

# Economic Affairs Scrutiny Panel

## Record of Meeting

2nd September 2015

Present	Deputy S.M. Brée, Chairman Deputy D. Johnson Connétable M.J. Paddock
Apologies	Connétable J.E. Le Maistre
Absent	
In attendance	Mr. M. Orbell, Scrutiny Officer

Ref Back	Agenda matter	Action
	<p><b>1. Records of meetings</b></p> <p>The Minutes of the meeting held on 12th August were approved and signed.</p>	<b>MO</b>
<p><b>Item 2</b> <b>12.08.15</b>  <b>515/32</b></p>	<p><b>2. Ports of Jersey Limited: Approval of First Board and Terms of Office (P.68/2015)</b></p> <p>The Panel reaffirmed its view that explanations so far received from the Minister for Treasury and Resources and his department for the use of a holding company (States of Jersey Investments Ltd.) as Shareholder for the States' interest in Ports of Jersey Limited (POJL), instead of the Minister and the Treasurer of the States, were still unsatisfactory. Subject to any advice that might be received from the Law Office, it was agreed that the Panel would expect a formal acknowledgement from the Minister, probably in the form of a statement to accompany the Memorandum of Understanding (MOU) for POJL, explaining the reasons for the difference between P.5/2015 and P.68/2015 to States Members.</p> <p>The Panel was joined (at 10.30am) by the head of Shareholder Relations (Treasury), the Strategy Manager (Economic Development Department) and a Legal Advisor (Law Officers' Department). Discussion centred on the Shareholder question. It was acknowledged by the Officers that the wording of the report on P.5/2015 was ambiguous, so that States Members would have assumed that the Minister would be the actual Shareholder. The department view was that statements from both parties in previous discussions emphasised the Shareholder's role in representing the public, which would still be achieved by the current arrangements. There was no example amongst other States-owned companies where the Minister was Shareholder, and in this case the law prevented this, although he could appoint representatives. There was no satisfactory explanation as to why this had not been highlighted in previous discussions; it had simply not been identified as an important point of presentation by the department at the time.</p>	<b>MO</b>

	<p>The Panel was further advised that in law, the introduction of a holding company would not affect the Minister's accountability or authority in respect of Ports of Jersey Ltd. in any way. The command authority remained with the Minister, and his obligations and powers would not change.</p> <p>It was agreed that before the debate on 8th September the department would produce written clarification of the Shareholder position in the MOU, together with confirmation to be signed by the Minister that the change in Shareholder would not affect his powers or accountability, and circulate this to all States Members. P.68/2015 would be re-issued with amendments reflecting the changes requested by the Panel. A draft of the amended MOU with the Minister's comments would be shared with the Panel prior to these being sent to States Members.</p>	<b>MO</b>
<b>Item 3</b> <b>12.08.15</b> <b>515/1/1(3)</b>	<p><b>3. Rural Economy Strategy (RES)</b></p> <p>The Panel noted that further information requested from the department on 14th August would not be received until 8th September.</p>	<b>MO</b>
<b>Item 4</b> <b>12.08.15</b> <b>513/45</b>	<p><b>4. Medium Term Financial Plan 2016 – 2019 (P.72/2015)</b></p> <p>The Panel noted that further detailed information requested from the department on 14th August would not be received until 8th September.</p>	<b>MO</b>
<b>Item 5</b> <b>12.08.15</b> <b>513/1/1(3)</b>	<p><b>5. Transfer of functions</b></p> <p>The Chairman informed members of the position reached by the Corporate Services Scrutiny Panel in its review of the Draft States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 201- (P.46/2015). That Panel had received a verbal report from advisers on the transfer of Property Holdings to the Transport and Technical Services Department, but had not been able to progress any work on the proposed transfers of Sport and Culture from Education, Sport and Culture to Economic Development. Given the time that had elapsed since the review began it was suggested that the Economic Affairs Scrutiny Panel should offer to take over scrutiny of these transfers. Members indicated their support for this proposal and it was agreed that the Chairman would raise the matter at the next meeting of the Chairmen's Committee.</p>	<b>SB</b>
<b>Item 1</b> <b>11.05.15</b> <b>515/1/1(6)</b>	<p><b>6. Quarterly public hearing</b></p> <p>The Panel considered possible areas for questioning for a quarterly public hearing to be held with the Minister for Economic Development on Wednesday 16th September. The Scrutiny Officer would collate suggestions, compare these with topics raised at the last quarterly hearing and circulate a summary to members to help avoid unnecessary duplication. The Panel agreed to meet again on Wednesday 9th September to select final topics and develop a question plan.</p>	<b>MO</b> <b>MO</b>
	<p><b>7. Forthcoming meetings</b></p> <ul style="list-style-type: none"> <li>• Preparation for quarterly hearing: 12.45pm on 9th September 2015</li> <li>• Next scheduled Panel meeting: 9.30am on 16th September 2015, Blampied Room, States Building</li> <li>• Quarterly public hearing with the Minister for Economic</li> </ul>	

	Development: 10.30am on 16th September 2015, Blampied Room, States Building	<b>MO</b>
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