

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**STATES' ASSEMBLY & CONSTITUTION**  
**COMMITTEE**

REPORT BY THE COMMISSIONER FOR STANDARDS ON A SELF-INITIATED  
INVESTIGATION INTO DEPUTY CHRISTOPHER BLIN

The States are asked to decide:-

Whether, after consideration of the findings in the Report entitled "Report by the Pan-Island Commissioner for Standards on a self-initiated investigation into Deputy Christopher Blin" dated 25<sup>th</sup> March 2024, they are of the opinion: -

1. That Deputy Christopher Blin be hereby formally reprimanded pursuant to the Code of Conduct for Members of the States of Deliberation.

The above Proposition has been submitted to His Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

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**of the**  
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STATES' ASSEMBLY & CONSTITUTION COMMITTEE

REPORT BY THE COMMISSIONER FOR STANDARDS ON A SELF-INITIATED  
INVESTIGATION INTO DEPUTY CHRISTOPHER BLIN

The Presiding Officer  
States of Guernsey  
Royal Court House  
St Peter Port

2<sup>nd</sup> May 2024

Dear Sir

**1 Executive Summary**

1.1 The self-explanatory report of the Commissioner for Standards dated 25<sup>th</sup> March 2024, which is submitted in accordance with the requirements of Section 40 of the Code of Conduct for members of the States of Deliberation, lays before the States of Deliberation the findings of the Commissioner for Standards as a result of her own investigation following evidence received that Deputy Christopher Blin sent a confidential email to an external third party.

**2 Proposition**

2.1 The States are asked whether after consideration of the findings in the Report of the Commissioner for Standards dated 25<sup>th</sup> March 2024, they are minded formally to reprimand Deputy Blin.

**3 Compliance with Rule 4**

3.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States of Deliberation.

3.2 In accordance with Rule 4(1)(c), the Proposition has been submitted to His Majesty's Procureur for advice on any legal or constitutional implications.

3.3 In accordance with Rule 4(2)(a), the Proposition relates to the duties of the Committee with respect to Part II 40 of the Code of Conduct for Members of the States of Deliberation.

3.4 In accordance with Rule 4(2)(b) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the above proposition has the unanimous support of the Committee.

Yours faithfully

C P Meerveld  
President  
G A St Pier  
Vice-President  
L J McKenna  
S Fairclough  
Y Burford

**PAN-ISLAND**  
COMMISSIONER  
FOR STANDARDS



Report by the Pan-Island Commissioner for Standards on an own  
investigation into Deputy Christopher Blin

**States of Deliberation Guernsey-Confidential**

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## Summary

This is a report relating to my own investigation following evidence received which suggested Deputy Christopher Blin sent a confidential States email to an external third party.

During my preliminary assessment of a separate complaint, I was provided with evidence which suggested confidential information from Deputy Blin had been forwarded to an external third party. which led me to believe there was a prima facie case that Deputy Blin had breached the Code of Conduct by inappropriately sharing confidential information with a third party.

I commenced my own investigation into the sharing of the information by Deputy Blin on 23 February 2024.

After considering all of the evidence, including written and documentary evidence and interviews, I found Deputy Blin in breach of the Code of Conduct in relation to the confidentiality requirements stated within the Code at Paragraphs 22-25.

## Introduction

1. Whilst carrying out a preliminary assessment of a separate complaint lodged by Mr Charles McHugh against Deputy Andrew Taylor, I was provided with evidence from Mr McHugh to support his complaint which appeared to be a private email discussion between a number of States Members.
2. The Members' Code of Conduct clearly sets out the expectations of Members in relation to confidential information :

### *"Confidential Information*

22. Members must bear in mind that confidential information which they receive in the course of their duties may only be used in connection with those duties, and that such information must never be used for the purpose of financial gain or otherwise in their own personal interest or that of their families, friends, business associates or any voluntary or charitable organisation with which they are involved.

23. For the avoidance of doubt the 'confidential information' referred to in the previous section includes, but is not limited to, Department and Committee minutes and other papers circulated to members thereof. The content of such minutes and other papers is not to be disclosed to any third party other than by resolution of the Department or Committee concerned.

24. In addition, Members shall not disclose publicly, or to any third party, personal information about named individuals which they receive in the course of their duties, unless it is both lawful and clearly in the wider public interest to do so. Members must, at all times, have regard to all relevant data protection, human rights and other legislation when dealing with confidential information and must be aware of the consequences of breaching confidentiality.

