor, to which I commit approx. 8 hrs a month:
- 15 January 2020, received £517.87. (Registered 25 June 2020)
- 15 February 2020, received £517.87. (Registered 25 June 2020)
- 15 March 2020, received £684.81. (Registered 25 June 2020)
- 15 April 2020, received £517.87. (Registered 25 June 2020)
- 20 15 May 2020, received £517.87. (Registered 25 June 2020)

The relevant rules of the House

You can see a copy of the detailed rules on the registration of financial interests in chapter 1 of the Guide to the Rules in the House of Commons' Code of Conduct for Members.²

25 [The Code of Conduct for Members](#)

Paragraph 14 of the current Code of Conduct for Members states:

"Members shall fulfil conscientiously the requirements of the House in respect of the registration of interests in the Register of Members' Financial Interests. They shall

² <https://publications.parliament.uk/pa/cm201719/cmcode/1882/188201.htm>

always be open and frank in drawing attention to any relevant interest in any proceeding of the House or its Committees, and in any communications with Ministers, Members, public officials or public office holders.”

The Guide to the Rules relating to the conduct of Members (the Guide)

5 **Paragraph 5** of the Guide states:

“The overall aim of both registration and declaration is to provide information about any financial interest which might reasonably be thought by others to influence a Member’s actions, speeches or votes in Parliament, or actions taken in his or her capacity as a Member of Parliament.”

10 After the publication of the first Register of a Parliament, it is the responsibility of Members to notify changes in their registrable interests within 28 days of each change occurring.

Chapter 2 of the Guide states:

15 *“2. The declaration of interests ensures that Members, the public and others are made aware at the appropriate time, in proceedings of the House and on other occasions, of any interest relevant to those proceedings or to the actions or words of a Member. ...*

4. Members are required, subject to the paragraphs below, to declare any financial interests which satisfy the test of relevance...

20 *5. The test of relevance is whether those interests might reasonably be thought by others to influence his or her actions or words as a Member....*

7. Subject to paragraphs 1 to 6 of this chapter, Members must declare a relevant interest:

25 *e) When approaching others: Members must declare a relevant interest in any communication, formal or informal, with those who are responsible for matters of public policy, public expenditure or the delivery of public services. That includes communications with Ministers, either alone or as part of a delegation: with other Members; with public officials (including the staff of government departments or agencies and public office holders). If those communications are in writing, then the declaration should be in writing too;*
30 *otherwise it should be oral.”*

The Register of Interests of Members’ Secretaries & Research Assistants states:

'Any occupation or employment for which you receive over £410 from the same source in the course of a calendar year, if that occupation or employment is in any way advantaged by the privileged access to Parliament afforded by your pass.

5 *Any gift (e.g. jewellery) or benefit (e.g. hospitality, services) that you receive, if the gift or benefit in any way relates to or arises from your work in Parliament and its value exceeds £410 in the course of a calendar year.'*

10 Any potential breaches of compliance in relation to Members' Secretaries & Research Assistants is usually investigated by the Registrar but as it forms part of the same complaint and as you are now a Member, I feel it is more appropriate for the matters to be looked at as part of one inquiry.

Next steps

15 I would welcome your comments on the allegations that you acted in breach of paragraph 14 of the Code of Conduct for Members and while an employee of [name redacted] you acted in breach of the rules for Members' Secretaries & Research Assistants.

I would also be grateful for your answers to the following questions:

1. Please explain why your payment from IPSA received on 27 December 2019 was not registered within the 28-day deadline set by the House.
- 20 2. Please explain what prompted you to register on 25 June 2020, remuneration you had received as a councillor, between 15 January 2020 and the 15 May and why you did not do so sooner.
- 25 3. I have checked the Members and Secretaries Registers and your trip to Israel from the 28 July 2019 – 2 August 2019 (currently registered in the Register of Members' Financial Interests) has not been registered. Please explain why it was not registered and what prompted you to register it in January 2020 in the Members' Register.
4. Were you aware of paragraph 14 of the Code, which concerns the declaration of interests, and the accompanying guidance at Chapter 2 of the Guide?
- 30 5. Did you declare your post as a councillor at any time in writing or vocally in any proceeding of the House or its Committees, and in any communications with Ministers, Members, public officials or public office holders?
6. Having read the rules now, are there any occasions when you didn't declare your post but ought to have done?

