

# **Independent Expert Panel**

## **Appeal by Scott Benton MP**

Presented to the House of Commons  
pursuant to House of Commons Standing Order No 150A

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## The Independent Expert Panel

The Independent Expert Panel was established by resolution of the House of Commons on 23 June 2020. The Panel:

- Hears appeals against decisions made by the Parliamentary Commissioner for Standards (the Commissioner), and considers referrals from the Commissioner and determines sanctions in cases involving an allegation against an MP of a breach of Parliament's Sexual Misconduct Policy or the Bullying and Harassment policy, under the Independent Complaints and Grievance Scheme; and
- Hears appeals against decisions by the Committee on Standards in cases involving an allegation against an MP of a breach of the Code of Conduct for Members of Parliament.

### Current membership

Mrs Lisa Ball  
Monica Daley  
Mrs Johanna Higgins  
Sir Stephen Irwin (Chair)  
Professor Clare McGlynn KC  
Miss Dale Simon  
Sir Peter Thornton KC  
Dr Matthew Vickers

### Powers

The Panel's powers are set out in House of Commons Standing Orders Nos 150A to 150D. These are available on the internet via [www.parliament.uk](http://www.parliament.uk).

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## Report by the Chair of the Panel

- 1.1 The Independent Expert Panel (the Panel) was established by resolution of the House of Commons on 23 June 2020. The Panel hears any appeals from decisions by the Parliamentary Commissioner for Standards (the Commissioner) on complaints against a MP, or former MP, under the Independent Complaints and Grievance Scheme (ICGS); and considers referrals from the Commissioner to determine sanctions where they have upheld a complaint in serious cases. These are cases involving an allegation of a breach of the Bullying and Harassment Policy for UK Parliament, or the Sexual Misconduct Policy for UK Parliament. It also hears appeals against decisions by the Committee on Standards (the Committee) from MPs who have been found to have breached the Code of Conduct for MPs.
- 1.2 The Panel is guided by the principles of natural justice, fairness for all, transparency and proportionality. We are rigorously independent, impartial and objective, acting without any political input or influence.
- 1.3 This is a report of the decision of the Panel on an appeal by Scott Benton MP against a decision by the Committee to recommend that he be suspended from the House for 35 days for breaching Paragraph 11 of the Rules contained in the Code of Conduct for Members of Parliament.<sup>1</sup> The Committee concluded that Mr Benton's breach was 'extremely serious' and his behaviour suggested that he was 'for sale' as were 'many other Members of the House' and this caused significant damage to the reputation of the integrity of the House as a whole, and its Members.
- 1.4 Mr Benton submitted an appeal (Appendix I) against both findings of the Committee; the decision that he had breached the Code of Conduct and the decision on the sanction on the grounds on the following grounds:
  - a) The investigation by the Commissioner was materially flawed in a way that affected the decision of the Committee;
  - b) The process followed by the Committee was procedurally flawed and;

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<sup>1</sup> Committee on Standards, Second Report of Session 2023–24, *Scott Benton*, (HC 413), 14 December 2023

c) The decision of the Committee was unreasonable and/or, in relation to a sanction, disproportionate.

1.5 Mr Benton submitted the appeal on 19 January, having been granted an extension for health reasons from the original deadline of 2 January. I appointed the following sub-panel to consider the appeal:

- Professor Clare McGlynn KC (Hon) (Chair of the sub-panel);
- Miss Dale Simon; and
- Dr Matthew Vickers.

1.6 For the reasons set out in its decision, section 2 of this report, the sub-panel decided there was substance to one of Mr Benton's grounds of appeal, namely that the Committee process was procedurally flawed due to a potential leak of the Committee on Standards' decision:

*We considered carefully the information presented to us about a potential leak of the Committee's decision. The issue of confidentiality was not addressed in the Committee's report. The Appellant argued that this evidence raised the ground of a 'procedural flaw' in the process followed by the Committee. We also considered that this matter raised the ground of appeal based on there potentially being 'credible fresh evidence'. Accordingly, we decided that there was substance to this ground of appeal and proceeded to consider the merits of this ground.*

1.7 After granting permission to appeal on this ground, the sub-panel requested information from the Committee in regard to an alleged leak (Appendix II). They ultimately dismissed the appeal based on that information (Appendices III and IV):

*We were reassured by the Committee's deliberations and the Chair's letter that there has been no breach of confidentiality. We were satisfied, therefore, that there was no substance to the allegation of a leak from the Committee and therefore no procedural flaw in the process. Further, while this issue potentially constituted 'credible fresh evidence', on investigation, there was no substance to the claim and therefore no real prospect of any such 'new' evidence affecting the outcome of the decision-making process. Accordingly, we dismissed the appeal on this ground.*

1.8 The sub-panel then dismissed Mr Benton's appeal on sanction, concluding:

*We carefully considered the reasoning of the Committee [...]. We think the Committee approached this task properly, with the correct considerations in mind. We consider that the Appellant's arguments are misconceived or erroneous. We also endorse the comments made in the Panel's decision on the Appeal by Margaret Ferrier MP that:*

*'For the purpose of deciding the appropriate sanction for breaches of the Code, the Committee is well-placed for these purposes as an informed and expert body. We will not lightly interfere with their decision on sanction. Under the Procedural Protocol, we will do so only if the Committee's decision is unreasonable or disproportionate. We do not find that to be the case here.'*

*Taking all these matters into account, we are satisfied that there is no substance in the Appellant's grounds. Essentially, the Appellant simply disagrees with the sanction determined. The first stage of the appeal process has not been met. The sanction imposed was neither unreasonable nor disproportionate.*

1.9 The Committee's decision on breach and recommended sanction is upheld.

1.10 I make this report to the House pursuant to Standing Order No. 150A(5)(d). All information relating to the case not published in this report or by the Committee remains confidential. In the appendices to this report, the personal email addresses of House staff and Members have been redacted.

**Rt Hon Sir Stephen Irwin**

**20 February 2024**

# Decision of the sub-panel

## Introduction

2.1 This is an appeal by Mr Scott Benton MP (the Appellant) against the decision of the Committee on Standards (the Committee) that he breached Paragraph 11 of the Rules in the Code of Conduct for Members of Parliament and its recommended sanction of a 35 day suspension. Paragraph 11 states that:

*Members shall never undertake any action which would cause significant damage to the reputation and integrity of the House of Commons as whole, or its Members generally.*<sup>2</sup>

2.2 This case considers the activities of Mr Benton in meeting with undercover reporters of *The Times* newspaper on 7 March 2023 who were posing as representatives of a fictitious company that was interested in offering Mr Benton a job opportunity. This meeting was covertly recorded, with the details being published in the newspaper on 6 and 7 April 2023. On 6 April 2023, Mr Benton referred himself to the Parliamentary Commissioner for Standards (the Commissioner) ‘for investigation following the reports in the media that emerged yesterday as a consequence of my correspondence with a fictitious company’.<sup>3</sup>

2.3 The Commissioner then conducted an investigation. He found that during the meeting on 7 March 2023, Mr Benton had ‘made statements to the effect that:

- a. He had breached the House’s rules in the past;
- b. He would be willing to breach and/or circumvent the House’s rules for the company in return for payment; and
- c. 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>4</sup>

2.4 On the basis of these findings, the Commissioner determined that ‘Mr

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<sup>2</sup> The Code of Conduct, HC 1083

<sup>3</sup> Committee on Standards, Second Report of Session 2023–24, Scott Benton, (HC 413), 14 December 2023

<sup>4</sup> *Ibid*, paragraph 13



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'.

- 2.5 Following this determination, the Committee investigated the matter. It reported on 14 December 2023, deciding that it agreed with the three key findings of the Commissioner (outlined above), concluding that:

*In our view Mr Benton breached Paragraph 11 of the Rules and it was an extremely serious breach.*<sup>5</sup>

- 2.6 In this light, the Committee determined that a 'serious sanction is appropriate'. The Committee recommended to the House that it 'suspend Mr Benton from its service for a total of 35 days, with concomitant loss of salary.'<sup>6</sup>

## **The Appeal**

- 2.7 On 19 January 2024, the Appellant sought permission to appeal against both the findings of the Committee, and its decision on sanction, based on the following potential grounds of appeal:
- a. The investigation of the Parliamentary Commissioner for Standards was materially flawed in a way that affected the decision of the Committee;
  - b. The process followed by the Committee was procedurally flawed; and
  - c. The decision of the Committee was reasonable and/or in relation to sanction, disproportionate.<sup>7</sup>
- 2.8 The full text of the Appellant's letter of appeal is reproduced in Appendix I.

## **Procedure**

- 2.9 Appeals to the Independent Expert Panel (the Panel) are a two-stage process. The appointed sub-panel will first consider whether the issues raised fall within one or more of the grounds for appeal and, if so, whether there is any substance to the grounds. If the sub-panel decides that there

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<sup>5</sup> Committee on Standards, Second Report of Session 2023–24, *Scott Benton*, (HC 413), 14 December 2023, paragraph 59

<sup>6</sup> *Ibid*, paragraph 64

<sup>7</sup> Independent Expert Panel, Guidance to appellants in Code of Conduct Cases, November 2022

are substantive grounds for appeal, it will then consider the merits of the appeal and reach a conclusion.

- 2.10 The sub-panel first met on 25 January 2024 to begin consideration of the appeal. We met again on 2 February 2024 and agreed that there was no substance to grounds (a) and (c) of the appeal. We agreed that ground (b) raised an issue of substance and so we proceeded to consider the merits of the appeal. We considered carefully all the written material and supplementary information from the Committee. We decided that there was no reason for an oral hearing. Following further consideration, the sub-panel reached a decision on Thursday 8 February 2024. The report below sets out our substantive conclusions and decision.

