

STATES OF JERSEY

COMMITTEE OF INQUIRY INTO TENDER PROCESS AND AWARD OF BUS SERVICE CONTRACT

BLAMPIED ROOM, STATES BUILDING

Committee:

Mr Huw Shephard (President)

Mr Christopher Blackstone (Member)

Mr Trevor Garrett (Member)

In attendance

Mr Mac Spence (Committee Clerk)

Mrs. Anne Harris, Deputy Greffier of the States

EVIDENCE FROM:

MR GUY LE MAISTRE
(Former Committee Clerk, Public Services Committee)

on

Monday, 23rd May 2005

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Reviewed 27/05/05 Committee Clerk

MR SHEPHEARD: If we are all ready, I think the Committee of Inquiry into the Bus Tendering process is now in session and we wish to receive evidence on oath this morning from Mr Guy Le Maistre, who was the Committee Clerk of the Public Services Committee at the material times. Mr Le Maistre, we are grateful to you for coming to see us this morning. We are taking evidence on oath, and I will now proceed to administer that oath to you.

The witness was sworn

MR SHEPHEARD: Thank you, Mr Le Maistre. Mr Le Maistre, you are a Committee Clerk employed in the States Greffe; is that correct?

MR LE MAISTRE: That is correct.

MR SHEPHEARD: And you occupied that position in March 2002; is that right?

MR LE MAISTRE: Yes.

MR SHEPHEARD: Is it right that, at that time, you were the Committee Clerk to the Public Services Committee?

MR LE MAISTRE: Yes.

MR SHEPHEARD: Do you still look after the Public Services?

MR LE MAISTRE: No.

MR SHEPHEARD: Can you recall anything about 15th March 2002?

MR LE MAISTRE: Yes. I attended a meeting at South Hill at which time the three short listed operators were interviewed and made presentations.

MR SHEPHEARD: Now what meeting was that? What was it a meeting of?

MR LE MAISTRE: My recollection is that the people in attendance were members of the Public Services Committee, members of the Bus Strategy Steering Group, officers of the Public Services Department, the Bus Consultant and I seem to recall that members of Treasury, one or two officers of Treasury, might have been present.

MR SHEPHEARD: Right. Before you attended that meeting, had you been told anything about the purpose of the meeting?

MR LE MAISTRE: Yes.

MR SHEPHEARD: What was that?

MR LE MAISTRE: Well, I understood it was to receive the presentations from the three short listed operators and to submit them to questioning about aspects of their bid.

MR SHEPHEARD: Did you understand that those present at the meeting, certainly the Bus Strategy Steering Group and the Committee, did you understand that they were to make a decision at that meeting?

MR LE MAISTRE: I had expected them to make a decision at that meeting.

MR SHEPHEARD: Now, let us be clear about this. Was this a meeting of the Committee or was it a meeting of the Steering Group to which other people came?

MR LE MAISTRE: I'm not sure, but, as I said before, my recollection is that the Committee were present, although I have a slight doubt as to whether Deputy Nicholls was present.

MR SHEPHEARD: Was an agenda circulated beforehand?

MR LE MAISTRE: I am sure it would have been, but I cannot recollect. I am pretty sure I would have been circulated with papers in advance.

MR SHEPHEARD: But drawing up the agenda is not something that you do; is that right?

MR LE MAISTRE: No.

MR SHEPHEARD: What was your function at this meeting?

MR LE MAISTRE: To attend the proceedings and to make notes and record what took place.

MR SHEPHEARD: Would you have turned those notes into a set of minutes?

MR LE MAISTRE: That depends. Normally, yes, if it was a formal Committee meeting, I would produce minutes, but I do attend other meetings at which notes are made.

MR SHEPHEARD: Was this a formal Committee meeting?

MR LE MAISTRE: I'm not sure.

MR SHEPHEARD: What makes you think it might not have been?

MR LE MAISTRE: The fact that minutes weren't produced.

MR SHEPHEARD: Were you asked to produce any?

MR LE MAISTRE: I can't recall. **(Pause)**

MR SHEPHEARD: You knew when you went to the meeting that you were going to have to take notes.

MR LE MAISTRE: Yes.