25. For the avoidance of doubt, all correspondence, howsoever received, between a Department or Committee and a Member of the States shall be treated as confidential under the Code of Practice for Access to Public Information unless expressed otherwise and shall not be disclosed to any third party, whether within the States or outside, in whole or in part, by any means, without the express consent of the author of that correspondence."

## **Background**

3. On 7<sup>th</sup> February 2024, Mr McHugh sent an open letter via email to all Deputies and the media regarding GP11.
4. On 10 February 2024, Deputy Taylor responded to Mr McHugh copying in all Deputies and the media and asked Mr McHugh questions pertaining to the GP11.
5. Mr McHugh responded on 12 February 2024, again copying in all Deputies and the media, answering Deputy Taylor's questions and alleging that Deputy Taylor had disclosed confidential information in his email in relation to the Avison Young report.
6. On 13 February 2024 at 5:06 pm, Mr McHugh submitted a complaint to the Commissioner for Standards against Deputy Taylor alleging he had breached the Code in disclosing confidential information.
7. On 13 February 2024 at 22:28 Deputy Taylor responded to Mr McHugh's 12 February email stating that he hadn't disclosed confidential information and that it was available on the website as well as in an article published in the Bailiwick Express.
8. On 16 February 2024, Deputy Taylor privately emailed all Deputies, particularly responding to Deputy Inder, and provided a link to where the information was online. It is this email (referred to herein as the "private email") which is the subject of this investigation.

## **Investigation**

9. During the course of my investigation, I carried out the following:
  - Interviewed Deputy Christopher Blin
  - Interviewed Mr Charles McHugh
  - Requested and received written evidence from Deputy Andrew Taylor
  - Requested and received written evidence from Deputy Neil Inder
  - Requested and received written evidence from Deputy Heidi Soulsby
  - Requested and received written evidence from Mr Jim Rowles, Director of Planning

## Evidence

11. On 19 February 2024, in an email from Mr Charles McHugh in relation to a complaint against Deputy Taylor, he stated that he had an email that “..came from another Deputy who was concerned that these latest claims would remain hidden from me given I was not copied in but had been copied into Deputy Taylor’s earlier GP11 emails last week.” .....“I do not see that the identity of this Deputy should have any relevance to my complaint.”
12. On 19 February 2024, I wrote to Mr McHugh compelling him to provide the name of the Deputy and evidence showing receipt of the private email. Mr McHugh supplied the evidence on the same date , which showed that Deputy Blin had forwarded the private email to Mr McHugh on 17 February 2024 at 10:07am.
13. On 26 February 2024, I wrote to those Deputies whose correspondence was included in the private email (Deputy Taylor, Deputy Inder and Deputy Soulsby) requesting a written response as to whether they had consented to this information being shared with an external third party and whether they considered the information to be confidential. All three responded that they did not consent to the information being shared and that they considered the emails to be confidential.
14. Additionally, I asked Deputy Taylor if he had meant to include Mr McHugh in the private email exchange; he confirmed that he had not intended to include Mr McHugh in what was a private email exchange between Deputies.
15. On 8 March 2024 during my interview with Deputy Blin, he confirmed that he had shared the email hoping to get Mr McHugh’s response, as Mr McHugh had been involved with a number of emails between Deputies around that time and on that issue.
16. Deputy Blin stated at interview:

“I just saw that piece and I thought, right, I need to understand why. That Avison Report, in my opinion, is a confidential document, it's commercially sensitive. When I saw Neil Inder asking for that, and Deputy Taylor replying, I thought, right, okay, I need to get to the bottom. There are a number of other things there. Look, I will put my hand up. What you're saying is, I've shared - my intent was to take one piece of information and say, 'Right, then, I think this is relevant and important, and I need to look at it, too.’”

17. Deputy Blin believed the information in relation to the Avison Young report which was publicly available via the link was commercially sensitive and confidential, which was one of the reasons he gave for having forwarded it to Mr McHugh. However, the information accessible via the link included part of the conclusion of the Avison Young viability assessment report which Jim Rowles, Director of Planning confirmed to me “was a key consideration for the Committee in determining the application and was therefore included verbatim in the planning report which was placed in the public domain a week in advance of the Open Planning Meeting as part of the usual procedures relating to such planning applications.” He further stated that “The report has remained on-line and accessible in the same place at all times subsequent to its publication in November 2022.”
18. On 7 March 2024, Mr McHugh requested that Mr Rowles redact the last paragraph of page 36 continued onto page 37. Mr Rowles made it clear that it was absolutely necessary to refer to the viability assessment and what it concluded, otherwise the assessment and resulting planning decision would make little sense. However, in the end he agreed to redact the paragraph in question.

