

4.10 The Deputy of St. John of the Chairman of the Privileges and Procedures Committee regarding a complaint made about him to the Privileges and Procedures Committee by the Chief Minister:

Having been notified of a complaint made to the Privileges and Procedures Committee by the Chief Minister regarding comments I made about a civil servant in the Chamber and the Royal Square, will the Chairman advise whether a hearing is to be held and, if so, when will she state whether any hearing will be in camera?

The Connétable of St. Mary (Chairman of the Privileges and Procedures Committee):

At its meeting on 1st June 2010, P.P.C. considered the complaint submitted against the Deputy and concluded that it did not merit investigation. The answer to the question is therefore that no hearing is necessary.

4.10.1 The Deputy of St. John:

On 12th and 13th May, I asked the chair of P.P.C. if any further paperwork had been received reference a complaint against me. I was told none. Can the chairman explain why, on 3rd June, a bundle of emails and letters dated 26th April were sent to me, while at the same time as being notified that the evidence that I breached the Code of Conduct of Members had not been broken, the Committee went on to say in both instances my comments constituted reasonable political criticism of the emergency planning exercise and the committee does not consider that paragraph 6 of the Code of Conduct should be construed in such a way as to prevent a Member from expressing reasonable political views, *et cetera*. Why, then, did the chair hold back documents which showed that the person who made the original complaint had changed from the E.P.O. (Emergency Planning Officer) States Employment Board, to that of the Chief Minister? This information is dated received on 26th April by her department and yet had not been forwarded to me although I had requested if there was anybody else. Can she explain, please?

The Connétable of St. Mary:

It is not the committee's normal procedure to comment on any complaint or investigation into a potential complaint. Obviously, however, that does not include liaising with the parties who are concerned. My understanding was that the Deputy of St. John had been kept aware of all the relevant developments. Certainly, I had spoken to the Deputy and advised him that I was waiting for additional information to come forward and that he would, of course, at any time when a complaint was deemed to merit investigation if that did arise, be provided with all necessary documentation.

4.10.2 The Deputy of St. John:

On 12th May, I wrote to P.P.C. asking ... in fact, I gave the letter across the Chamber asking if any hearing to be held could be held in public. As yet from that letter I did not get a response. Will the chair please explain, does she consider any reasonable request from a Member who is under investigation not to be given that kind of information from P.P.C. and the chair as to whether or not a complaint in this case could be heard in public instead of in camera. I asked the question because it affects all Members here if a complaint is made. We should be kept up to speed on who is making the complaint like in the case that it was changed from the E.P.O. to the Chief

Minister, and I have not had any response to that letter and I need to know why we are not getting a response from P.P.C.

The Connétable of St. Mary:

I must admit I am slightly confused by the Deputy's sequence of events because certainly he raised questions with me initially concerning the complaint and told me he had received correspondence directly from the Chief Minister. So therefore I do not understand why he is saying he did not know that. I would obviously need to look at the file to ascertain the chronology but I can only repeat, at the time when P.P.C. determines whether or not there is a complaint which merits investigation, then all parties are advised. I have explained that on 1st June, P.P.C. met and considered the complaint and concluded that it did not merit investigation and the Deputy has been informed of that.

The Bailiff:

Given that there is no investigation, I am going to limit questions here but Deputy Pitman, do you wish to ask a question?

4.10.3 Deputy T.M. Pitman:

I hope I am not stretching the boundaries too far, and I am sure the Deputy of St. John comes into this category, but if a Member wishes any hearing to be held in public, then what justification can the chairman of P.P.C. give for maintaining secrecy of a behind closed doors hearing?

The Connétable of St. Mary:

I would point out to the Deputy that where any complaint is made, there is often more than just the Member concerned who is a party to that complaint. P.P.C.'s current policy is that hearings are in camera. This is not secrecy, it is confidentiality and considered that that is the fair way to deal with complaints. A complaint may be dismissed and every Member is deemed to be innocent until a breach has been found. A public hearing would allow media and others to speculate about complaints before the investigation process was complete and, indeed, there may be parties involved in the complaint who would not be present at that meeting. P.P.C. has nevertheless initiated a review of the whole investigation process in relation to the code, as I have already stated previously, and the issue of public versus private hearings is one matter that will be considered as part of that review.

[12:45]

4.10.4 Deputy M. Tadier:

There are clearly issues that need to be looked at and I am sure P.P.C. are looking at the whole process that takes place but I think I am confused along with other Members. Can I just ask for clarification? Was the Deputy of St. John kept informed at all points of where his complaint was, including the comment that no further action was going to be taken? Was the Deputy of St. John kept informed? If not, then I think he certainly should have been but if he was, then I cannot see why this question is being asked at all, even why it is in order. So some clarification, please.

The Connétable of St. Mary:

The procedure is that when a complaint is received - and I say this is before it is investigated and whether it is found to have merit or whatever - it is normal practice

to advise the parties involved that there is a complaint on the table and this would have happened when the complaint was originally received. The Member concerned is always then informed that when the committee has reached a decision as to whether the complaint will require investigation and whether it merits investigation, they will be kept updated at that point. Again, as I have said, this happened on 1st June and I am confident the Deputy will have received communication of that result.

The Bailiff

A final question, Deputy?

4.10.5 The Deputy of St. John:

Given that the chair seems so confused that she is not aware - and I would ask her to check her records - that the original complaint came via the Chief Minister on behalf of the States Employment Board and the E.P.O., can she please confirm that she is aware that that complaint was changed from the E.P.O. States Employment Board into the name of the Chief Minister and I never received that document. Can she confirm that is exactly what happened on 26th April because I have the document here, which happened on 26th April?

The Connétable of St. Mary:

As I say, this is something that falls outside the exact remit of the question but certainly I would need to check what had happened. I am aware that the complaint under investigation remained the same and, as I say, that complaint was looked at on 1st June only by the committee. I would say that the committee was not the first avenue to be investigated in this. Part of the delay involved in this case was the fact that by the time the complaint in whatever form came to P.P.C., the actual media availability of the subject matter was not available to the committee and there had to be some considerable work in gathering together the right information.