MR SHEPHEARD: Now, if this had been a formal meeting of the Committee, you would have gone there knowing that you were going to have to prepare minutes afterwards; that is right, isn't it?

MR LE MAISTRE: Yes.

MR SHEPHEARD: Now, did you, when you went there, think that you were going to have to prepare minutes afterwards?

MR LE MAISTRE: Yes.

MR SHEPHEARD: Did you then leave a gap in between the minutes of 11th March and the minutes of 18th March into which minutes for this meeting could have been slotted?

MR LE MAISTRE: I'm not sure, but I would have expected that if I was going to a meeting on 15th March, I would have expected that to follow on from the meeting of 11th March.

MR SHEPHEARD: You see, Mr Le Maistre, what concerns this Committee is that we know that there was a gap. We have heard in evidence that the meeting on the 15th was not a properly constituted meeting, and various reasons have been advanced for that. But what we are trying to resolve is what people thought when they went there. Now, you went there. You thought you might have to be preparing minutes afterwards. Would those have been minutes of the Committee or minutes of the Steering Group?

MR LE MAISTRE: I would have expected them to have been minutes of the Committee.

MR SHEPHEARD: When did you discover that you were not required to prepare minutes?

MR LE MAISTRE: I can't confirm exactly when, but on the day it became apparent that the Committee was not going to make a decision.

MR SHEPHEARD: In what way did it become apparent that they were not going to make a decision?

MR LE MAISTRE: From my recollection of what took place at the meeting, I attended half way through the day, because the meeting was a full day process, and I came up at the stage at which time the tenderers were making their presentations. I attended for that part of the meeting and the questions and answers afterwards. Then, as I said, my recollection was that, in informal or formal discussions, obviously the tenderers had left the meeting, had left the room, but there was a view expressed as to who the preferred or the best bidders were, and I also recall that there

were some aspects or some discussion on funding, but, other than that, I can't confirm any more. But I recall that I was present from ... I wasn't present at the beginning of the day, but from when I attended I was present until the conclusion of that meeting.

MR SHEPHEARD: Now, this 15th March 2002 was a Friday.

MR LE MAISTRE: Yes.

MR SHEPHEARD: Would the Public Services Committee normally meet on a Friday?

MR LE MAISTRE: No.

MR SHEPHEARD: Had you ever attended any meetings of the Bus Strategy Steering Group?

MR LE MAISTRE: I recall that I had attended one.

MR SHEPHEARD: On what day of the week had that been held?

MR LE MAISTRE: I don't know. It could have been a Monday. My recollection was that it was in January of the same year. Sorry, I might have attended two. I might have attended one in December the previous year.

MR SHEPHEARD: Mr Blackstone?

MR BLACKSTONE: Yes, Mr Le Maistre, good morning.

MR LE MAISTRE: Good morning.

MR BLACKSTONE: Thank you for all the papers you put in. That was very helpful. Your personal notes covering the 15th March though you haven't been able to locate, I understand.

MR LE MAISTRE: That is right. I was sure I kept a set of notes in relation to the meetings that had taken place. I obviously kept 30th April but not 15th March. That is the only note that I kept from that period, and it is obviously because it was an important decision.

MR BLACKSTONE: The meeting of 15th March, you have said you attended and you understood it to be a PSC meeting.

MR LE MAISTRE: When I turned up, yes.

MR BLACKSTONE: You took notes. You expected to have to prepare minutes.

MR LE MAISTRE: Yes.

MR BLACKSTONE: Who told you not to prepare minutes and when?

MR LE MAISTRE: I don't think anybody told me not to prepare minutes, but ----

MR BLACKSTONE: But you are the Committee Clerk. You attended the meeting, you prepared notes. Normally, I presume, you would just go straight ahead and prepare the minutes?

MR LE MAISTRE: Yes.

MR BLACKSTONE: What was abnormal about this occasion?

MR LE MAISTRE: I think what was abnormal about this occasion -- as I said, I am only going on what I can assume rather than recall -- is that it wasn't a formal Committee meeting.

MR BLACKSTONE: What would lead you to that opinion? You went to the meeting under the opinion that it was a Committee meeting and you took notes as if it was a Committee meeting. Where did you suddenly get the impression that it wasn't? Who told you it wasn't?