#### **Ground A: the investigation by the Commissioner was materially flawed**

- 2.11 The first ground of appeal is that the ‘investigation of the Parliamentary Commissioner for Standards was materially flawed in a way that affected the decision of the Committee’. The Appellant argued that the Memorandum submitted by the Commissioner to the Committee ‘drastically overreached’, ‘contained factually incorrect statements’ and ‘arrived at conclusions which were unsupported by any adequate evidence’. The Appellant’s claims were raised in similar terms with the Committee which considered them in detail and dismissed them. In essence, the Appellant simply disagrees with the findings of both the Commissioner and the Committee.
- 2.12 After careful consideration, we found no substance in the Appellant’s claims and consequently did not grant permission to appeal on this ground.

#### **Ground B: the Committee process was procedurally flawed**

- 2.13 The second ground of appeal raised was that the ‘process followed by the Committee was procedurally flawed’. The Appellant argued first that as two members of the Committee changed over the course of the Committee’s deliberations and investigation, the process was procedurally flawed in raising ‘fundamental concerns and issues about the consistency and fairness of the process and the decisions made’. Secondly, he argued that there had been a leak of the Committee’s decision in advance of publication of the Report and this leak was evidence of the ‘appearance of bias’ against him.

### *Changes in committee membership*

- 2.14 Changes in membership of the Committee cannot amount to a procedural flaw. Membership of the Committee will always be subject to change due to an extensive variety of legitimate reasons, with such changes being an expected and justified part of the Parliamentary process. Accordingly, there is no substance to this argument.

### *Potential leak of Committee decision*

- 2.15 We considered carefully the information presented to us about a potential leak of the Committee's decision. The issue of confidentiality was not addressed in the Committee's report. The Appellant argued that this evidence raised the ground of a 'procedural flaw' in the process followed by the Committee. We also considered that this matter raised the ground of appeal based on there potentially being 'credible fresh evidence'. Accordingly, we decided that there was substance to this ground of appeal and proceeded to consider the merits of this ground.
- 2.16 We sought information from the Committee regarding its actions in response to the claim there had been a leak (Appendix II). We were provided with a copy of a paper prepared by the Committee regarding the leak allegations and inviting it to consider what actions, if any, to take in response (dated 11 January 2024 and included in Appendix IV). The Chair of the Committee set out the details of the Committee's deliberations and decision in a letter to the Chair of the sub-panel dated 8 February 2024 (included in Appendix III). The Chair of the Committee explained that the Committee had investigated the allegation of a leak and, in light of the information available, had concluded that there had been no leak of the Report's contents, nor of information regarding the timing of publication of the Report.
- 2.17 Confidentiality is central to the investigatory processes of the Committee, as it is with the Independent Complaints and Grievance Scheme which determines complaints of bullying and sexual misconduct. A breach of confidentiality can erode trust in the process and may lead to potentially adverse consequences for those involved in any investigation.
- 2.18 We were reassured by the Committee's deliberations and the Chair's letter that there has been no breach of confidentiality. We were satisfied,

therefore, that there was no substance to the allegation of a leak from the Committee and therefore no procedural flaw in the process. Further, while this issue potentially constituted ‘credible fresh evidence’, on investigation, there was no substance to the claim and therefore no real prospect of any such ‘new’ evidence affecting the outcome of the decision-making process. Accordingly, we dismissed the appeal on this ground.

**Ground C: the Committee decision on sanction was unreasonable and/or disproportionate**

- 2.19 The Appellant claimed that the Committee’s determination of a sanction of 35 days suspension from the House was ‘unreasonable and/or disproportionate’. We considered that the statements in the Appellant’s appeal fell within the ground of appeal but that there was no substance in his claims. Accordingly, we did not grant leave to appeal on this basis, for the reasons set out further below.
- 2.20 In considering sanction, the Committee decided that Mr Benton had breached Paragraph 11 of the Rules and that it was an ‘extremely serious breach’. The Committee stated that the message given by Mr Benton to the reporters, posing as potential employers, was that ‘he was corrupt and “for sale” and that so were many other Members of the House’. The Report continued that he ‘communicated a toxic message about standards in Parliament’ which ‘unjustifiably tarnish the reputation of all MPs’<sup>8</sup>.
- 2.21 In determining the sanction to be recommended, the Committee stated that the egregious nature of the breach ‘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’<sup>9</sup>.
- 2.22 Having reached this conclusion, and before determining the sanction, the Committee considered whether there were any relevant aggravating or mitigating factors. It considered that there were a number of aggravating factors, including:
- a. Non-cooperation with the Commissioner or the investigation process;

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<sup>8</sup> Committee on Standards, Second Report of Session 2023–24, *Scott Benton*, (HC 413), 14 December 2023, paragraph 59

<sup>9</sup> *Ibid*, paragraph 59

concealing or withholding evidence;

- b. Motivation of personal gain;
- c. Failure to seek advice when it would have been reasonable to do so;
- d. A repeat offence, or indication that the offence was part of a pattern of behaviour; and
- 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.<sup>10</sup>

2.23 The Committee considered that the following was a mitigating factor:

- a) Acknowledgement of breach, self-knowledge and genuine remorse.<sup>11</sup>

2.24 The Committee then concluded that:

*'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 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 of respect for Parliament and undermine the foundations of our democracy.'*<sup>12</sup>

2.25 The Committee stated that, accordingly, a 'serious sanction' was appropriate and recommended a suspension of the House for a total of 35 days.

2.26 The Appellant makes a number of arguments challenging the Committee's analysis of the aggravating and mitigating circumstances and claimed that the sanction was unreasonable in comparison with other cases.

2.27 We carefully considered the reasoning of the Committee, as set out above. We think the Committee approached this task properly, with the correct considerations in mind. We consider that the Appellant's arguments are

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<sup>10</sup> Committee on Standards, Second Report of Session 2023–24, *Scott Benton*, (HC 413), 14 December 2023, paragraph 61

<sup>11</sup> *Ibid*, paragraph 62

<sup>12</sup> *Ibid*, paragraph 63

misconceived or erroneous. We also endorse the comments made in the Panel's decision on the Appeal by Margaret Ferrier MP that:

*For the purpose of deciding the appropriate sanction for breaches of the Code, the Committee is well-placed for these purposes as an informed and expert body. We will not lightly interfere with their decision on sanction. Under the Procedural Protocol, we will do so only if the Committee's decision is unreasonable or disproportionate. We do not find that to be the case here.*<sup>13</sup>

2.28 Taking all these matters into account, we are satisfied that there is no substance in the Appellant's grounds. Essentially, the Appellant simply disagrees with the sanction determined. The first stage of the appeal process has not been met. The sanction imposed was neither unreasonable nor disproportionate.

### **Decision**

2.29 For these reasons this appeal is dismissed. The 35 day suspension stands.

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<sup>13</sup> Independent Expert Panel, *Appeal by Margaret Ferrier MP*, HC 1400, paragraph 2.50

# Appendix I: Written appeal submission

**IN THE MATTER OF AN APPEAL BY SCOTT BENTON**

**AND**

**THE DECISION AND THE HOUSE OF COMMONS COMMITTEE ON STANDARDS IN ITS SECOND REPORT OF SESSION 2023-24.**

**AND**

**IN THE MATTER OF AN APPEAL TO THE INDEPENDENT EXPERT PANEL**

**SUBMISSIONS IN SUPPORT OF SEEKING:**

**PERMISSION TO APPEAL**

**AND**

**AS TO THE MERITS OF THE APPEALS AGAINST**

**FINDINGS AND SANCTION.**

*Introduction:*

1. The Appellant seeks the Independent Expert Panel's ("the Panel's") Permissions to appeal against both the findings of the House of Commons Committee on Standards ("the Committee") and its recommendations as to sanction upon the following general grounds (paragraph 24 of the Panels "Guidance to Appellants in Code of Conduct Cases"): -
  - a. On Ground A ("The investigation by the Parliamentary Commissioner for Standards was materially flawed in a way that affected the decision of the Committee");
  - b. On Ground B ("The process followed by the Committee was procedurally flawed"); and
  - c. On Ground C ("The decision of the Committee was unreasonable and/or, in relation to a sanction, disproportionate").

**Submissions in relation to Ground A:**

*General grounds of appeal:*

2. The Appellant submits that the Parliamentary Commissioner for Standards ("the

Commissioner”) Memorandum to the Committee drastically overreached and contained factually incorrect statements. The Commissioner arrived at conclusions which were unsupported by any adequate, evidence.

3. In other instances, inferences were drawn where the evidential bases for the inference was either unsound, or admitted to more than one possible conclusion, which rendered it unsafe to nominate one conclusion over another without there being more direct evidence to support the inference drawn.
4. To the extent that the Committee adopted and/or agreed with those evidential conclusions it fell into the same errors.
5. In relation to the criticisms raised regarding the Appellant’s actions, generally speaking, many of them fall within the legitimate scope of the work of Members as long as they are engaging in accordance with parliamentary rules and no payments are taken for doing so. The Appellant didn’t request payment when he stated he could do these things, nor did he agree to undertake these actions in receipt of payment.
6. The Commissioner went on to say (ibid) that the Appellant “gave the impression that his behaviour was commonplace in Parliament, which on his own account was a lie”.
7. The Appellant’s position was, and is, that he 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” was not met. Consequently, any assertion of a breach was “entirely disproportionate”.
8. The Appellant’s submission is underpinned by the absence of there being any agreement, or discussion as to his willingness or otherwise, to undertake any “*action(s)*” that would offend against the Rule under consideration.
9. In particular, there was no agreement in the meeting of the 7<sup>th</sup> March 2023 about payment(s) being made in return for the Appellant breaching the Rules; nor was there any admission(s) made of any previous breaches of the Rules by the Appellant (paragraph 57).
10. The Committee adopted the Commissioners interpretation of “the message (the Appellant) gave to his interlocutors... (being) 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”.



