

# Corporate Services Scrutiny Panel

## Record of Meeting

Date: 23rd June 2015

Present	Deputy J.A.N. Le Fondré, Chairman Deputy S.J. Brée, Vice-Chairman Connétable C.H. Taylor [Apologies for Item 1] Deputy K.C. Lewis
Apologies	
Absent	
In attendance	Mrs M. Galpin, BWCI Consulting Limited [Item 1]  Mr. T. Oldham, Scrutiny Manager [Items 3 to 6] Mr W. Millow, Scrutiny Officer [Items 1 and 2] Mrs J. Hales, Scrutiny Officer [Items 1 and 2]

Ref Back	Agenda matter	Action
<b>Item 4</b> <b>15.06.15</b>	<b>1. Public Sector Pensions</b>  The Panel held discussions with Mrs M. Galpin of BWCI Consulting Limited about the Panel's prospective review of public sector pension reform. Following these discussions, the Panel requested that a Scoping Document and Terms of Reference be drafted for the review and agreed that it would appoint BWCI Consulting Limited as expert advisors for the review.	<b>WM</b>
<b>Item 5</b> <b>15.06.15</b> <b>513.37(7)</b>	<b>2. Public Finances (Jersey) Law – Amendment No.3</b>  The Panel was advised that its expert adviser had been sent a copy of <i>Draft Public Finances (Amendment of Law No.3) (Jersey) Regulations 201-</i> (P.57/2015) and that it was anticipated that the resultant advice would be received by the end of June 2015, in sufficient time for comments on P.57/2015 to be drafted and presented.	
<b>Item 11</b> <b>15.06.15</b> <b>514/46</b>	<b>3. Jersey International Finance Centre</b>  The Panel considered its draft question plan for the upcoming public hearing with the Chief Minister. It was agreed that the question plan would be further developed at meetings agreed for Wednesday 24th and Thursday 25th June 2015.  It was noted that the Panel remained extremely concerned and frustrated at having been denied access to the following documentation that was crucial to its ability to properly fulfil its role in undertaking the Review:  1) The pre-let agreement between SoJDC and UBS 2) The funding agreement between SoJDC and HSBC 3) The construction contract between SoJDC and Camerons  The delay in receiving this documentation was significantly impacting on the ability of the Panel's adviser, Ernst and Young LLP, to complete its work.	

	<p>The Panel recalled that this documentation had been requested from the States of Jersey Development Company (SOJDC), who had refused to provide it on the grounds that they had entered into a confidentiality agreement with the respective third parties. It had also been relayed to the Panel that the third parties had also refused to forward their respective documents on the same grounds regarding commercially sensitive information. This was despite the Panel's confirmation to the Chief Minister, Minister for Treasury and Resources and SoJDC of its offer to receive the information on the same terms of confidentiality as it had agreed to in order to receive the BNP Paribas Real Estate documentation on 1st May 2015. It had been confirmed, however, by SoJDC that there was a requirement for the Panel to individually sign a high personal liability Non-Disclosure Agreement (NDA), that was entirely disproportionate to the usual trust based process for receipt of confidential documentation by Panels. A similar NDA would be required for its advisers Ernst and Young LLP to receive the information. Whilst such NDAs were noted as being common in commercial activity, and as such were acceptable to Ernst and Young LLP, it had been agreed by the Panel, discussed with its advisers and relayed to the Chief Minister and Minister for Treasury and Resources that as a matter of principle the information must be received by the Panel and its advisers on the basis that they could have free and unfettered discussions between them about the content.</p> <p>In considering its options, the Panel agreed that related summons processes might shortly be pursued to access the documentation. It was noted that the Panel had arranged a meeting the following day that would be used to further consider its options.</p>	
	<p><b>4. JT and Airtel Merger</b></p> <p>The Panel discussed possible work in relation to the statement made by the Minister for Treasury &amp; Resources in the States on 23rd June 2015, confirming that JT and Airtel were in initial talks to merge their operations across the Bailiwicks of Jersey and Guernsey. The proposed arrangement would see Airtel acquire a minority interest in JT, with the States of Jersey retaining majority control.</p> <p>It was noted that a merger would require the approval of CICRA and shareholders, in JT's case the explicit approval of the States of Jersey.</p> <p>The Panel agreed to seek a briefing from Treasury and Resources and JT to assist its understanding of the proposals, as it considered the scope of its possible Review.</p>	JH
	<p><b>5. P.55/2015 Draft Register of Names and Addresses (Comparison with Electoral Registers) (Jersey) Regulations 201-</b></p> <p>The Panel agreed to seek a briefing on P.55/2015, lodged by the Chief Minister for debate on 14th July 2015.</p>	JH
<p><b>Item 3</b> <b>15.06.15</b>  <b>513/47</b></p>	<p><b>6. Transfer of Functions</b></p> <p>The Panel noted that correspondence had been sent to the Chief Minister advising him of the Panel's review. It had also been relayed that as the Draft Regulations were lodged without due notification being given to the Panel there would be insufficient time to complete the review before 14th July 2015, when the Draft Regulations were due to be debated. The Chief Minister had therefore been requested to defer the debate on the Draft Regulations until 6th October 2015 to allow time</p>	

	for the review to be completed.	
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