MR LE MAISTRE: I can't recall anybody telling me that it wasn't a formal Committee meeting.

MR BLACKSTONE: Why in the series of minutes of meetings of PSC at this time is there a fifth meeting and a seventh meeting but no sixth meeting?

MR LE MAISTRE: Because the seventh meeting was not created by me, but we do normally make meetings sequential.

MR BLACKSTONE: I think that would be normal practice.

MR LE MAISTRE: Yes.

MR BLACKSTONE: The seventh meeting, the minutes were not created by you?

MR LE MAISTRE: No. I was absent on the Monday and a telephone meeting was held, which I think you are aware of the procedure for. I was absent that day and Michael de la Haye, who was then Deputy Greffier, held the telephone meeting and issued the number.

MR BLACKSTONE: This is the meeting, the seventh meeting?

MR LE MAISTRE: That is right, which was on 18th March, the telephone meeting. **(Pause)**

MR BLACKSTONE: After the meeting of 15th March ... sorry, first of all, at the meeting of 15th March you arrived during the presentation by the three final selected tenderers, right?

MR LE MAISTRE: I arrived before. I arrived for that. I was present.

MR BLACKSTONE: So you heard the tenderers?

MR LE MAISTRE: Yes.

MR BLACKSTONE: The presentations. You then heard and took notes of, I presume, the

discussions between the members of the various Committees present, namely the BSSG and the PSC?

MR LE MAISTRE: Yes.

MR BLACKSTONE: You took notes?

MR LE MAISTRE: I would have taken notes, I am sure, yes.

MR BLACKSTONE: And you have said this morning that no decision was taken as to the preferred operator. Can you repeat that statement?

MR LE MAISTRE: Yes.

MR BLACKSTONE: You confirm that?

MR LE MAISTRE: Yes.

MR BLACKSTONE: You are quite certain that those present did not take a decision?

MR LE MAISTRE: Yes, yes.

MR BLACKSTONE: How do you account for the fact that Deputy Layzell sent an email out that afternoon to Mr Hacquoil advising that at a joint session of these Committees a decision had been taken?

MR LE MAISTRE: I can only assume that he was mistaken. Like I said, there was a discussion at the meeting and the Committee was minded to go with, or whoever was present was minded to go with, Connex, who turned out to be the eventual successful bidder.

MR BLACKSTONE: "*Minded to go with*"?

MR LE MAISTRE: Yes, because based ... from my recollection, based on the presentations that had been made and the information that they had and the questions that took place.

MR BLACKSTONE: What is the difference between "*minded to go with*" and taking a decision, please? Tell me that.

MR LE MAISTRE: Because, if you are minded to go, you still haven't formally decided.

MR BLACKSTONE: And yet Deputy Layzell the same afternoon, he said while matters were still fresh in his mind, drafted a very well worded public statement to the fact that Connex had been appointed. That was also confirmed by memoranda produced by Mr Muir of Public Services, detailed memoranda that, at a joint meeting of the PSC and the BSSG, the decision had been taken to appoint Connex, a subsidiary of the French national Vivendi, etc, etc. It was all

very detailed. There was a memo prepared the following day, and yet you say they were nothing more than “*minded to go with*”.

MR LE MAISTRE: That is my understanding, yes, and my recollection.

MR BLACKSTONE: Reached at the time or reached afterwards?

MR LE MAISTRE: I can’t say, but, as I said, my understanding looking back now is that the Committee was “*minded to go*”. I haven’t had sight or can’t remember receiving that particular email from Deputy Layzell, but I ----

MR BLACKSTONE: It wasn’t addressed to you so there is no reason you should have received it, but it went to Mr Hacquoil, the then Chairman of the Committee and Mr Muir’s draft also went to Mr Hacquoil. On 18th March, are you aware that Deputy Hacquoil as Committee chairman received legal advice from the Solicitor General?

MR LE MAISTRE: I was aware that ... (**Pause – checks papers**) All I can confirm or all that I was aware of is what I receive by email, but I was aware that there were some issues still surrounding the decision.

MR BLACKSTONE: The decision? You said there wasn’t a decision.

MR LE MAISTRE: The outcome.