11. This interpretation was an erroneous interpretation of the evidence which, when analysed objectively and holistically, does not justify such a conclusion.

*Findings made:*

12. As to the nature of the role the undercover reporters were discussing, the Appellant told the Commissioner that he was unsure what the company wanted from him and said, *“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”*.

13. The Commissioner, however, found that: -

- i. The initial email made clear it was for a paid role;
- ii. The company stated they were looking for a *“strategic adviser”*;
- iii. The conversation clearly spoke of the actions the Appellant could take that a public affairs agency could not;
- iv. The Appellant had specifically mentioned the actions other Members could take;
- v. The Appellant agreed to a few days’ work a month for two to four thousand pounds and that he was not talking about what he could do on an unpaid basis.

[See: Appendix 1 – paras 5.8 – 5.11 [Committee on Standards Report].

14. The Appellant submits that his position is supported by the accepted facts that: -

- i. He did not have, or attempt, any further contact with the company;
- ii. There is no evidence, or any suggestion, that he took any other steps to progress the matter, such as signing a contract;
- iii. The Appellant did not forward his CV to the journalists as requested.
- iv. No agreement was made by the Appellant to do anything on behalf of the company, and certainly not for payment. He did not agree to work for the company, nor to receive payment from it.

15. The Commissioner’s investigation found that during the meeting the Appellant had:

- i. 6.1(b) ...suggested that other Members would be prepared to breach the rules

in return for payment in the form of hospitality;

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

16. The Appellant categorically rejects many of the assertions made by the Commissioner in his Memorandum. 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, the Appellant maintains that the points highlighted above within the Memorandum (6.1 b, 6.1c, 6.1d) are factually inaccurate.

- i. The Appellant specifically denies suggesting that other Members would be inclined to violate the rules or engage in arrangements to circumvent them. As the Appellant submitted in his written evidence to the Committee "*What the Appellant observed in the meeting was that hospitality provided to MP's 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 (the Appellant) mentioned or endorsed the latter practice*".

[See: Appendix 2 – para 8 [Committee on Standards Report]

- ii. The Appellant also maintains that he did not insinuate any prior breach of the rules. His comments during the meeting relating to tabling Parliamentary Questions, or making a link with Government Ministers didn't state, or allude to, anything which would have breached parliamentary rules. Similarly, nor did the Appellant's comments regarding hospitality and its value constitute a suggestion that he had previously taken actions which would have amounted to breaches of the rules.

iii. The Appellant submits that there exists no supporting evidence for these claims. They are assumptions made by the Commissioner and consequently adopted by the Committee. The conclusions drawn by the Commissioner could not be legitimately inferred upon the evidence before him/the Committee. The assertion that the Appellant suggested that he had previously taken actions which would have amounted to a breach of the rules is unsubstantiated by unequivocal, direct and reliable evidence for this inferential conclusion.

iv. The Appellant made this clear, together with the fact that the Independent Office of the Registrar of Consultant Lobbyists (ORCL) concluded in their investigation (published on the 28<sup>th</sup> April 2023) that “*(The Appellant) has not received payments or benefits in kind in return for lobbying*”.

17. In respect to Rule 11 of the Code, the Committee has articulated its expectation that 'a breach should only occur in extreme and extremely limited circumstances'. As such, it becomes even more imperative that investigations of this nature are supported by unequivocal and verifiable evidence in the form of direct quotes, rather than inferences, from the transcript of the Appellant's meeting. Anything less would render an assertion that the Appellant has breached Rule 11 as entirely disproportionate, considering the Committee's definition of a 'high bar' for such breaches.

18. Since there are no direct quotations to unequivocally demonstrate, as asserted within the Memorandum, that the Appellant stated what is claimed within points 6.1 (b), 6.1 (c) & 6.1 (d), the criteria for establishing 'significant damage', as per Rule 11, has not been satisfactorily met.

19. 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'. It is inaccurate to suggest that the Appellant made such categorical claims during the meeting with the company and there is no evidence to substantiate this. While it could be argued that the personal reputation of the Appellant 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.

*Significant damage:*

20. The Commissioner in his Memorandum to the Committee opined that paragraph 11

of the Rules was breached. He formed the “*impression*” that, in his opinion, the breach “*would cause significant damage to the reputation and integrity of the House of Commons as a whole, or of its Members generally*”.

(i) The Appellant denies that ‘significant damage to the reputation and integrity of the House of Commons as a whole’ was thereby caused.

(ii) In Section 7.4 of the Memorandum, ‘*significant*’ in this context is defined as:

*“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”.*

(iii) The Appellant submits that this definition ‘*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 (the Appellant’s) meetings with the fictitious company”.

[See: Appendix 2 – para 12 [Committee on Standard’s Report].

(iv) The Commissioner in his Memorandum states that ‘significant’ ‘*is not defined by the Code or the Guide to the Rules*’ (Section 7.2). The Appellant submits that this lack of definition, in practice, means that an investigation such as this hangs purely on the subjective view of the incumbent Commissioner and what they define to be ‘significant’ at any particular moment in time. Such a process is inherently procedurally flawed.

21. The case against the Appellant (as characterised at paragraph 53 of the Report) “is not that he breached the Code (of Conduct and The Guide to the Rules relating to the Conduct of members) 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”.*

22. In paragraph 55, the Commissioner acknowledged that, “the people to whom (the Appellant) 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”.*

- (i) The Appellant submits that it is wholly wrong to consider all, or any, ‘actions’ taken by third parties as evidence against a member in considering a Member’s liability under this rule. The nature, degree and accuracy with which a third-party acts cannot reasonably be held against a Member.

23. In paragraph 54 of the Report, the Commissioner is recorded as concluding that “(The Appellant) made comments to the effect that he and other Members were ‘for sale”.

- (i) The Appellant submits that this is a subjective characterisation by the Commissioner, which interprets the evidence unfairly based upon any objective analysis.

24. The Commissioner also found (paragraph 55) that, “the damage is not limited to (the Appellant’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”.

- (i) The Appellant submits that this is a subjective characterisation by the Commissioner, which interprets the evidence unfairly based upon any objective analysis.

25. The Commissioner found that the Appellant had implied 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. [See: Appendix 1 of the [Committee on Standards’ Report – “Summary”].

- (i) The Appellant submits that this is a subjective characterisation by the Commissioner, which interprets the evidence unfairly based upon any objective analysis.

*Past/future breaches:*

26. The Commissioner rejected the Appellant's account that he had attended the meeting as part of his "*purely private and personal life*" and found that:

- a. He would be willing to breach and/or circumvent the House's rules for the company in return for payment.
  - (i) The Appellant submits that there is no evidence whatsoever to conclude that he was "*willing in principle*" to engage in activities breaching the rules. This is pure conjecture.
  - (ii) At no point in the meeting did he agree to undertake any activity that would be in breach of the rules; had he been 'willing' to do so, as the Commissioner asserted, he would have pursued the opportunity which, it is admitted, he did not do.

27. Importantly, and having regard to the above findings of the Commissioner, he said "During the course of my inquiry, I also considered the possibility, based on information that (the Appellant) provided at the meeting on the 7<sup>th</sup> 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 (the Appellant) had previously breached any other rules".

[See: Appendix 1 – para 2.3 [Committee on Standards' Report]].

- (i) The Appellant submits that insufficient weight was given to this finding of fact and indeed, the outcome of the investigation by the Office of the Registrar of Consultant Lobbyists when assessing other aspects of the evidence/conversation (and indeed, the decision to list as an aggravating factor the suggestion that this was '*a repeat offence, or indication that the offence was part of a pattern of behaviour*').

*The Appellant's conduct following the meeting of the 7<sup>th</sup> March 2023:*

28. On the 27<sup>th</sup> of March 2023, the Appellant wrote to the Commissioner to alert him to the meeting following taking advice from the office of the Registrar of Members Financial Interests ("the Registrar"), saying that it had become clear during the meeting that "*the opportunity was a non- starter as it would not be compliant with the rules relating to lobbying*". Thereafter, he had no further contact with the reporters and singularly did not take their offer forward and had no further contact with them.

29. There had been recent changes to the rules and no guidance had been given to the Appellant upon those changes. The Appellant's misunderstanding of the nuances between Chapter 3, Part 4 and Chapter 4, led him into error as to what an MP could do in relation to asking questions and speaking to ministers, and advised the reporters accordingly.
30. The Commissioner replied on the 28<sup>th</sup> March 2023 saying that "In the circumstances as you describe them, I do not think you are bound to contact the organisation to correct their understanding". [See Appendix 1 of the Report – paras 1.4 – 1.7 [Committee on Standards' Report]].
31. On the 6<sup>th</sup> April 2023, the Appellant referred himself to the Commissioner having been contacted by the Times. The Commissioner opened a formal inquiry into the events of the 7<sup>th</sup> March 2023.
32. The Appellant submits that the Commissioner failed, sufficiently or at all, to take into consideration these matters and accord due weight to them in making the findings he did. In adopting them, the Committee fell into the same error.
33. Although considered irrelevant by the Commissioner, the Appellant's actions on the 7<sup>th</sup> March 2023 "*fell short of agreeing to (provide parliamentary advice, or to act as a parliamentary strategist)*" as proscribed by paragraph 9 of the Code. [See: Appendix 1 – para 5.12 – 5.13 [Committee on Standards' Report]]

*Motivation for attending the meeting:*

34. The Appellant submits that the Commissioner paid no, or insufficient, attention to what the Appellant said his underlying interest was in meeting the company, namely, "*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*". [ibid]
35. The Appellant submits that such an interest is a natural, and perfectly legitimate, concern to have as a serving member. Appreciating the political climate at the time is important. At the time, the Government had been weathering significant political storms on many fronts, and the opposition's prospects of success at the next general election had been growing. The Appellant has, by this point in time, served four years as a member and in March 2023 faced the prospect of being out of a job within twenty-one months. It was an entirely proper and understandable concern for him to have, as was him investigating it to the extent that he did.

