

STATES OF JERSEY



BUS SERVICE TENDERING PROCESS: COMMITTEE OF INQUIRY – MEMBERSHIP

**Lodged au Greffe on 28th September 2004
by the Policy and Resources Committee**

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to refer to their Act dated 9th March 2004 in which they agreed to approve the appointment of a Committee of Inquiry to investigate fully the relevant circumstances surrounding the tender process and the award of the contract for the provision of a bus service in Jersey and –

- (a) to appoint the following persons as members of the Committee of Inquiry –
 - (i) Mr. Huw Owen John Richard Shephard (President)
 - (ii) Mr. Trevor Peter Garrett
 - (iii) Mr. Christopher John Blackstone
- (b) to agree, in accordance with Article 36B(2) of the States of Jersey Law 1966, as amended –
 - (i) that Mr. Garrett shall, if required, preside in the absence of the President; and
 - (ii) that the quorum of the Committee shall be 2.

POLICY AND RESOURCES COMMITTEE

Notes: The Finance and Economics Committee will allocate a budget of up to £78,000 from the General Reserve for this Committee of Inquiry should the States approve the proposition.

REPORT

On 9th March 2004 the States approved a proposition of the Policy and Resources Committee entitled “Bus Service Tendering Process: Committee of Inquiry” (P.31/2004), and decided that a Committee of Inquiry should be appointed to investigate fully the circumstances surrounding the tender process and award of the contract for the provision of a bus service in Jersey. The States also agreed that the Policy and Resources Committee should report back to the Assembly with recommendations for the constitution and terms of reference of the Committee of Inquiry.

Terms of reference for the Committee of Inquiry were approved by the States on 30th June 2004 (“Bus Service Tendering Process: Committee of Inquiry – terms of reference and membership”, P.99/2004, as amended), and a copy of these terms of reference is attached as an Appendix for information. On the same occasion, the States adopted an amendment of Deputy R.G. Le Hérissier and agreed that “*the Chairman and members of the Committee of Inquiry shall not be remunerated for their services*”.

An advertisement for a President and members of the Committee of Inquiry was subsequently placed in the Gazette section of the Jersey Evening Post, and a total of 8 applications were received. The Policy and Resources Committee was pleased with the quality of applications received, and it would like to nominate the following persons as the President and members of the Committee of Inquiry –

- Mr. Huw Owen John Richard Shephard (President)
- Mr. Trevor Peter Garrett
- Mr. Christopher John Blackstone

Mr. Shephard is a barrister of 22 years standing, and for the first 15 years of his career he was employed in the U.K. public sector, firstly as a Magistrate’s Clerk and then as a litigation lawyer for central government. Mr. Shephard has lived in Jersey for the last 7 years, and during this period he has worked in the finance industry in legal/compliance roles. He now works as a self-employed consultant, advising on compliance and compliance-related matters. In addition, he has been a Centenier in the Grouville Honorary Police for the last 4 years, having previously served for 2 years as a Constable’s Officer.

Mr. Garrett was born and educated in Jersey, and served in the States of Jersey Police for 34 years before retiring in 2002. During his career Mr. Garrett carried out a wide range of policing roles, serving as a Police Constable, Sergeant and Inspector before being promoted to the rank of Superintendent. As a Superintendent Mr. Garrett initially worked as the head of Crime Services, and was subsequently made responsible for all aspects of operational policing.

Mr. Blackstone is a chartered accountant, and during his career he worked in a variety of financial and management roles. Mr. Blackstone moved to Jersey in 1984, and for several years he worked as a partner in Coopers & Lybrand, with responsibility for the trust administration group. Since taking retirement Mr. Blackstone has pursued a number of interests, including woodworking and history, and he has also served for a period on the Audit Committee of the Agriculture and Fisheries Department.

Financial and manpower implications

The States has already decided, in adopting Deputy Le Hérissier’s amendment to P.99/2004, that “*a sum of no more than £50,000 be made available to the Committee of Inquiry to enable it to fund the provision of expert advice if required*”.

In addition, the Committee of Inquiry will need proper executive and administrative support, and this will entail the temporary appointment or secondment of an officer to the States Greffe for the duration of the inquiry. Following consultation with the States Greffe and the States Treasury, it is estimated that up to £23,000 will be needed for this purpose, together with up to £5,000 to cover administration costs.

**Bus Service Tendering Process: Committee of Inquiry –
Terms of Reference (as adopted by the States on 29th June 2004)**

1. To review how the then Public Services Committee, in accordance with the decision of the States of 31st July 2001 when adopting the Bus Strategy (P.104/2001 as amended), undertook the necessary review of the Motor Traffic (Jersey) Law 1935, as amended, to enable the Bus Strategy to be progressed.
2. To review the agreement made between the States of Jersey and the Transport and General Workers Union on 5th August 2001 to ensure that in the event of a new operator being appointed, all staff transferring employment would be given the same terms and conditions of employment as they enjoyed with the previous operator. The Committee of Inquiry will identify:
 - (a) Any variance from that agreement;
 - (b) The reason and justification for the variance;
 - (c) The audit trail for and changes to the agreement to identify the communication process between Jersey Bus, the Transport and General Workers Union, the Public Services Committee and the new operator.
3. To establish the state of knowledge of the parties involved during the tender process for the public bus service, during the period leading up to the award of the contract on 1st May 2002, in relation to the wage claim submitted by the Transport and General Workers Union which included the drivers shift allowance, and to report on the actions of the parties involved in that process.
4. To consider any changes made to the final contract signed between the States of Jersey and Connex Transport Jersey Limited and report on whether there are any material differences between the final contract and the draft contract supplied to all tenderers during the tender process that might have affected the tender submissions.
5. To review and report on the drivers shift allowance and the relief service claims submitted by Connex Transport Jersey Limited in 2002 and determine whether given the state of knowledge of all parties during the negotiations, the payment for the shift allowance was appropriate and in line with the conditions of contract that exist between the States of Jersey and Connex Transport Jersey Limited.
6. To review the accuracy of the reports submitted by officers to the Public Services Committee regarding the contract with Connex Transport Jersey Limited, together with the relevant minutes of Committee meetings, during the period leading up to the award of the contract, and in relation to the post-contract award of the shift allowance, as well as to review the answers to questions about the contract that were given to the States.
7. To report back to the States with its findings and recommendations.