MR BLACKSTONE: But you just said “*decision*”.

MR LE MAISTRE: Yes, but I said Committee before, so ...

MR BLACKSTONE: There was a Committee decision, was there, to appoint Connex?

MR LE MAISTRE: No, that is my use of language, Sir.

MR BLACKSTONE: So you had these notes of the meeting which you prepared. Why did you not turn them into minutes? Why did you not produce minutes of this meeting?

MR LE MAISTRE: Because, if it is not a formal Committee meeting, I wouldn’t.

MR BLACKSTONE: But who said it wasn’t. You went there with the impression that it was.

MR LE MAISTRE: Yes, but I will sometimes attend a meeting in the impression that it is one thing and it turns out to be another. For example, if I had turned up at a meeting (and I’m not saying this meeting but any meeting) and it is not quorate, it may be that I still stay on and take notes. Other times I attend meetings at which one or more Committees are present and I make notes of

those meetings. Again, sometimes I will attend Committee meetings where they are meeting with other groups or representative bodies, but, again, they are not meeting formally.

MR BLACKSTONE: Who told you this meeting was not a formal meeting?

MR LE MAISTRE: I cannot recall anybody telling me the meeting was not a formal meeting.

MR BLACKSTONE: How did you draw the conclusion that it wasn't a formal meeting?

MR LE MAISTRE: Based ----

MR BLACKSTONE: You went there with the impression that it was.

MR LE MAISTRE: Yes.

MR BLACKSTONE: You took notes with the impression that it was.

MR LE MAISTRE: I went there with the impression it was and I took notes of the meeting.

MR BLACKSTONE: Therefore, you must have changed your impression. Who made you change your impression?

MR LE MAISTRE: I cannot recall anybody instructing me not to prepare minutes of the meeting on 15th March. I am sorry I can't be more helpful, Sir, but I cannot say that anybody turned round and said, you know: "Don't produce minutes of this meeting."

MR BLACKSTONE: And nobody said it wasn't a meeting either?

MR LE MAISTRE: No. I have been clear all along, you know, that I definitely attended a meeting that took place on 15th March.

MR BLACKSTONE: You were clear all along that you attended a meeting that took place on 15th March?

MR LE MAISTRE: Yes.

MR BLACKSTONE: But now you don't know what sort of meeting it was?

MR LE MAISTRE: I can recall, Sir, what transpired there and the mood of the meeting, but, as to why it is either an informal or formal meeting, I can't confirm at this time.

MR BLACKSTONE: And those present were "*minded to go*" with Connex, I think you said?

MR LE MAISTRE: Yes.

MR BLACKSTONE: But Deputy Layzell's impression, recorded in an email the same afternoon, was that a decision was taken, but you say that was wrong, you say that no decision

was taken?

MR LE MAISTRE: From my memory, Sir, yes, and I am fairly clear on that.

MR BLACKSTONE: A detailed memorandum to States Members and a detailed press release was prepared by Mr Alan Muir, a senior civil servant. Was he at that meeting?

MR LE MAISTRE: Yes.

MR BLACKSTONE: A man with some experience of dealing with this bus tendering process all along. He produced detailed memoranda to the effect that the decision was not (sic) taken. Do you say he was misled or misunderstood what happened?

MR LE MAISTRE: Sorry, do you---

MR BLACKSTONE: Are you saying that Mr Muir didn't understand what was going on at the meeting?

MR LE MAISTRE: Are you saying that Mr Muir produced a memorandum to say that the decision was taken?

MR BLACKSTONE: Yes, was taken, yes.

MR LE MAISTRE: I can't comment on what Mr Muir produced. I received documents or some of the things that were prepared after 15th March.

MR BLACKSTONE: Yes, what were they? (**Pause – witness consults papers**)

MR LE MAISTRE: The draft letter, Sir, that was prepared for each of the three operators.

MR BLACKSTONE: Yes, but that was after the legal advice had been received.

MR LE MAISTRE: Yes.