### **Findings of Fact**

19. On the balance of probabilities, I have found the following facts:
  1. On Saturday, February 17<sup>th</sup> 2024 at 10:07am Deputy Blin forwarded a confidential email to a third party, Mr Charles McHugh.
  2. On 19 February 2024, I received evidence of this disclosure from Mr McHugh.
  3. The deputies whose information was included in the disclosure (Deputy Taylor, Deputy Inder, and Deputy Soulsby) confirmed that they considered the information to be confidential and did not provide their consent to Deputy Blin to share the information.
  4. Deputy Taylor had no intention of including Mr McHugh in the email exchange; he did not inadvertently omit Mr McHugh from the email.
20. Deputy Blin was afforded an opportunity to challenge any of the above findings before I finalised my report. I did not receive any challenges to my findings of fact.

### **Analysis**

21. Deputy Blin shared the private email without and consent from the Deputies concerned. The Deputies were unsurprisingly quite alarmed at their private emails being shared with a third party without their knowledge or consent. This undoubtedly has an impact on how these

Members (and all Members) do their job and the trust they have in communicating by email or otherwise.

22. There were a number of email exchanges between Mr McHugh and all deputies including exchanges between Deputy Taylor and Mr McHugh on the same topic at this time, and this led to Deputy Blin's assertion that perhaps Deputy Taylor inadvertently left Mr McHugh off the circulation of that particular email. Deputy Blin should have confirmed this with Deputy Taylor in the first instance, and he would have ascertained that Deputy Taylor did not intend for Mr McHugh to be copied into this private email exchange between the Deputies.
23. Deputy Blin was concerned that the information published online and accessible via the link was commercially sensitive/confidential information of interest to Mr McHugh and wanted to bring it to Mr McHugh's attention. However, Deputy Blin could have easily copied the link and sent it to Mr McHugh rather than forwarding the private email to Mr McHugh.
24. When Deputy Blin sent the email to Mr McHugh, he wrote 'in confidence'. Whilst he states it was a mistake and he should have written "FYI", it is my view that Deputy Blin knew or ought to have known that it was not an appropriate course of action.
25. There is no evidence to suggest that Deputy Blin had anything material to gain from sharing this information with Mr McHugh. It is my view that, on balance, Deputy Blin's forwarding of the private email was careless rather than malicious.
26. Having spoken with Deputy Blin during my investigation, I believe he regrets his carelessness and accepts that he has breached the Code of Conduct. I am confident that Deputy Blin will be careful in the future in regards to his handling of confidential information.

## **Observations**

27. The Code of Conduct in Guernsey is very robust and crystal clear on the requirements for confidentiality by all Members. Members need to be thoughtful in all they do and they must be extremely careful when handling private and confidential information and correspondence.
28. I am concerned that some Members are less than attentive to the Code's confidentiality provisions. Deputy Blin is in no way the first or only Member to disclose confidential information, but he is one of the very few I have been able to evidence as having done so in my time as a Commissioner for Standards. I am in no doubt that there are other Members responsible for 'leaks' to the press and other third parties.

29. If Members want to create a place and space that is more productive and where trust is at the core, this practice needs to cease and non-disclosure of confidential information needs to be adhered to at all times.

### **Conclusions**

30. Deputy Blin, in forwarding a private email to a third party without Members' knowledge or consent, breached the requirements of the Code of Conduct relating to confidentiality.
31. I am of the view that Deputy Blin should provide an apology; however, under the current legislation this is not an available sanction in the context of this complaint. Therefore, I must recommend Deputy Blin be formally reprimanded.

### **Recommendations**

32. This case has highlighted issues in relation to the legislation regarding sanctions. I would be grateful for the SACC to consider reviewing this to enable the Commissioner to recommend the sanction of an apology in cases that are beyond "minor" in nature.

25 March 2024

Dr Melissa McCullough

Pan Island Commissioner for Standards