

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: The Rt Hon the Lord Benyon of Englefield, former Minister of State at the Foreign, Commonwealth and Development Office and Department for Environment, Food and Rural Affairs. Paid appointment with Englefield Estates Trust.

1. You approached the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former ministers (the Rules) seeking advice on returning to the appointment as Chairman and Director of your family trust - the Englefield Estates Trust (Englefield Estates).
2. The purpose of the Rules is to protect the integrity of the government. The Committee has considered the risks associated with the actions and decisions made during your time in office, alongside the information and influence you may offer Englefield Estates as a former minister. The material information taken into consideration by the Committee is set out in the annex below.
3. The Committee's advice is not an endorsement of the appointment - it imposes a number of conditions to mitigate the potential risks to the government associated with the appointment under the Rules.
4. The Ministerial Code sets out that ministers must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former ministers of the Crown, and Members of Parliament, are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.

The Committee's consideration

5. You described Englefield Estates as a property business owned and operated by your family. The estate provides services in management of farming, landscaping,

forestry, residential and commercial property on the land. Englefield Estates is in receipt of two grants - which are awarded through an application process run by the Rural Payments Agency, at arm's length from your former department. In your role as Chairman and Director you said that you will chair the board and take decisions relating to property matters. You will not be receiving a salary but receive an income as a beneficiary of Englefield Estates Trust.

6. You did not make any commercial, policy or regulatory decisions specific to Englefield Estates, and you were recused from decisions that could impact it, to manage your declared interest in the Trust. Therefore, the Committee¹ considered that the risk that you could reasonably be seen to have been offered this role as a reward for decision made or actions taken in office was low.
7. As a minister in the Department for Environment, Food and Rural Affairs (Defra) there are risks associated with your access to information, given that Englefield Estates operates in many different areas for which Defra has oversight. There are factors that mitigate this risk:
 - a. Defra considered you did not have access to information that is likely to offer a competitive advantage to Englefield Estates because:
 - i. the ministerial portfolio for farming did not sit with you, but with another minister; and
 - ii. you were recused from policy discussions relating to services provided at Englefield Estates, such as general licensing for shooting and fishing - as part of the department's management of your declared interests.
 - b. You have been out of office for three months, which has put a gap between when you last had access to information and the taking up of this role.
8. There are risks associated with your influence and contacts within government, given that Englefield Estates is likely to continue to apply for government grants and funding. There are factors which mitigate the risk you may be seen to offer unfair access and influence:
 - a. The grant awards are made by arm's length bodies of Defra, through an application process separate to the department.
 - b. Your role as Chairman and Director will not include any contact with government.

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

9. The Committee considered it is significant that you have a long-held interest and experience in this sector, and are returning to this role which you have held previously. This includes seeking similar advice from ACOBA in 2013..

The Committee's advice

10. The Committee did not consider this appointment raises any particular propriety concerns under the government's Rules. The risks are appropriately mitigated by the standard conditions below. In particular, these prevent you from drawing on privileged information, contacts and influence within government to the unfair advantage of Englefield Estates.

11. Taking into account these factors, in accordance with the government's Business Appointment Rules, the Committee advises this appointment with **Englefield Estates Trust** be subject to the following conditions:

- you should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you from your time in ministerial office;
- for two years from your last day in ministerial office, you should not become personally involved in lobbying the UK government or its arm's length bodies on behalf of Englefield Estates Trust (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the government and/or ministerial office to influence policy, secure business/funding or otherwise unfairly advantage Englefield Estates Trust (including parent companies, subsidiaries, partners and clients) and;
- for two years from your last day in ministerial office, you should not undertake any work with Englefield Estates Trust (including parent companies, subsidiaries, partners and clients) that involves providing advice on the terms of, or with regard to the subject matter of a bid/contract or funding relating directly to the work of, the UK government or its arm's length bodies.

12. The advice and the conditions under the government's Business Appointment Rules relate to your previous role in government only; they are separate from rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists, the Parliamentary Commissioner for Standards and the Registrar of Lords' Interests.² You are reminded that as a Member of the House of Lords you are prevented from any paid lobbying under the House of Lords Code of Conduct.

² All Peers and Members of Parliament are prevented from paid lobbying under the House of Commons Code of Conduct and the Code of Conduct for Members of the House of Lords. Advice on your obligations under the Code can be sought from the Parliamentary Commissioners for Standards, in the case of MPs, or the Registrar of Lords' Interests, in the case of peers.