MR BLACKSTONE: Those are dated 18th March, you will notice. You have also touched on the legal advice that was received from the Solicitor General. I maintain that something happened between 15th March and 18th March which caused a general rethink of what happened at that meeting. We have clear evidence that, on the afternoon of 15th March and probably the following morning, an experienced politician, Mr Layzell, and a very experienced senior civil servant, Mr Muir, were strongly of the opinion that the decision had been taken to appoint Connex and they duly recorded that in official communications. You, talking today from memory, say that no such decision was made?

MR LE MAISTRE: Yes.

MR BLACKSTONE: I have no further questions.

MR SHEPHEARD: Mr Garrett?

MR GARRETT: Yes, good morning. Can you just explain what constitutes a formal meeting?

What is the difference between a formal and an informal meeting?

MR LE MAISTRE: If the Committee decides that it is a formal meeting, it is a formal meeting.

MR GARRETT: So this is at the outset?

MR LE MAISTRE: Yes, normally, yes.

MR GARRETT: Did anybody on the date in question say: "This is a meeting of the Public Services Committee"?

MR LE MAISTRE: I can't recall on the day in question, but I can certainly confirm that, you know, when I went to attend, I was under the impression that it was a formal Committee meeting, or I would have no reason to think it wasn't.

MR GARRETT: How do you get notified of these meetings? Who tells you to attend these meetings?

MR LE MAISTRE: Well, we are normally advised by the Department, but I think that, again, partly based on looking back, I was present at a meeting on 11th March, which would have been the Monday, and I was aware that the meeting had been lined up to receive the three bidders. So I am not sure whether I would have been aware on the Monday, whether it would have been subsequently confirmed by telephone meeting or email, but I would be normally advised in advance and I would normally receive agenda or supporting papers in advance.

MR GARRETT: Bearing in mind the pressure that you work under, would you want to attend meetings that you don't need to attend?

MR LE MAISTRE: No.

MR GARRETT: Okay. So something caused you to attend the meeting on the 15th, and it clearly indicates that you were working under the assumption, presumably provoked by somebody else, that this was a formal meeting of the Public Services Committee, because you weren't the Committee Clerk -- there was no such thing as a Committee Clerk -- for the Bus Strategy

Steering Group.

MR LE MAISTRE: That is right.

MR GARRETT: Okay. Just touching on that for a minute, when you attended the previous meetings of the Bus Strategy Steering Group, was that acting as a clerk on behalf of the Public Services Committee; were you there with the Public Services Committee?

MR LE MAISTRE: In terms of the meeting that I do recall attending in January, I don't think it was with a full Committee. I don't think it was a Committee that would have been quorate and it took place in Clive Swinnerton's office. It was only the Chief Executive Officer to Public Services. I do remember Deputy Layzell being present.

MR GARRETT: But were you there supporting the Public Services Committee or supporting the Bus Strategy Steering Group?

MR LE MAISTRE: I was there because it was maybe felt it was important to have an experienced clerk there to record what took place, but that didn't mean it was a meeting of either, it was just ... occasionally, if I can explain, because we are experienced in recording what takes place and also because we are viewed as completely impartial, we are occasionally requested to attend meetings to take notes of what took place so that there is an independent record.

MR GARRETT: But, bearing in mind your position, it would be reasonable to assume that you are asked to go there by ----

MR LE MAISTRE: Oh yes, I wouldn't have volunteered.

MR GARRETT: And that person who would have asked you would have been somebody from the Public Services Committee as opposed to ... because that is effectively who you were reporting to.

MR LE MAISTRE: Yes. It would have probably been ... On the occasion in January, it would have been Clive Swinnerton.

MR GARRETT: Right. Can you just explain the agenda process, please? That is produced by officers of the Committee?

MR LE MAISTRE: Well, it is put together by the Department, yes.

MR GARRETT: Right, and it is circulated or it is forwarded to you and you circulate it or do they

circulate it to Members?

MR LE MAISTRE: It depends. Normally the agendas are submitted to us at the Greffe and we do all the photocopying and distribution. Other times, depending on if it is only a small circulation or sometimes if things have to be put together quite quickly, the agendas are produced by the Department and sent out by themselves as well.

MR GARRETT: Right. You said in your response to a previous question that you attended half way through the meeting. Do you know what had happened before you got there?