*Additional matters raised by the Appellant:*

36. In responding to the Commissioner's investigation, the Appellant additionally raised the following matters with regard to the meeting: -

(i) Leading nature of the questions:

The Appellant explained that many of the comments he made during the meeting were a result of the 'vast majority' of questions from the company representatives being 'leading questions'. The Commissioner accepted that "*some questions were encouraging (the Appellant) in a certain direction*". [See Appendix 1 – para 5.18 [Committee on Standards Report]].

(ii) Proportionality:

The Appellant submits that the negative consequences of the meeting, the total absence of any benefit to himself and the fact that nothing materialised that in any way would have offended rule paragraph 9 of the Code, objectively assessed would not lead to significant damage to the reputation and integrity of the House of Commons as a whole, or its members generally. [See Appendix 1 – paras 5.25 – 5.28 [Committee on Standards' Report]].

37. The Appellant submits that the only 'action' he 'undertook' was in meeting with the fictitious company for a private consultation. There was no further contact, no agreement or arrangement(s) subsequently made and no 'compensation' was spoken about in return for anything the Appellant might do for it. The Commissioner acknowledges that the Appellant was contacted unsolicited by a fictitious company in a sting operation, didn't enter into any agreement with them, and disposed of their contact details after the single meeting. Furthermore, the Commissioner in Paragraph 10.1 of his Memorandum states that '*The meeting [with] the undercover reporters was not in any sense of [the Appellant's] seeking, and there is no evidence that he has ever sought opportunities to make improper financial gains from his position as a Member.*'

38. The Appellant further submits that he was not, nor does the evidence support, the assertion that he was '*willing in principle... to undertake activities that would be in breach of the rules*'.

*The Keith Vaz comparison:*

39. In paragraph 58, the Committee distinguished the situation that befell Keith Vaz in



2019 and considered whether the current case fell on the side of “fostering” misconduct, or “exposed” it. The Committee’s judgement in this case was that “*there is nothing to suggest that (the Appellant) was being inveigled into doing anything he was reluctant to do*” which led it to conclude that the events leading up to the meeting of the 7<sup>th</sup> of March 2023, “*did not cross the line into “fostering” impropriety*”.

40. The Appellant accepts that, whilst he had not specifically raised the issue of “*entrapment*” in any of his responses to the Commissioner, or the Committee, the facts of this case were clearly before them throughout. The Appellant respectfully reminds the Panel, in addition, as to what the Committee’s predecessor had said about Mr Vaz’s claim that he had been entrapped:

*“Entrapment*

*As we have seen, Mr Vaz’s evidence emphasises that the events of 27 August 2016 were a ‘sting’ operation conducted on behalf of a national newspaper, and asserts that “there can be no doubt that Mr Vaz was the victim of subterfuge and entrapment”. Mr Vaz draws attention to the fact that the Standards and Privileges Committee in 2010 deplored the use of ‘stings’ in certain circumstances. He quotes the relevant paragraph from their report:*

*‘We understand that detecting or exposing serious impropriety is considered by the PCC [Press Complaints Commission] to provide a public interest justification both for clandestine recording and for subterfuge. We accept that some breaches of the Code of Conduct of the House of Commons are likely to amount to serious impropriety. But we consider that where subterfuge fosters rather than exposes such impropriety it can cross the line into entrapment, and when that is so the role of those setting the trap may be open to question’.*

*We note that our predecessor Committee concluded in 2010 that evidence uncovered by sting operations may be admissible in conduct investigations. There is no prohibition on using material arrived at by such means. The Committee’s condemnation was directed at situations ‘where subterfuge fosters rather than exposes [ ... ] impropriety’. Mr Vaz argues that what happened on 27 August 2016 “was plainly an exercise in entrapment which, to use the previous language of the Committee, ‘fosters’ events rather than exposes them”.*

*We reject Mr Vaz’s claim that the ‘sting’ operation in this case “fostered” misconduct rather than exposing it. The contents of the covert audio- recording contain nothing to*

*suggest that Mr Vaz was being tricked or inveigled into doing anything he was reluctant to do, and as we have seen they strongly suggest that he had engaged in similar activities on previous occasions”.*

41. The Appellant submits that the two cases were factually very different. In the Keith Vaz case, the facts were that:

*“Keith Vaz, a married father of two, is leading a double life paying young male escorts for sex [ ... ]. Mr Vaz paid the escorts in cash. Money was also paid into a bank account used by one of them by a man linked to a charity set up by the MP. While chair of the Home Affairs Select Committee, Mr Vaz has publicly said he was “not convinced” that men who pay for sex should face prosecution. Within weeks of a report from the committee, he himself paid money to escorts in a flat he owns near his family home in [ ... ] North West London. Mr Vaz has had at least two meetings with the escorts. In a 90-minute rendezvous on August 27, the former Minister for Europe offered to cover the cost of cocaine if it was brought to the flat—but said he did not want any himself. [ ... ] The Sunday Mirror can reveal Mr Vaz first made contact with the two younger men after meeting a fellow escort they knew in London. At least one meeting took place before Mr Vaz met the pair again eight days ago.” The newspaper article alleged that Mr Vaz engaged in sexually related banter with the two men and that a sexual encounter then followed. The article claimed there was also extended discussion of hoped-for participation by a third man for whom Mr Vaz had paid money in advance, but who in the event did not turn up. It was in connection with this third man that Mr Vaz allegedly made an offer to procure cocaine”.*

42. The Appellant submits that the Committee in the current matter failed to give sufficient weight to the following matters:-

- a. The meeting on the 7<sup>th</sup> March 2023 was the product of a “sting” operation entirely orchestrated by The Times newspaper. In contradistinction to the Keith Vaz situation, the Appellant did nothing to bring it about. In particular, he did not undertake any ‘actions’ such as Mr Vaz had done;
- b. It was a targeted, pro-active approach upon the Appellant in his identifiable role as the Chair of the All-Party Parliamentary Group on Betting and Gaming. It was led by the organisers of the “sting” with the Appellant contributing nothing to it save for attending and engaging in the ways demonstrated and which have been dealt with elsewhere.

**Submissions in relation to Ground B:**

*Committee Changes*

43. There were significant changes to the panel's composition during the process. After the initial two committee meetings held on November 14th and 28th, Charles Walker and Andrew Carter departed from the panel. Their positions were subsequently filled by Michael Ellis and Phillip Dunne, who participated in the final committee meeting on the 12<sup>th</sup> December.
44. The original panel were expected to come to a conclusion on the 28<sup>th</sup> but it was unable to reach a final verdict and an additional meeting was scheduled.
45. The Appellant submits that the change in the composition of the panel during the process raises fundamental concerns and issues about the consistency and fairness of the process and the decisions made.
46. The process adopted by the Committee is, by definition, a forensic process conducted by a fact-finding tribunal. The tribunal exercises judgement following debate and due consideration. By definition, any conclusion(s) reached by a changed panel cannot have possessed a consistency of evidential analysis. The integrity of any decision(s) thereby reached are inherently unreliable.

*Leaks:*

47. On Wednesday 13<sup>th</sup> December, a journalist asked for the Appellant's comments, ahead of *'the publication of the Standards Committee report tomorrow'*! The fact of the report being published was not public knowledge and would have been known only by Members of the Standards Committee, the Committee's administrative team, and the Appellant. The journalist in question stated that the report was in *'slightly tricky territory [for the Appellant]'*. His understanding, he informed the Appellant, came from *'sources close to the Committee'*. There are posts (which the Appellant has) by the journalist to prove the submissions made in this paragraph, and the Appellant has a recording of the full conversation.
48. It is submitted that this constitutes "fresh/new evidence" as contemplated by the rules having not been available at the time for the Appellant to deal with.
49. The Appellant submits that the fact this journalist, and possibly others, were in possession of details of the contents of the report before its official publication, and the Member concerned had been informed, is a clear breach of parliamentary protocols.

It goes without saying that the Standards process is designed to be open, fair, honest and transparent so the public and MPs can have trust in it.

50. These events clearly mean that this trust has been breached by Members of the Committee and/or its administrative staff.
51. There is evidence of a further leak during the investigative process. The 'Daily Mirror' released a story stating that the Appellant's suspension would exceed 10 days upon the conclusion of the Commissioner's involvement in the investigation and its subsequent progression to the Standards Committee. The publication confirms that the detail of the suspension being '*more than 10 days*' came from a '*trusted confidential source*'.