7. Did you seek advice from the House authorities on any occasion about whether declaration of such interests might be necessary and, if so, when and what advice did you receive?

5 8. Are you now satisfied that your current register entry is up-to-date, complete and accurate in all respects? If it is not, please contact the Registrar now to bring it up to date.

9. Please describe the steps you have taken to satisfy yourself of this.

10 It would be helpful to receive any evidence to support your responses when you reply to this letter. Any other points you wish to make to help me with this inquiry would also be welcome.

[Name redacted] has also expressed concerns that you falsified your reasons for not standing down as a councillor. This is out of remit and so will not form part of my inquiry.

Important information

15 My inquiries are conducted in private. Following the decision taken by the House on 19 July 2018, I will not publish the fact that I am conducting an inquiry into an allegation of an alleged breach of the Code of Conduct. My office will not comment on any aspect of the inquiry to third parties. They will answer direct factual questions about the processes I follow and the standards system more generally but
20 will neither confirm nor deny that I have begun an inquiry.

Procedure

I enclose a copy of the Commissioner's Information Note, which sets out the procedure for inquiries. Please note that this has not yet been updated to reflect the changes flowing from the decision of 19 July 2018.

25 This letter and any subsequent correspondence between us in connection with this inquiry is protected by parliamentary privilege. It should be kept confidential until the outcome of my inquiry is published.

30 While I do not, at this stage, know whether it will be necessary to interview you about this matter, it would be open to you to be accompanied at any such interview. I am, of course, very happy to meet with you at any stage if you would find that helpful. Given the current circumstances, all interviews will be held either by phone or video call.

I should say now, as a matter of courtesy, that I may seek the advice of the House authorities and others as part of this inquiry.

Potential outcomes

5 Inquiries are generally concluded in one of three ways. If the evidence does not substantiate the allegation, it will not be upheld. If the evidence demonstrates a breach of the rules, I may – in certain circumstances – uphold the allegation and conclude the inquiry using the rectification procedure, without making a referral to the Committee on Standards. Where an allegation is not upheld or is rectified, the material is published on the Parliament website, on my webpages.

10 If I uphold the allegation and it is either unsuitable for the rectification procedure, or you do not accept my decision, I must make a referral to the Committee on Standards. My Memorandum to the Committee would be published, as an appendix to the Committee's own Report.

15 I should make clear that all the relevant evidence, including our correspondence, will be published when this inquiry is concluded. I routinely redact the personal data of third parties unless it is relevant to my decision(s). If you provide sensitive material which you think I should consider redacting, please tell me. I would give careful consideration to any such request.

Action

20 I would be grateful to have your response to this letter as soon as possible and no later than 10 September 2020. If you would prefer me to communicate with you using an alternative email, please give the details when you reply to this letter. It would also be helpful if you were willing to provide a telephone number through which I might contact you. Information provided to me during the course of my inquiry will be retained, and disposed of, in accordance with the House of Commons' Authorised Records Disposal Policy.

25 Thank you for your cooperation with this matter.

26 August 2020

3. Email from Mr Scott Benton to the Commissioner, 26 August 2020

Thank you for your email. I will provide answers to the points which you have raised below.

30 [Information redacted as considered not relevant to inquiry]

In relation to the points you have highlighted:

1 & 2 - Both payments (for my roles as an MP's researcher and a Councillor) should have been declared earlier and I apologise for not declaring both within the 28 day period. As my role as an MP's aide had finished when I became an MP I didn't think

that I needed to declare the income as it related to a role that I no longer held at any point whilst being a member. I later learned that payments received whilst being an MP which referred to employment which had ceased needed to be included and at that point I made the declaration. Having declared that I was a Cllr in my submission
5 on 6th January and declared a payment that was received, I didn't realise that I needed to continue to declare payment from the same source each time within a 28 day period. I have now notified yourselves that this is a regular monthly payment.

Although I appreciate that ignorance of the rules is not a strong defence, both of the above were because of a genuine lack of understanding of the rules. I have read the
10 full guidance on declaring interests and I will ensure that these mistakes are not repeated. As the parliamentary authorities were aware of both of these roles (my role as an MP's aide was known to IPSA but had finished on my election as an MP, whilst your office was aware of my role as a Cllr from my earlier entry) I think that it is fair to say that the late declaration was not motivated by concealing something
15 that was clearly in the public domain anyway, nor I would point out, did the late entry benefit myself directly.