MR LE MAISTRE: All I remember is that there was a full day planned for consideration of the three bids and there were some meetings or briefings or ... all I remember is going up at around midday, but that the other people that had been present, or I assumed everybody was present at the meeting when I got there, had been there for the morning.

MR GARRETT: Right. You don't know what time they got there?

MR LE MAISTRE: This is just based on memory, but I do recall that whether they were having further briefings from the bus consultant as to different aspects of the tender, I don't know, but I do recall that it was a day's event, but that I was not required for the earlier part of the day.

MR GARRETT: Okay. Whilst you were there, presentations were received from three of the short listed tenderers.

MR LE MAISTRE: Yes.

MR GARRETT: Did you record notes on their presentations?

MR LE MAISTRE: I recall doing so, yes.

MR GARRETT: Did you record notes on the questions that were put to them, the main thrust of the questions?

MR LE MAISTRE: Probably, yeah. I am almost sure I would have, yes.

MR GARRETT: And then presumably their responses?

MR LE MAISTRE: Yes.

MR GARRETT: Would it be fair to say that these companies were making commitments to the Island? They were illustrating what kind of service they proposed to offer the Island.

MR LE MAISTRE: Yes.

MR GARRETT: Would you agree that that was a fairly important moment in the process?

MR LE MAISTRE: Yes.

MR GARRETT: So can you explain why no minutes were recorded, no actual formal minutes were produced of this critical session when the tenderers were making their promises to the Island?

MR LE MAISTRE: Sorry, can I--

MR GARRETT: This most critical event, the moment where the companies were making their promises, their commitments to the Island: "This is what we are going to deliver", can you explain why it was that no minutes were produced of that, no notes, no file notes, nothing?

MR LE MAISTRE: No.

MR GARRETT: Would you agree that it is a sort of most peculiar state of affairs that the most important meeting in the entire process was not minuted?

MR LE MAISTRE: Sorry?

MR GARRETT: Would you agree that it is the most peculiar state of affairs?

MR LE MAISTRE: Yes, yes.

MR GARRETT: I really do want to focus in on this situation where no minutes were recorded because I can't believe that you took that decision, bearing in mind the importance of that meeting. It is not something that you would have made the decision on.

MR LE MAISTRE: True, but it is the same again. I can't recall being instructed, you know, directly to say: "Oh, for goodness sake, don't make these minutes." As I said, looking back, I have a fairly good recollection of what took place at the meeting and the views expressed, but as to why no formal minutes were recorded or prepared or presented, I can't explain.

MR GARRETT: I have to put it to you that somebody told you not to produce them. Either that or you were negligent in the extreme.

MR LE MAISTRE: It would have been so unusual for somebody to direct me not to prepare minutes.

MR GARRETT: But if there was then some legal advice to say: "The meeting you had on the 15th can't be a meeting because the law didn't support decisions that were taken on that date", it would not be unusual for somebody to say: "Well, we can't have minutes of a meeting that

wasn't a meeting, so don't produce any."

MRS HARRIS: Would it be helpful, I am sure you have these papers, but you will have, I am sure, the Deputy Greffier's email of 14th March.

MR GARRETT: Yes.

MRS HARRIS: Which would have raised enormous doubts in a number of people's minds -- Committee Members, Department Members and Guy's mind also. My assumption is that you ... aware of that email.

MR GARRETT: I am really trying to get to the actual events, not sort of possible assumptions that have been made after the event. I want to know what you were told. I can't believe, as I said before, that you simply made a decision off your own bat that no minutes would be produced.

MR LE MAISTRE: I wasn't ... as I say, I can't recall being instructed by anyone. All I can assume is that it became apparent that it was not a formal Committee meeting, but, again, Sir, I can't confirm at what stage I was aware that this was not a formal meeting. I can confirm, and I am happy to repeat, that before I attended, you know, I had no reason to doubt that it was not a formal Committee meeting, partly because I endorse what you are saying, that it was such an important event that I would have expected to have been asked to attend, you know, to record what took place.

MR GARRETT: It is not beyond the bounds of possibility that somebody told you?

MR LE MAISTRE: As I say, I cannot recall anybody telling me: "Don't produce these minutes."

MR GARRETT: Not in so many words, but if somebody advised you that this could not have been a formal meeting, you wouldn't have produced the minutes.