*The issue of 'apparent bias':*

52. This form of prejudicial reporting, wherein the Appellant's suspension is presented as an established fact, quite apart from raising legitimate concerns about the Appellant's continued right to have the process against him concluded in a fair and just manner, raises legitimate concerns about the integrity of a Member/Members of the Committee and/or its administrative staff.
53. Given that it is not possible to attribute blame or identify the source of the leaks, it is not possible to discount the possibility that it was a Member/Members of the Committee who was/were responsible for the leaks. This would lead to an inescapable appearance of bias against the Appellant.
54. The Appellant submits that it is not necessary to establish anymore of the facts that surround this situation. The very fact that there were the leaks identified, taken together with the possibility that the source of the leak was a Member/Members of the Committee, is sufficient for there to be an appearance of bias which, in itself, undermines the Committee's findings/recommendations.
55. In the circumstances, therefore, the Appellant submits that the Appeal should be upheld in full.

**Submissions in relation to Ground C:**

56. The Appellant submits that the decisions of the Committee were unreasonable and/or disproportionate in relation to the recommended sanction.
57. The unreasonableness of the Committee's decisions in relation to its findings of fact

leading to culpability are dealt with above.

*The aggravating factors found –*

58. The Committee found the following factors: -

- a. Para 61 a) “Non-cooperation with the Commissioner or the investigation process; concealing or withholding evidence: The Commissioner has concluded that when (the Appellant) wrote to him on 27<sup>th</sup> of March 2023, before (the Appellant) knew he had been involved in a sting operation, his letter gave ‘an incomplete and incorrect picture of what had transpired during the meeting’”.
- b. Para 61 b) “Motivation of personal gain”:
- c. Para 61 c) “Failure to seek advice when it would have been reasonable to do so”:
- d. Para 61 d) “A repeat offence, or indication that the offence was part of a pattern of behaviour”:
- e. Para 61 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:

59. The sole mitigating factor was found to be, as to para 62 a)

*“Acknowledgement of breach, self-knowledge and general remorse”.*

60. The unreasonableness of the Committee’s recommendation as to suspension is disproportionate, especially when compared to the suspensions recommended and implemented in other similar cases.

61. Although it was in the mid-nineties a similar 'sting' operation by The Sunday Times reported that two Conservative MPs Graham Riddick and David Treddinick had accepted cheques for £1,000 for agreeing to table a parliamentary question. They were suspended from parliament for 10 and 20 days respectively, Mr Riddick receiving a shorter suspension due to his apparent decision to apologise quickly and return his cheque bribe.

62. There have been a number of cases where a suspension has been recommended on the back of investigations under the ICGS. In these cases, unlike this one, direct harm and/or distress was caused through Members’ actions towards members of the parliamentary community. Despite these cases relating to campaigns of bullying

and sexual harassment, recommended sanctions have only resulted in suspensions of a few sitting days. In addition, in a recent non-ICGS case, where the Member was found to have placed inappropriate pressure on the former Standards Commissioner, the sanction was still significantly lower.

63. The fact that the Appellant didn't communicate with the organisation again following their one and only conversation, and didn't enter into any agreement with them, has been given no, or insufficient, weight by the Committee.
64. It is further submitted that whilst making the determination that the damage caused was '*significant*' the Commissioner and the Committee acknowledge that "*significant*" is not defined by the Code or the Guide to the Rules. Therefore, any recommendation for suspension is based on terms that are not defined by the Code and, in such a situation, sanctions imposed are liable to be disproportionate or flawed. Hence the need for the Committee to follow upon its own recommendations for sanctions having regard to the two issues of 'culpability' and 'harm'.
65. In this case, the sanction recommended having regard to the 'culpability' and 'harm' fairly attributable to the Appellant is unreasonably harsh when considering the above.
66. The Appellant cooperated with the investigation throughout the process responding on a timely basis to questions posed by the Commissioner, whom he met twice when requested to. As cited previously, the Appellant informed the Commissioner of the meeting with the fictitious company on the 27<sup>th</sup> March before being made aware that the representatives from the company were in fact journalists. In his correspondence with the Commissioner on 27<sup>th</sup> March, the Appellant made clear that he had '*give(n) incorrect advice to the organisation about what MPs could do*'. The Appellant also stated that he would be '*happy to give oral evidence (to the Committee) if they so require – I'm content to be guided by the Committee as to whether this would be useful*'. The notion therefore, as asserted in Paragraph 61 (a), that the Appellant '*didn't cooperate with the Commissioner or investigation process*' is incorrect. The fact that this is listed as an aggravating factor only further highlights the unreasonable and disproportionate nature of the sanction.
67. As highlighted previously, the motivations of the Appellant in attending the meeting were to consider employment opportunities for when he ceased to be an MP. There is no evidence to attribute a motive of 'personal gain' to the Appellant as occurs in Paragraph 63 (b). Clearly, had he wanted to pursue the opportunity and in fact had a

'motivation of personal gain', he could have done so by contacting the company's representatives following their only meeting. The evidence is clear that he didn't do this. Consequently, attributing a motivation upon the Appellant, which is not grounded in substantiated fact, but rather pure speculation, and then including this as an aggravating factor, further supports the conclusion that the sanction is disproportionate.

68. Paragraph 61 d) states, as though it were fact, that this case was, "*a repeat offence, or indication that the offence was part of a pattern of behaviour*". The Appellant submits that there exists no supporting evidence for this claim. The conclusions drawn by the Committee could not be legitimately inferred. The Appellant was clear that the meeting with the fictitious company was the first time he had had such a conversation about an employment opportunity whilst being an MP. Furthermore, the Commissioner found no evidence to support a finding that the Appellant had breached parliamentary rules outside of this meeting and the ORCL (following their investigation) stated that the Appellant '*has not conducted unregistered consultant lobbying activity*'. The Appellant strongly rebuts the claim that this '*was a repeat offence*' which is without evidence. Again, the fact that this is listed as an aggravating factor only serves to highlight the disproportionate nature of the sanction and the paucity of evidence which underpins many of the pivotal assertions made against the Appellant throughout the process.

69. The Appellant self-referred himself to the Commissioner for investigation under the Code and greater weight should have been given to this as a mitigating factor.

Scott Benton MP

Appellant

**19th January 2024**

## Appendix II: Correspondence from the sub-panel to the Committee on Standards

**From:** Independent Expert Panel <[independentexpertpanel@parliament.uk](mailto:independentexpertpanel@parliament.uk)>  
**Sent:** Friday, February 2, 2024 4:53 PM  
**To:** [Clerk of the Committee on Standards]  
**Subject:** Committee on Standards - Scott Benton

Dear [Clerk of the Committee on Standards]

I'm getting in touch on behalf of the sub-panel considering Mr Benton's appeal.

As part of his appeal, Mr Benton has raised the issue of leaks from the Committee on Standards. To consider Mr Benton's appeal, the sub-panel would like to request the following information from the Committee at its earliest convenience:

1. Did the Committee on Standards undertake a leak inquiry on this matter?
  - a. If so, what were the Committee's findings?
  - b If not, why did the Committee decide not to undertake a leak inquiry?

Please note any response, along with this request, is likely be published alongside the Independent Expert Panel's report into Mr Benton's appeal.

Kind Regards

[Deputy Secretary to the Panel]



## Appendix III: Correspondence from the Chair of the Committee on Standards to the sub-panel

***Letter from Rt Hon Harriet Harman MP, Chair of the Committee on Standards, to Professor Clare McGlynn KC, Chair of the sub-panel, dated 8 February 2024***

Dear Professor McGlynn,

On 2 February the Committee on Standards received a request from the Independent Expert Panel secretariat in relation to the appeal of Scott Benton MP against the Committee's findings and recommended sanction in its recent report on his conduct:

As part of his appeal, Mr Benton has raised the issue of leaks from the Committee on Standards. To consider Mr Benton's appeal, the sub-panel would like to request the following information from the Committee at its earliest convenience:

Did the Committee on Standards undertake a leak inquiry on this matter?

a. If so, what were the Committee's findings?

b. If not, why did the Committee decide not to undertake a leak inquiry?

The Committee considered this request at their meeting yesterday, and have instructed me to reply.

The Committee was made aware, both via Mr Benton's public statement on 15 December 2023, and via a communication from the Speaker's office received on 8 January, that Mr Benton had made allegations of leaks from the Committee of confidential information relating to his case.

At my request, the Committee Clerk prepared a paper setting out an analysis of these allegations which the Committee considered at their next meeting, on 16 January. I attach the Clerk's paper.

I shall briefly set out below the conclusions the Committee came to, and refer you to the Clerk's paper for more detailed background.

To begin with, I must emphasise that the Committee has taken this matter with great seriousness. Any leak of sensitive information held by any select committee is a serious matter, and this is especially so in relation to the work of the Standards Committee which impacts directly on the rights of individual Members and others. Had Mr Benton's allegations been credible, the Committee would certainly have taken further steps to investigate how a leak had come about.

In the event, the Committee decided not to do so because they do not believe there has been a leak. This is for the following reasons:

1. Mr Benton alleged there was a leak from the Committee at an early stage of the process. This is a reference to an article which appeared in the Daily Mirror which claimed the Committee had decided on a sanction in his case. The assertion in the Daily Mirror is demonstrably false. The Mirror article was published on 2 October; at that time the case had not even been referred to the Committee by the Parliamentary Commissioner for Standards; the Committee had received no information about the case and had held no discussion of it. On 3 October the Committee Clerk informed Mr Benton of these facts (in response to a communication from him forwarded by the Clerk of the House). Accordingly, when Mr Benton in December and January made an allegation about an earlier leak from the Committee, referring to the Mirror article, he did so in the knowledge that that allegation had already been decisively rebutted.
2. Mr Benton has repeatedly alleged that the contents of the Committee's report were leaked. (This is in addition to his claim that the timing of publication was leaked, which I deal with below.) However, he has produced no evidence that the contents, or any part of them such as the recommendation on sanction, were leaked. The Committee's media adviser has done a thorough trawl of media prior to publication of the report and can find no cases of a leak of its contents. The media adviser has also contacted the Times journalist who spoke to Mr Benton on 13 December, Aubrey Allegretti, and the latter has confirmed he did not know anything about the report contents. Mr Benton referred to having been contacted "repeatedly" by "members of the press" (plural) on 13 December, but has given no information about who any journalists other than Mr Allegretti were or what they said. The sub-panel may wish to pursue this with Mr Benton, but it is difficult to see why any journalist in possession of sensitive information about the contents of the report would have refrained from publishing it, as it would have been a scoop. The Committee is satisfied that there was no leak of the contents of the report.