3 - I didn't declare the trip to Israel as I didn't think that it needed to be declared according to your rules. On reflection, I still believe that it did not need declaring. I was invited to the trip through being a Conservative Parliamentary Candidate - it
20 had nothing whatsoever to do with my employment as an MP's aide. Had I not worked for an MP I would have been invited on the trip anyway. Indeed, the only people on the trip were MPs, peers and parliamentary candidates. Nobody attended the trip as a 'parliamentary employee' through working for an MP I believe. The key phrase here is 'relates to or arises from your work in Parliament'. As far as I'm
25 concerned, the trip related to my work as a political candidate not my employment. The trip did not help me with, nor benefit my employment, or the MP I worked for so I do not believe that this requires a declaration.

4 - As alluded to above, my understanding of the code was deficient which led to the late declaration of two entries. I have taken steps to ensure this is not repeated.

30 5 - I have only referred to myself as a Cllr on one occasion in speaking or writing that I am aware of whilst I have been an MP. This was in an oral question in the House where I mentioned that I was a local councillor (a question to a DEFRA minister)

6 - No I don't believe so.

35 7 - The only contact I have had was from a member of your team who brought to my attention the fact that I hadn't declared my Cllr income in the allotted period. I then declared this immediately and have explained why I hadn't previously under point 2.

8 - Yes

I sincerely hope that this provides all of the information that you require but please do contact me if you require anything else.

26 August 2020

4. Letter from the Commissioner to Mr Scott Benton MP, 16 September 2020

5 I hope you are well and thank you for your response of 26 August 2020. I have noted your comments about the complainant and the reasons you feel she has made the complaint. I have commenced an inquiry as the scope of the complaint is within remit and there is sufficient evidence to support starting an investigation.

10 I am hoping you can assist me with the following. [Name redacted] has sent me a further email as follows:

15 When I wrote to the Commissioner on 26 July I noted that Mr Benton had declared a monthly allowance from Calderdale MBC of £517.87 a month. On the Calderdale MBC register, this monthly allowance is noted as £879.92. I should appreciate an explanation of the discrepancy of £362.05.

Would you be able to confirm the correct value of the allowance you have received monthly for your work as a councillor and explain any discrepancies between the amount you receive, and the monthly allowance registered on the Calderdale MBC register.

20 In accordance with my usual practice regarding inquiries into registration issues, I have today written to the Registrar, [name redacted], seeking her advice. I enclose a copy of that letter for your information. Please note that [the Registrar] is currently on leave so there may be a slight delay in receiving a response.

25 I will write to you again when I have [the Registrar's] advice and to give you an opportunity to comment. In the meantime, our correspondence remains protected by parliamentary privilege and I must ask that you continue to maintain the strict confidentiality of the inquiry.

30 I am aware that these are difficult times, but I would be grateful to have your response to this letter as soon as possible and no later than 28 September 2020 please. If you require more time to respond, then please contact me or a member of my team. Due to the current health crisis, my team are working remotely, so I would be grateful if you could please send your response electronically to [redacted].

Thank you for your assistance with this matter.

16 September 2020

5. Letter from the Commissioner to the Registrar for Members' Financial Interests, 16 September 2020

I would like to ask for your advice on a matter concerning Mr Scott Benton MP and registration in the Register of Members' Secretaries and Research Assistants.

- 5 I enclose a copy of the relevant correspondence I have exchanged with Mr Benton.

10 Mr Benton states in his response to my initiation letter that his view is the rules in relation to the Register of Members' Secretaries and Research Assistants would not have applied to his trip to Israel from 28 July 2019 to 2 August 2019. It would be helpful to know how you would have advised Mr Benton had he sought your advice about whether this trip needed to be registered. Please let me know if there is additional information that you would have sought from him before giving advice. Any other comments you may wish to make would be most welcome.

It would be helpful to have your reply by 6 October 2020.

16 September 2020

15 6. Email from Mr Scott Benton MP to the Commissioner, 16 September 2020

Thank you for your email and the update contained therein.

20 In relation to the question that you posed regarding my monthly allowance from Calderdale MBC, I can confirm that the amounts that were received by myself into my bank account were the figures that I have registered with yourself. I do not ordinarily receive pay slips from the Council but these are obtainable electronically upon request as I understand. I receive a 'basic allowance' from Calderdale MBC (with no special responsibility allowances) – this figure is in the public domain and is the £879.92 which the complainant refers to. As such the discrepancy is the difference between the money I have personally received after tax and the overall level of the allowance.

