

Submission to the Corporate Services Scrutiny Panel

Both SoJDC and the Treasury Minister have been consistently referring to the previous Corporate Services Panel comments on the Esplanade Project arising in an Assembly debate on 19th March 2014. At the time we were under the impression that the possibility of RBC as a client was still live. Consequently during the debate I said: *After the briefing, the panel discussed the way forward and the panel considered that they had received sufficient information to satisfy themselves as to the viability of the project and would not raise any further questions.*

This was a collective decision of the panel at a particular point in time. However, by 10th April 2014 it was confirmed that RBC were moving to 66–72 Esplanade. We therefore kept the situation under review and began the search for a suitable advisor.

In our minutes of 23/4/14 it was recorded that:

Consideration was given to a potential review of the effectiveness of the States of Jersey Development Company in delivering projects agreed by the States Assembly.

The Treasury also continued to evade our requests for the King Sturge report of 18 November 2008 and on 28/5/14 it was recorded that: *“The Panel was informed that the request had been made but that the document had yet to be received.”*

At the same time there was also uncertainty as to the legal actions being brought by Harcourt. *“The Panel was advised thatreview topics would be rejected if they were sub judice.”*

It will also be recalled that at that time we were involved in preparing a report on the Interim Population Policy (published 23/4/14), the proposed Charities Law (published 11/7/14) and we were starting to scope the Budget for 2015 (published 15/9/14). Regarding the Budget, it appeared that there were beginning to be concerns, which were later substantiated by abrupt changes in the draft budget provisions. Our concentration naturally shifted to this.

However, the professional and public uncertainty and discontent with the Esplanade Development became even more apparent in the context of a structural deficit at the time of the Budget. We therefore made the following recommendation to our successor panel in the scrutiny Legacy Report:

“States of Jersey Development Company (SoJDC): *The Panel received briefings on the work of the SoJDC, including from the Managing Director, during its lifetime. This occurred most particularly when the Assembly was due to debate whether development of the Esplanade Quarter should be deferred until further information had been provided to the Assembly. No review was undertaken and the question ultimately became moot following RBC’s decision to proceed with the rival development at the end of Kensington Place. Nevertheless, the Panel recommends consideration be given to undertaking a review in relation to SoJDC, in part to follow up the work undertaken by this Panel but also to follow up the various Scrutiny Reviews which have been undertaken since 2005.”*

I think that John Maynard Keynes summarised the situation best: *“When my information changes, I alter my conclusions.”* Our information changed but the Treasury Minister insists on referring back to past history and appears to be stuck in a groove.

I note that the current Treasury Minister also refuses to release the King Sturge Report and it remains on a list of confidential documents.

Sarah Ferguson

APPENDIX:

Extracts from Minutes of the Corporate Services Scrutiny Panel:

(a) In our minutes of 23/4/14 it was recorded that:

6. States of Jersey Development Company

The Panel noted that the King Sturge report had not yet been received from the Treasury and Resources Department. The Scrutiny Officer was therefore requested to follow up on this matter.

Consideration was given to a potential review of the effectiveness of the States of Jersey Development Company in delivering projects agreed by the States Assembly. The Panel agreed to defer further discussion of this matter until its next meeting. The Panel however noted the possibility of including this topic in its legacy report for the next Corporate Services Panel to consider.

(b) In our minutes of 28/5/14 it was recorded that:

3. States of Jersey Development Company

The Panel recalled its agreement to request a copy of the Trowers and Hamlin report (containing the King Sturge report) from the Department of Treasury and Resources. The Panel was informed that the request had been made but that the document had yet to be received.

The Panel noted the recent decision of the Royal Court not to strike out the claims of Harcourt against the former Waterfront Enterprise Board (WEB) and the Minister for Treasury and Resources. The Panel was advised that Paragraph 7.11 of the Code of Practice for Scrutiny Panels and the Public Accounts Committee stated that review topics would be rejected if they were sub judice.