3. That leaves one remaining allegation, that there was a leak from the Committee about the timing of publication of the report. In their recorded telephone conversation on 13 December, Mr Allegretti stated that the report was to be published at 9 am the following morning. This statement was correct but it does not follow that Mr Allegretti had been the recipient of this information from someone connected to the Committee. As the Clerk notes in his paper, his assertion may have been informed guesswork:

based on the fact that he knew the Committee had met on Tuesday 12 December (this was in the public domain because it had taken oral evidence in public), that it was considering the Benton case (the Mirror article in October shows that this was widely assumed), and that it usually publishes its reports at 9 am on a Thursday after agreeing them on the Tuesday (Mr Allegretti tracks the Committee closely and mentions in his phone call that this is its usual practice; in addition The Times has taken a particular interest in the Benton case because it was based on its own 'sting' operation).

4. The Committee noted that Mr Allegretti's other claims about the report in his phone conversation were not accurate, and may have been based on the common journalistic practice of "fishing" for information by giving the impression that the journalist knows more about a confidential subject than they actually do.

In summary, the Committee investigated Mr Benton's allegations of a leak. In the light of the information available to it, it came to the conclusion that there had been no leak of the report's contents and there was no evidence that there had been a leak about the timing of its publication. It does not propose to take further action in this matter, though it reserves the right to make a public statement if Mr Benton repeats his allegations.

I hope you feel that my comments above, in conjunction with the Clerk's paper, provide the Sub-Panel with sufficient information about the Committee's investigation of Mr Benton's allegations, but I would of course be very happy to answer any further queries you may have.

With best wishes,

**Rt Hon Harriet Harman MP**  
**Chair, Committee on Standards**

## Appendix IV: Paper from the Committee on Standards

### **Inquiry into the conduct of Scott Benton MP: allegations of leaks from the committee**

#### **Summary**

1. Scott Benton MP has written to Mr Speaker asking for an investigation into alleged leaks of information relating to his case from the Committee. This staff paper sets out the relevant background and considers possible options for action by the Committee. There are conclusions in bold type in paras 13, 21 and 26.

#### **Mr Benton's allegations**

2. On Tuesday 12 December the Committee agreed its report on *Scott Benton*. Later that day the Clerk contacted Mr Benton as usual in such cases to inform of him of the publication timing (the Clerk's email is set out as Appendix 1 to this note). The Committee's report was published as scheduled at 9 am on Thursday 14 December as its Second Report of Session 2023-24 (HC 413).
3. On Friday 15 December Mr Benton issued a statement on his website in which he stated that he intended to appeal against the Committee's findings to the Independent Expert Panel (IEP).
4. In the statement Mr Benton also alleged that "the night before the report was published, people on the Committee on Standards leaked contents of the report to a journalist and I was contacted on the evening before publication repeatedly by members of the press. This was not the first such leak whilst the investigation was taking place. This process is designed to be open, fair, honest and transparent so the public and MPs can have trust in the process. This trust has been breached by Members of the Committee. I can't have faith in a standards process that doesn't adhere to its own ethics, standards and principles. Time and time again, this process has demonstrated itself to me to be anything but fair and transparent." The full text of Mr Benton's statement is set out as Appendix 2.
5. Mr Benton subsequently (18 December) emailed Mr Speaker to call for an investigation into alleged leaks from the Committee. He repeated the allegations about supposed leaks on 13 December and in addition alleged that there had been a leak from the Committee to the Daily Mirror at an earlier stage of the process, in

October 2023. He accompanied his email with an audio recording of a phone call he had received from Aubrey Allegretti of The Times at 5.30 pm on 13 December, the text of Mr Allegretti's tweet on 13 November, and an email sent by the Daily Mirror to Mr Benton. This material is available on SharePoint as DOCs 04-06. In addition, a transcript made by the Committee staff of the Benton/Allegretti phone call is set out as Appendix 3.

6. On 8 January the Speaker's office informed Mr Benton that "the Speaker cannot be involved in this matter as it is for committees to investigate their own leaks and then to refer to the Privileges Committee if necessary". The Speaker's office accordingly forwarded Mr Benton's email to Ms Harman as Chair of the Committee. The emails from Mr Benton and the Speaker's office are set out in Appendix 4.
7. The original deadline for Mr Benton to appeal to the IEP elapsed during the Christmas recess. However, such a deadline can be extended in "extenuating circumstances" and it is understood that the IEP has granted an extension. (NB this information has not been publicly announced by the IEP and is supplied to the Committee in confidence.)

### **Assessment of Mr Benton's allegations**

#### Purported leak to Daily Mirror

8. In addition to the purported leak prior to publication of the report, Mr Benton has several times referred to an earlier leak or leaks. In his phone discussion with Mr Allegretti, he said "it's not the first leak from the Committee I'm aware of over the last few years unfortunately" and again that the alleged leak to Mr Allegretti "is fairly typical of how some members of that Committee have conducted themselves in the past".
9. In Mr Benton's public statement on 15 December he wrote "This was not the first such leak whilst the investigation was taking place." In his email to Mr Speaker he wrote:

Remarkably, the recent leak from the committee is not the first instance of such breaches. Despite six months of complete confidentiality, it was far from coincidental that the 'Daily Mirror' released a story stating my suspension would exceed 10 days upon the conclusion of the Commissioners' involvement in the investigation and its subsequent progression to the Standards Committee. The publication has confirmed that the detail of the suspension being 'more than 10 days' came from a

'trusted confidential source' which is attached. This form of prejudicial reporting, wherein my suspension is presented as an established fact, raises concerns about the potential impact on my right to a fair hearing. The revelation of such information prior to any official proceedings could have unduly influenced public perception and compromised the impartiality of the process.

10. This allegation refers to an article which appeared in the Daily Mirror on 2 October. Following representations from Mr Benton, an amended version is now available on the website:

[Tory MP Scott Benton set to be suspended in sleaze row with ANOTHER by-election on the cards - Mirror Online](#)

11. The original piece reporting as fact that Mr Benton was set to be suspended for at least 10 days following a Standards Committee inquiry appeared on 2 October. In fact the Committee was not sent the Commissioner's memorandum on the Benton case till 10 October. As of 2 October, neither the Committee nor any member of its staff had received any substantive information about the case from the Commissioner, and the Committee had not discussed the case, even in outline, let alone discussed a sanction. (In fact at that time it was in a state of 'suspended animation' awaiting the election of its new Chair.)
12. Following publication of the Mirror article on 2 October Mr Benton contacted the Clerk of the House, Tom Goldsmith, to complain about it. Mr Goldsmith passed his email on to the Committee Clerk, who responded to Mr Benton on 3 October pointing out that "I can confirm that this case has, at the time of writing, not yet arrived with the Committee from the Commissioner and therefore the Committee has not hitherto been engaged with it in any way, nor has it yet received any documentation relating to the case", as well as pointing out other inaccuracies in the article. This email correspondence is set out at Appendix 5.
13. **Conclusion: the allegation that the Mirror's article on 2 October reflected leaked information about the deliberations of the Committee is demonstrably untrue as the Committee had not discussed the case at that point and had received no information about the case (as Mr Benton was informed by the Clerk on 3 October).**

Purported leak to Aubrey Allegretti

14. Mr Benton refers to “journalists” (plural) having information about the “contents of the report” prior to its publication, but the only evidence he cites relates to a single journalist, Mr Aubrey Allegretti of The Times.
15. Mr Benton states that he received a phone call from an unknown number and when he rang back discovered this was Mr Allegretti; this was at about 5.30 pm on Wednesday 13 December. Mr Benton has supplied an audio recording he made of the call; a transcript is supplied as Appendix 3.
16. The Committee’s media adviser has supplied the following information:

I received a call from Aubrey Allegretti on 15 December 2023 at 17:15.

During that conversation, Allegretti stated that he knew that the Report was going to be published the following day. I do not know where he got this information from, or whether it was an educated guess. I also do not know why he called me at that time specifically.

He put the question of timings to me, and I said that I could not confirm or deny the publication timing.

Allegretti also asked me about the substance of the Report- which I said I could not go into.

I asked Allegretti if he was planning on publishing anything that evening, and whether as a courtesy he could let me know if so. He subsequently messaged me on WhatsApp to let me know he would not be publishing an article but would be putting out a tweet which he later did.

17. It is not clear what information about the Committee’s decisions – if any – was in Mr Allegretti’s possession when he spoke to Mr Benton on 13 December. The transcript of his remarks shows that he claimed to know:

- a) That the report would be published at 9 am the following morning. This was correct information but it is not impossible that Mr Allegretti’s comments might have been informed guesswork based on the fact that he knew the Committee had met on Tuesday 12 December (this was in the public domain because it had taken oral evidence in public), that it was considering the Benton case (the Mirror article in October shows that this was widely assumed), and that it usually publishes its reports at 9 am on a

Thursday after agreeing them on the Tuesday (Mr Allegretti tracks the Committee closely and mentions in his phone call that this is its usual practice; in addition The Times has taken a particular interest in the Benton case because it was based on its own 'sting' operation).

