

STATES OF JERSEY



BUS SERVICE TENDERING PROCESS: COMMITTEE OF INQUIRY

**Lodged au Greffe on 17th February 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 31st July 2001, in which they approved the Bus Strategy (P.104/2001), as amended, and –

- (a) in accordance with Article 36B of the States of Jersey Law 1966, as amended, 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 report its findings to the States;
- (b) to charge the Policy and Resources Committee to recommend to the States the constitution of the Committee of Inquiry, together with terms of reference.

POLICY AND RESOURCES COMMITTEE

Note: The Finance and Economics Committee's comments are to follow.

REPORT

Article 36B of the States of Jersey Law states that “Where the States are of opinion that inquiry should be made into any definite matter of public importance, they may appoint a Committee of Inquiry to inquire into that matter ...”.

Recent meetings of the States have tended to be dominated by questions on the handling of the tender process for appointing the current bus service operator, the subsequent costs of the service and proposed changes to the services. Some of these questions raised very serious issues over the reputations of a number of parties including the previous Public Services Committee, the Environment and Public Services Committee, the current bus operator, the former operator, officers of the Public Services Department and the consultants advising the Department and Committee. An independent and impartial mechanism is needed to tackle the issues with fairness and to establish, as accurately as possible, the facts regarding the events which occurred and, where appropriate, to comment on those events. As in previous Inquiries, for the events to be properly understood, it will be necessary to view them, as far as possible, through the eyes of the participants and in the light of the information available to them at that time.

The Policy and Resources Committee is bringing this Report and Proposition to the States as it feels there is an urgent need to progress this matter. The proposed vote of no confidence in the Environment and Public Services Committee could result in unacceptable delays in establishing the Committee of Inquiry.

By approving this proposition, the Policy and Resources Committee will immediately identify nominees to undertake the Committee of Inquiry and draft Terms of Reference which will be brought back to the House for approval.

Financial and manpower statement

Article 36K of the States of Jersey Law 1966 states that the Finance and Economics Committee may direct to what extent a person appointed to a Committee of Inquiry may be remunerated and those expenses together with any others which the Finance and Economics Committee may direct may be incurred by a Committee of Inquiry shall be paid out of the general revenue of the States.

Paragraph (5) of Article 36I of the Law provides that the Greffier of the States may appoint a secretary to the Committee of Inquiry to perform such duties connected with the inquiry as the President of the Committee may direct. It is possible that the States Greffe will provide the services of a secretary but that, if this is not possible, an officer may be seconded from another department, or a short-term contract post be approved for the duration of the inquiry. This will be a decision for the States Greffe and Human Resources Department, working with the Treasury.