MR LE MAISTRE: If you put it like that, yes, but that could have come up during discussions at the beginning of the meeting, during the meeting ----

MR GARRETT: Or following the meeting.

MR LE MAISTRE: Or following the meeting, yes.

MR GARRETT: Do you recall ever hearing such comments that it wasn't a meeting?

MR LE MAISTRE: As I said, I can't confirm that I received directly from anyone anything to say: "This is not a formal meeting, don't produce minutes."

MR GARRETT: Okay. How did the meeting break up in the afternoon?

MR LE MAISTRE: As I mentioned earlier, I was present for each individual presentation. There were questions and answers which I presume were done immediately after each presentation, but I can't recall whether they had all three of them in and then talked about it and then got them all in again individually to ask them different aspects, but I do remember the questions and answers of each of the three tenderers who had given their presentations and then, when they had all left, there was a general discussion. I do recall that there was a discussion on the funding aspects.

MR GARRETT: Right.

MR LE MAISTRE: Again, I recall the mood of the meeting was very much minded to go with Connex.

MR GARRETT: Okay. At the conclusion of that, everybody shook everybody's hands and left?

MR LE MAISTRE: Yes.

MR GARRETT: And you left at the same time?

MR LE MAISTRE: Yes.

MR GARRETT: So there was no sub-group meeting after the event?

MR LE MAISTRE: Not that I can recall taking place.

MR GARRETT: Right. I have no further questions, thank you.

MR SHEPHEARD: You took notes, Mr Le Maistre. What happened to them?

MR LE MAISTRE: In terms of my notebook, do you mean, or?

MR SHEPHEARD: Yes, the notes that you took at this meeting on 15th March. What happened to the notes?

MR LE MAISTRE: Well, I can only assume that, after keeping them for a certain period of time, I then got rid of them. As I said, I recall that I kept a set of notes that were relevant to the decision because of the importance of the decision, but it was 30th April.

MR SHEPHEARD: We have those here, don't we?

MR LE MAISTRE: Yes, yes. For clarification, I normally keep my notebooks for between six to 12 months simply because of things that might crop up following a meeting that might need clarification. Just to be on the safe side, it was normal practice ... I used to be a journalist and it

was normal practice as a journalist to keep your notebooks for six to 12 months, and I apply the same thing to the notes I make of any meetings I attend, and I think that is generally the case within the Greffe and among my colleagues, but we don't keep things for ever and we have to have some sort of cut-off. But, as I said, I recall keeping a set of notes from that period and they turned up when I received your summons and I went back through all the papers that I kept.

MR SHEPHEARD: But these notes, when you get rid of them, what do you do? Do you shred them?

MR LE MAISTRE: Yes. **(Pause)**

MR SHEPHEARD: Mr Blackstone?

MR BLACKSTONE: You said you keep your notes for about six months or so, and yet the immediately following period covering 30th April you have kept for three years.

MR LE MAISTRE: Sorry?

MR BLACKSTONE: You said just now that you keep your notes for about six months.

MR LE MAISTRE: Yes.

MR BLACKSTONE: Well, you submitted to the Committee minutes covering the period April 2002, three years ago, so you obviously kept those for considerably longer.

MR LE MAISTRE: Yes. I said I kept a set of minutes from that period. My recollection was that I knew I had kept a set of minutes/notes from that period because of the importance.

MR BLACKSTONE: But you didn't keep the ones for the immediately preceding period?

MR LE MAISTRE: No. I knew I kept the one of the ... well, I knew I kept a set of notes from that period, because they related to a particular important decision that was taken, but I don't keep ... as I said, that is why I kept that notepad because of the meeting that took place.

MR BLACKSTONE: But unfortunately you didn't keep the ones from the preceding period, which I think were far more important to this Committee of Inquiry. **(Pause)** I have got no further questions?

MR SHEPHEARD: Mr Garrett, do you have anything?

MR GARRETT: No, thank you.

MR SHEPHEARD: Well, Mr Le Maistre, thank you very much. We have clearly got something that we have to consider here.

MR LE MAISTRE: Thank you.

MR SHEPHEARD: That concludes this session of the Inquiry for receiving evidence. The Committee will now continue in private session.