- b) That “the suspension was in sort of slightly tricky territory and potentially disputed by some of the Members”. When Mr Benton pressed Mr Allegretti to explain what he meant by “slightly tricky territory”, he responded “Well, people have been slightly less than clear, so that’s why I’m asking you”. The reference to being “potentially disputed by some of the Members” does not appear to be founded on fact: there were no formal divisions on the report, and the Committee was unanimously agreed that the Code had been breached and that it was a serious breach which would require a sanction sufficient to engage the Recall Act. The only discussion within the Committee, which was amicably resolved in a unanimous decision, was as to how many days’ suspension over and above the minimum 10 days would be appropriate.

18. Later on 13 December, at 9.32 pm, Mr Allegretti tweeted as follows:

Exc: I’m told the long-awaited standards report into Scott Benton is set to be published tomorrow.

He was filmed by @TheTimes offering to lobby ministers and leak confidential information on behalf of gambling industry investors.

Sources say Conservatives are braced for a fresh headache over the sanction.

10 days suspension would lead to a potential by-election in Blackpool South. And next week we’ll get the result of the recall petition Wellingborough...

19. As far as can be established, no information about the substantive contents of the report was published in advance of the report’s publication at 9 am on 14 December.
20. On 15 December, following WhatsApp exchanges between members of the Committee over the possibility of a leak, and following also Mr Benton’s public statement issued that day, the Committee’s media officer reported to the members as follows:



I spoke to a journalist at The Times this afternoon who informed me that they were not aware of any details contained in the Report prior to publication.

Benton in his statement today said that contents of the Report were leaked prior to publication but I have seen no evidence of such.

Rather, the journalist I spoke with (who reached out to Benton on Wednesday evening) [i.e. Mr Allegretti] surrounding timings, confirmed to me that they did not know any substantive details within the Report. As such, I don't think there is any evidence to suggest there was a leak.

21. **Conclusion: The Committee may wish to discuss whether it believes there actually was a leak of information to Mr Allegretti or whether he was engaging in the not uncommon journalistic practice of hinting that he had more information than he actually possessed, in order to lure his interlocutor into speaking freely. If there was a leak, it is possible that this was confined to the timing of publication. Mr Allegretti told the Committee's media officer that he did not have access to the text of the report, his response to Mr Benton on the "tricky territory" issue was notably vague, and it's not clear why if he had any further information on the report he should not have used this publicly, as it would have been a scoop for The Times. Mr Benton has referred repeatedly to there having been a leak of "the contents" of the report, but he has supplied no evidence to substantiate this.**

**Possible action for the Committee**

22. If the Committee concludes that there was, or might have been, a significant leak, it may wish to consider setting up a leak inquiry. The procedures involved are set out in Erskine May:

[d]isclosure of a draft report which has been submitted to a committee, before such a report has been agreed to by the committee and presented to the House, may be treated as a contempt. [...]

In the event of premature disclosure of the content of a report which a committee has under consideration, or which it has agreed but not yet published, certain procedures should be followed:

1. the committee should carry out its own investigation to try to discover the source of a leak, in particular by formally asking all

members of the committee and the committee's staff if they can explain how the leak came about;

2. the committee should decide whether or not the leak constitutes a substantial interference, or the likelihood of such, with the work of the committee, with the select committee system or with the functions of the House;
3. it should inform the Liaison Committee, so that it may take a view;
4. in the light of the views of the Liaison Committee it should make a special report to the House to that effect, outlining the action it has taken and the conclusions it has reached;
5. such a special report would automatically be referred to the Committee of Privileges without a debate in the House: it is then for that Committee to consider the matter and make a report to the House, whereupon the House would consider its recommendations. (Erskine May, 25<sup>th</sup> ed., para 38.56)

23. In the event of the Committee holding a formal leak inquiry, it is suggested that the following individuals should be contacted, in addition to the Committee's own members and staff, as they were in possession of some potentially leakable information before Mr Allegretti's phone conversation with Mr Benton:

- One individual at Committee Online Services who was responsible for supervising publication and printing arrangements.
- The Parliamentary Commissioner for Standards and some members of his senior staff, who were informed by the Clerk about the timing of publication and the recommended sanction (but given no further information about the report) at the regular weekly meeting between the Clerk's and Commissioner's teams on the morning of Wednesday 13 December. (This is routine practice in case the Commissioner is contacted by journalists when the report is published.)
- Two officials in the Cabinet Office who were informed by the Clerk of the timing of publication and that the recommended sanction would require action in the House at some point. (This is routine practice to ensure the Leader is ready to take questions about the report at Business Questions.)

24. The Committee will note that, in accord with its usual practice to ensure confidentiality, the Report was formally reported to the House on the day of publication, not (as is usually the case with select committees) on the day it was agreed.
25. If the Committee proceeds to the stage of considering whether any leak constituted “a substantial interference, or the likelihood of such, with the work of the committee, with the select committee system or with the functions of the House”, it will no doubt wish to take into account the unusual situation of the Standards Committee when dealing with an individual case, viz. that the confidentiality of the process is designed not merely to safeguard candid discussions within the Committee, but to protect the Member concerned from unwanted Press intrusion.
26. **In summary, the Committee may wish to decide (a) whether it thinks there actually was a leak or leaks, and (b) if so, whether the leak or leaks were significant enough to warrant setting up a formal inquiry.**

Clerk of the Committee on Standards

11 January 2024

## **Appendix 1: Email sent by the Clerk to Mr Benton, Tuesday 12 December 2023**

**From:** [Clerk of the Committee on Standards]  
**Sent:** 12 December 2023 15:57  
**To:** [Scott Benton]  
**Cc:** [Staff of the Committee on Standards]  
**Subject:** Standards Committee (notice of publication of report)  
**Importance:** High

Dear Mr Benton,

This is to let you know that the Committee on Standards has agreed a report in relation to your case. The report will be published at 9.00 am on Thursday 14 December.

I can supply you, in confidence, with an embargoed copy of the report one hour before publication (i.e. 8.00 am on Thursday). Please let me know which is the best email address to send this to.

There will be a press notice published alongside the report at 9.00 am on Thursday. There will be no advance notice of the report, or advance copies, given to the press before this time. Please note it is the practice of the Committee to publish its reports at short notice to minimise the risk of unauthorised disclosure.

With best wishes,

Clerk of the Committees on Standards and of Privileges  
Journal Office  
House of Commons

## **Appendix 2: Statement issued by Mr Benton on his website, Friday 15 December 2023**

*Scott Benton MP to appeal suspension and makes formal complaint to House Authorities over Committee on Standards Process*

Scott Benton will submit an appeal to the Independent Expert Panel (IEP), the body that sits above the Parliamentary Commissioner for Standards and the Parliamentary Standards Committee. The Committee on Standards handed down a 35 day suspension from the House of Commons, but Mr Benton will appeal against this. The appeal will be heard in the New Year so the suspension itself is now suspended.

Scott Benton MP said:

“I will today be submitting a formal complaint to the House Authorities, as well as appealing the decision of the committee in due course.

“Throughout this process I’ve been sworn to secrecy by the Committee on Standards.

“Even this week, I was told I was only allowed to read their judgment at 8am yesterday, an hour before publication.

“Yet the night before the report was published, people on the Committee on Standards leaked contents of the report to a journalist and I was contacted on the evening before publication repeatedly by members of the press. This was not the first such leak whilst the investigation was taking place.

“This process is designed to be open, fair, honest and transparent so the public and MPs can have trust in the process.

“This trust has been breached by Members of the Committee. I can’t have faith in a standards process that doesn’t adhere to its own ethics, standards and principles.

“Time and time again, this process has demonstrated itself to me to be anything but fair and transparent. This decision was heavily influenced by the Memorandum submitted by the Parliamentary Commissioner for Standards which makes several pivotal statements that are completely factually inaccurate.

“If those that judge MPs are not being open minded, fair and proportionate in the way that they are handling evidence or examining witnesses, our democracy is under threat.

“I will happily fully submit myself to a process that considers the actual facts in my case, and which relies on indisputable evidence. Upholding the principles of fairness and due process is paramount, and I trust that a second assessment will consider the facts and lead to a more equitable decision.

“Since being elected in 2019, I have helped to deliver over £400 million in additional government funding for projects in Blackpool – one of the highest amounts in the country. This has funded many different projects including much needed regeneration, upgrades to Blackpool Victoria’s A&E Department, and extra investment in our children’s education. I also recently introduced a new law to strengthen the rights of workers in Blackpool who are often on flexible contracts.

“My dedication to the people of Blackpool is unwavering, and I remain committed to working tirelessly on behalf of my constituents, campaigning on issues such as regenerating Bond Street & Central Drive, restoring commercial passenger flights to Blackpool Airport, and improving local GP and dentistry services. I look forward to continuing that work in the months ahead.”

### **Appendix 3: Transcript of audio/visual material submitted by Scott Benton MP to Mr Speaker, 18 December 2023**

**Recording made at 5.30 pm Wednesday 13 December 2023 – phone call from  
Aubrey Allegretti (AA) to Scott Benton MP (SB)**

SB: Hi, Scott speaking. Sorry I missed your call. Who's this, by the way, I've not saved the number?

AA: No worries, Scott, it's Aubrey Allegretti.

SB: Ah, hello.

AA: I'm at the Times now, how are you?

SB: Ah, from the Times of all people, oh my favourite newspaper.

AA: I know [inaudible] look I'm really sorry to disturb late on, I had heard that the long-awaited Standards report into you was looking like it was going to be published tomorrow, I wanted to check if that was your understanding.