25

16 September 2020

7. Email from the Registrar for Members' Financial Interests to the Commissioner, 28 September 2020

30 Thank you for your letter of 16 September which I received on 24 September, about Mr Scott Benton MP.

35 On being elected an MP on 12 December 2019 Mr Benton correctly registered a visit to Israel which he had made in the summer of 2019. At the time of the visit he was not an MP but an employee of [name redacted] and I understand it is alleged that he should have registered this visit in the Register of Interests of Members' Secretaries and Research Assistants (the Members' Staff Register).

Mr Benton has told you that he made the visit as a parliamentary candidate, and I have no reason to think otherwise. I can see, from the current Register of Members' Financial Interests, that a number of other new MPs have registered visits funded by Conservative Friends of Israel which took place in July/August 2019.

- 5 In the summer of 2019, the rules required passholding Members' staff to record in the Members' Staff Register:

*Any **gift** (eg jewellery) or **benefit** (eg hospitality, services) that you receive, if the gift or benefit in any way relates to or arises from your work in Parliament and its value exceeds **£395** in the course of a calendar year.*

- 10 On the basis of the information provided to you I think it most unlikely that we would have advised Mr Benton to register this visit in the Members' Staff Register. This is because the visit did not arise from his role as Members' staff and was not sufficiently related to that work.

Please let me know if you need anything further.

- 15 *28 September 2020*

8. Letter from the Commissioner to Mr Scott Benton MP, 13 October 2020

When I wrote to you on 16 September 2020, I said that I was seeking the advice of the Registrar and that I would give you the opportunity to comment on that advice before I reach any decision.

- 20 I have now received a response from the Registrar, [name redacted] who has responded as follows.

Thank you for your letter of 16 September which I received on 24 September, about Mr Scott Benton MP.

- 25 *On being elected an MP on 12 December 2019 Mr Benton correctly registered a visit to Israel which he had made in the summer of 2019. At the time of the visit he was not an MP but an employee of [name redacted] and I understand it is alleged that he should have registered this visit in the Register of Interests of Members' Secretaries and Research Assistants (the Members' Staff Register).*

30

Mr Benton has told you that he made the visit as a parliamentary candidate, and I have no reason to think otherwise. I can see, from the current Register of Members' Financial Interests, that a number of other new MPs have registered visits funded by Conservative Friends of Israel which took place in July/August 2019.

35

In the summer of 2019, the rules required passholding Members' staff to record in the Members' Staff Register:

Any gift (eg jewellery) or benefit (eg hospitality, services) that you receive, if the gift or benefit in any way relates to or arises from your work in Parliament and its value exceeds £395 in the course of a calendar year.

- 5 *On the basis of the information provided to you I think it most unlikely that we would have advised Mr Benton to register this visit in the Members' Staff Register. This is because the visit did not arise from his role as Members' staff and was not sufficiently related to that work.*
- 10 I am sending this for your information only and do not require a response. I will contact you again if I need any further information from you. I hope to send you a copy of my decision letter in due course.

15 In the meantime, our correspondence remains protected by parliamentary privilege and I must ask that you continue to maintain the strict confidentiality of the inquiry.

13 October 2020

9. Letter from the Commissioner to Mr Scott Benton MP, 27 November 2020

20 I now have sufficient information to be able to make a decision on the allegation I have been investigating.

My decision

25 I have considered our correspondence, the published rules, advice from the Registrar and guidance concerning the registration of interests before coming to a decision. I have decided that your failure to register six entries in the Register of Members' Financial Interests within the House's 28-day deadline, is a breach of paragraph 14 of the Code of Conduct for Members of Parliament ("the Code"):

30 *Members shall fulfil conscientiously the requirements of the House in respect of the registration of interests in the Register of Members' Financial Interests. They shall always be open and frank in drawing attention to any relevant interest in any proceeding of the House or its Committees, and in any communications with Ministers, Members, public officials or public office holders.*

35 You have told me that you declared your post as a Councillor on one occasion (10 Feb 2020), in an oral question to a DEFRA Minister. To clarify, it is not necessary in accordance with the rules, to make a declaration when responding to a Ministerial statement (*Chapter 2, para 6a*). Based on the evidence currently available to me and given your assurance that you have checked that you have not omitted to make any necessary declarations in relation to this interest, I do not think it is appropriate to pursue that aspect any further.