It is an applicant's personal responsibility to understand any other rules and regulations they may be subject to in parallel with this Committee's advice.

13. By 'privileged information' we mean official information to which a minister or Crown servant has had access as a consequence of his or her office or employment and which has not been made publicly available. Applicants are also reminded that they may be subject to other duties of confidentiality, whether under the Official Secrets Act, the Civil Service Code or otherwise.
14. The Business Appointment Rules explain that the restriction on lobbying means that the former Crown servant/Minister "*should not engage in communication with government (Ministers, civil servants, including special advisers, and other relevant officials/public office holders) – wherever it takes place - with a view to influencing a government decision, policy or contract award/grant in relation to their own interests or the interests of the organisation by which they are employed, or to whom they are contracted or with which they hold office.*"
15. You must inform us as soon as you take up employment with this organisation(s), or if it is announced that you will do so. Please also inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application.
16. Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website, and where appropriate, refer to it in the relevant annual report.

The Rt Hon Lord Pickles

Annex - Material information

The role

1. Englefield Estates Trust (Englefield Estates) is a property business involving land, residential and commercial buildings in Berkshire, Hampshire, Hackney and Inverness-shire. It is owned by your family. The estate provides services in management of farming, landscaping, forestry, residential and commercial property on the land, including agriculture and timber production. It provides activities such as fishing and shooting, for which it holds licences.³ It also has a philanthropic arm - the Englefield Charitable Trust - which has its own, independent Board of Trustees.
2. Englefield Estates is in receipt of the Sustainable Farming Incentive⁴ and Countryside Stewardship⁵ grants, awarded by the Rural Payments Agency,⁶ an arm's length executive agency of Defra, following an application process.
3. You informed the Committee you wish to take up a part-time role as Chairman and Director of Englefield Estates Trust. You told the Committee that your role will involve chairing the board and taking decisions relating to property matters, from time to time. You confirmed this role would not involve contact with government.
4. You told the Committee that whilst you do not draw a salary from this role, you derive an income as a beneficiary under the Trust. You said that you have previously held this role up until 2021 when you re-entered government. This role will be a resumption of your previous duties. You previously received advice for this role from the Committee in 2013 and have long held experience in this sector.⁷

Dealings in office

5. You provided the Committee with the following information:

³ <https://basc.org.uk/general-licences/>

⁴ SFI pays farmers to adopt and maintain sustainable farming practices that can protect and improve the environment. There is an application process to be awarded the grant.

⁵ Countryside Stewardship (CS) provides financial incentives for farmers, foresters and land managers to look after and improve the environment. CS protects and enhances the natural environment by increasing biodiversity, improving habitat, expanding woodland areas, improving water quality, improving air quality, improving natural flood management.

⁶ <https://www.gov.uk/government/organisations/rural-payments-agency>

⁷ https://assets.publishing.service.gov.uk/media/5a7eb05de5274a2e8ab4791e/Website_-_Letter_to_RB_-_letter.pdf

- a. You said that at Defra you made some policy decisions relating to grant schemes such as Farming in Protected Landscapes,⁸ though these related to the agriculture sector as a whole and were not specific to Englefield Estates.
- b. You had access to information on the development of Environmental Land Management schemes and some regulations relating to water and the environment, though this was not specific to Englefield Estates.

Department Assessment

6. The FCDO and Defra were consulted in this application. The FCDO had no concerns about your access to information or any responsibilities in office overlapping with this work.
7. Defra provided the following information:
 - a. You did not have access to any information that would grant Englefield Estates an unfair advantage.
 - b. You did not make any policy, regulatory or commercial decisions that specifically impacted Englefield Estates.
 - c. You had no contact with Englefield Estates in your capacity as a minister.
 - d. You were not the farming minister and therefore not directly involved in farming decisions.
 - e. You declared your interest in Englefield Estates with your department and as a result, the following mitigation was put in place:

‘[Lord Benyon is] to recuse himself from any decisions in the ‘General Licensing’ policy area that would specifically apply to Englefield Estate and the shooting and fishing held there. Where this occurs advice should be directed towards the Secretary of State, who will take the relevant decision.’

8. Both departments recommended the standard conditions.

⁸ It will offer funding to farmers and land managers in areas of outstanding natural beauty (AONBs), National Parks and the Broads. The programme will fund projects that support nature recovery, mitigate the impacts of climate change, provide opportunities for people to discover, enjoy and understand the landscape and its cultural heritage, protect or improve the quality and character of the landscape or place.