SB: Ah I can't comment I'm afraid, I'm prohibited from discussing anything regarding the case whatsoever, I'm not sure where that's coming from, but I can't comment...

AA: No, No. It wouldn't be for talking to you or anyone close to you, my understanding from people close to the Committee is it's coming tomorrow morning ...

SB: Oh wow, so the information has been shared from people close to the Committee before any sort of Members or anything else have got hold of it, oh that's interesting, it's not the first leak from the Committee I'm aware of over the last few years unfortunately ...

AA: No, I understand that. My sort of understanding was that the suspension was in sort of slightly tricky territory and potentially disputed by some of the Members so look I'm coming to you completely hands off, not to sort of ask for anything official but to sort of get your steer on what you expect.

SB: OK, what tricky territory, just so everybody's on the same page?

AA: Well, people have been slightly less than clear, so that's why I'm asking you.

SB: No problem at all, well as I say I can't really comment, I'm not in a position to do so, I'm strictly prohibited by the terms of the investigation to say anything, and obviously at this point other people close to the process feel that sort of doesn't apply to them really, which is fairly typical of how some members of that Committee have conducted themselves in the past, but I can't really say anything I'm afraid.

AA: No, I completely understand that you won't want to say anything on the record obviously. I'm getting a sort of partial one-sided view of this, so is there anything more kind of light you can shed on whether or not you expect to still be in Parliament and not officially?

SB: No, I can't say anything really at this stage, but obviously I'll be, when the decision is

due, whenever that may be, I'll be issuing statements at the time.

AA: Yeah, I think – I've been told it's 9 o'clock tomorrow, it's the usual process for these things, 9 o'clock on a Thursday.

SB: Okey dokey, well I'll wait with bated breath to see whether it transpires or not.

AA: Understood, all right, well um, yeah, best of luck, sorry to ring in unhappy circumstances –

SB: No problem...

AA: Just thought I'd check it out...

SB: OK, take care, bye.

AA: Cheers, bye.

< recording ends >

Transcription by [Clerk of the Committee on Standards], 10 January 2024

#### **Appendix 4: Emails from Mr Benton and the Speaker's Office, 18 December 2023 to 8 January 2024**

**From:** [Speaker's Secretary]

**Sent:** 08 January 2024 18:54

**To:** [Ms Harriet Harman, Chair of the Committee on Standards]

**Cc:** [Clerk of the Committee on Standards]

**Subject:** FW: Leaking of Standards Committee Report - S Benton MP

Restricted: Personal Data

Dear Harriet

As Chair of Standards Committee, please see attached a letter from Scott Benton and a reply from the Speaker regarding accusations of leaking from the Committee.

Best wishes

[Speaker's Secretary and Chief of Staff]

**From:** [Speaker's Secretary]

**Sent:** 08 January 2024 18:19

**To:** [Scott Benton]

**Subject:** Leaking of Standards Committee Report - S Benton MP

Dear Scott

The Speaker thanks you for your email. Apologies for not responding sooner due to the recess break.

Unfortunately the Speaker cannot be involved in this matter as it is for committees to investigate their own leaks and then to refer to the Privileges Committee if necessary as agreed by the House (set out in Erskine May) [Premature publication or disclosure of committee proceedings - Erskine May - UK Parliament](#)

We have therefore forwarded this letter to the Chair of the Standards Committee alerting her to this.

Best wishes

Speaker's Secretary

**From:** [Scott Benton]

**Sent:** 18 December 2023 15:18

**To:** [Speaker's Office]

**Subject:** Leaking of Standards Committee Report - S Benton MP

Good afternoon Mr Speaker

I write to request a full investigation into the Standards Committee leaking contents of a Report from the investigation into myself, before publication and before I myself was given the report an hour before publication.

On Wednesday evening at 17:30, I missed a telephone call from an unknown number – upon phoning the number back, it turned out to be from the Chief Political Correspondent for the Times Newspaper. The journalist asked for my comment ahead of ‘the publication of the Standards Committee report tomorrow’. The fact that the report was due to be published the next day (Thursday 14<sup>th</sup> December) was not public knowledge and would have been known only by Members of the Standards Committee, the Committee’s admin team, and myself. The journalist stated that the report was in ‘slightly tricky territory [for me]’ but ‘disputed’. His understanding came from ‘sources close to the Committee’. I have a recording of the conversation which is attached. Furthermore, the same journalist posted on ‘X’ that same evening alluding to the conclusion of the report’s contents, as attached.

It is very clear that contents from the Standards Committee report (which was embargoed until 9am on the 14<sup>th</sup> December) were leaked to a journalist by ‘sources close to the Committee’ ahead of the report being published – a fact the journalist states himself. The fact that journalists were in possession of contents of the report before its official publication, and obviously the Member concerned had been informed, is absolutely appalling and disgraceful. The Standards process is designed to be open, fair, honest and



transparent so the public and MPs can have trust in the process. This trust has been breached by Members of the Committee, which on account of the leaking of contents of the report, doesn't appear to have adhered to its own ethics, standards and principles. The fact that the report was leaked in advance is not only incredibly disrespectful to myself as the Member who is the subject of the Report, but also to other Members of the Committee, and the House and its procedures. Frankly, it makes a mockery of the process and it should not be tolerated.

Remarkably, the recent leak from the committee is not the first instance of such breaches. Despite six months of complete confidentiality, it was far from coincidental that the 'Daily Mirror' released a story stating my suspension would exceed 10 days upon the conclusion of the Commissioners' involvement in the investigation and its subsequent progression to the Standards Committee. The publication has confirmed that the detail of the suspension being 'more than 10 days' came from a 'trusted confidential source' which is attached. This form of prejudicial reporting, wherein my suspension is presented as an established fact, raises concerns about the potential impact on my right to a fair hearing. The revelation of such information prior to any official proceedings could have unduly influenced public perception and compromised the impartiality of the process.

I would like to request that a full investigation occurs as to how the contents of the report could have been leaked to journalists in advance of the official publication.

Best wishes

Scott

Scott Benton

## **Appendix 5: Email exchanges with Mr Benton, October 2023**

From: [Clerk of the Committee on Standards]  
Sent: 03 October 2023 10:28  
To: [Scott Benton]  
Cc: [Sir Bernard Jenkin] [Parliamentary Commissioner for Standards] [Clerk of the House]  
[Staff of the Committee on Standards]  
Subject: FW: Scott Benton MP - Clerk of the House

Dear Mr Benton,

The Clerk of the House has passed on to me your email to him sent yesterday, concerning media reports about your case currently under consideration by the Parliamentary Commissioner for Standards.

I can confirm that this case has, at the time of writing, not yet arrived with the Committee from the Commissioner and therefore the Committee has not hitherto been engaged with it in any way, nor has it yet received any documentation relating to the case. I understand from the Commissioner's office that a memorandum from him is likely to be sent to the Committee in the near future. As soon as we receive that, I will be in contact with you again to forward the memorandum and give you information as to the next steps in the inquiry.

I can reassure you that the Committee will then proceed with the case in accord with its usual practice, and will pay no attention to inaccurate media stories.

The House of Commons press office contacted a number of journalists after this story appeared yesterday, to point out inaccuracies in their references to House procedure, in particular drawing their attention to the fact that:

- The Commissioner has no power to sanction Members and does not make recommendations on sanctioning to the Committee.
- The Committee cannot impose a suspension itself; it can only put a recommendation on suspension to the House.

The usual practice of the Committee is not to comment on the timing of inquiries until it produces its report to the House on a case. The case remains confidential until that point.

Please let me know if you have any further questions, but, as I say, I expect to be in touch with you again very shortly once the Commissioner's memorandum has been received.

I am copying this letter to Sir Bernard Jenkin, who following Sir Chris Bryant's resignation is acting Chair of the Committee, and to the Parliamentary Commissioner for Standards.

With best wishes,

Clerk of the Committees on Standards and of Privileges  
Journal Office  
House of Commons

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From: [Scott Benton]  
Sent: 02 October 2023 15:38  
To: [Clerk of the House]  
Subject: Scott Benton MP - Clerk of the House

To: Clerk of the House

Dear [Clerk of the House],

You may be aware of a media story circulating today 02/10/2023 in connection to an ongoing Committee on Standards investigation into a newspaper 'sting' earlier this year, and whether what I said during the incident amounted to a breach of standards.

The newspaper article is entitled: EXCLUSIVE: Tory MP Scott Benton to be suspended in sleaze row with ANOTHER by-election on the cards 02/10/2023

<https://www.mirror.co.uk/news/politics/tories-face-another-nightmare-election-31082177>

In the article, the journalist states:

*"The Standards Committee is poised to suspend Scott Benton for more than 10 days. The Standards Committee will announce Mr Benton's fate within the next few weeks."*

This prejudicial reporting, which states as fact that I will be suspended, could deny me a fair hearing.

I am greatly concerned by this, as I understand that the Standards Committee \*themselves\* have not yet even formally discussed my case and may not even have had sight of the Parliamentary Commissioner for Standards' memorandum about the matter. The fact that the media have printed this story; before the committee have even decided on my case is extremely concerning.

Given the timing of the story's release (the first day of Conservative Conference) it is very likely that the journalists have illicitly obtained advanced sight of sensitive (and password protected) Parliamentary documents not intended for publication at this stage.

I believe that the publication of this story by the Mirror is not only damaging to the processes and procedures of the House but also denies me a fair hearing.

I would be grateful for your urgent consideration of this matter and for your response with any thoughts you may have.

Yours sincerely,

Scott Benton MP

Member of Parliament for Blackpool South