My inquiry also included looking at whether, while working as an employee for another Member you complied with the rules for registration in the Members' Secretaries and Research Assistants register, following a visit to Israel between 28 July 2019 to 2 August 2019. Having reviewed the rules, the information you have provided and the advice from the Registrar I am satisfied that you did not breach these rules because the visit did not arise from your role as Members' staff and was not sufficiently related to that work to require registration.

Rationale

You have accepted that you have breached the registration rules by failing to register both your payments received for work as a Member's researcher, before you became a Member and for your work as a Councillor. You have apologised for these breaches. You said that the reason you registered these payments late was due to ignorance of the rules and a genuine lack of understanding of how they are applied. Thank you for providing background information however, compliance with the rules is a personal responsibility of the Member. All new Members were offered a personal meeting to go through the rules before making their first registration and to understand how they applied to their situation. I understand you attended one of those meetings. I will be requiring an assurance from you that you have now put procedures in place which will avoid a breach occurring in the future. I feel it would be useful for you to attend a refresher session with the Registrar to assist with this.

During the course of this inquiry, the complainant drew to my attention a discrepancy between the monthly allowances you had registered and those on the Calderdale MBC register. You said you had registered the net amount rather than the gross amount, as the House requires. You have since contacted the Registrar and amended your register to reflect the correct values. Thank you for this.

You have told me about some of the background which you believe is relevant to the complaint. However, I should emphasise that the only criteria for beginning an inquiry are that the matter is within remit and that I have sufficient evidence to justify beginning an inquiry. I decide the outcome of an investigation based by applying the rules to the relevant facts.

I have recently raised concerns that you have breached the confidentiality requirements. I have considered the evidence you provided and am satisfied you were not responsible for the breach. I understand that you felt compelled to participate as you considered you had no alternative once the story was imminently due to be published.

Next steps

As you may be aware, having decided that a breach of the rules has occurred, I can, with the co-operation of the Member concerned, rectify less serious breaches using the powers available to me under Standing Order number 150.

I have decided that a referral to the Standards Committee is not necessary and that I can resolve this breach of the rules through rectification. To do so, the Committee would generally expect the Member to have accepted my decision, acknowledged and apologised for their breach of the rules, and to have taken any steps necessary to rectify their breach. In cases concerning the registration of interests, I would usually ask the Registrar to arrange for the relevant entry to be italicised in the Register of Members' Financial Interests to indicate that entry has been the subject of a rectification.

You have already acknowledged and apologised for your breach of the rules. In order to progress this through rectification, I will require the following from you:

- a) Information about what steps you will take to ensure that in future you will be able to update the Register accurately and on time.
- b) An assurance that your register is now accurate and up to date.
- c) To attend a refresher session with the Registrar. Please confirm once this has been arranged and attended.

If you are content for me to conclude the inquiry in this way, please write to me with the above information by **4 December 2020**.

If you agree to my proposal, I will share my written evidence pack with you, so that you can check its factual accuracy before publication. I will also report the outcome to the Committee on Standards in due course as a matter of routine. I will ask the Registrar to arrange to annotate the relevant information in the Register. You are, of course, entitled to decline my proposed rectification, in which case I will refer this matter to the Committee on Standards for their review.

In the meantime, our correspondence remains protected by parliamentary privilege and I must ask that you continue to maintain the strict confidentiality of the inquiry.

As you know, due to the current pandemic, my team are currently working from home only, so I would be grateful if you could please send your response electronically to [redacted].

27 November 2020

10. Email from Mr Scott Benton MP to the Commissioner, 29 November 2020

May I thank you for your email and extend my thanks to Kathryn for the timely and equitable manner in which she has investigated the initial complaint.

I accept the decision which has been reached by Kathryn and I would like to take this opportunity to acknowledge my mistake and apologise once again for inadvertently breaching the rules.

- 5 I will ensure that I conscientiously report my outside interests in accordance with the rules in future and I have put in place measures to ensure that I do so. I have contacted the Members Registrar to request a refresher meeting as soon as possible so that I can discuss the requirements with them. I will confirm when this meeting has taken place in due course. I have also fully reviewed my list of interests and I can confirm that these are all correct as of at present.
- 10 I have received a press enquiry asking me to confirm the outcome of the enquiry and so if you are able to confirm that I can now comment on the findings that would be helpful.

29 November 2020