

# STATES OF JERSEY

## COMMITTEE OF INQUIRY INTO TENDER PROCESS AND AWARD OF BUS SERVICE CONTRACT

BLAMPIED ROOM, STATES BUILDING

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Committee:            Mr Huw Shephard (President)  
                              Mr Christopher Blackstone (Member)  
                              Mr Trevor Garrett (Member)

In attendance        Mr Mac Spence (Committee Clerk)

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### EVIDENCE FROM:

**CONNÉTABLE A.S. CROWCROFT, CONTINUED**  
**(Former President, Public Services Committee)**

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on

Wednesday, 23rd March 2005

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(Digital Transcription by Marten Walsh Cherer Limited,  
Midway House, 27/29 Cursitor St., London, EC4A 1LT.  
Telephone: 020 7405 5010. Fax: 020 7405 5026)

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*Reviewed 31.03.05 Committee Clerk*

MR SHEPHEARD: Ladies and Gentlemen, good morning. I have a conflict of clocks, in that the clock on the wall tells me it is just after 25 past and my watch tells me that it is very nearly half past. As all those who really need to be here are here, I think we will begin this morning's session of the Committee of Inquiry into the tender process and the award of the bus service contract. Our witness this morning is Connétable Crowcroft of St. Helier. Good morning, Connétable.

CONNÉTABLE CROWCROFT: Good morning.

MR SHEPHEARD: Those of you can see that I am sitting as President again, with Mr Garrett and Mr Blackstone with me. Connétable, I will proceed to re-administer the oath to you.

### **The witness was sworn**

MR SHEPHEARD: Thank you. Now, Connétable, when you previously appeared before the Committee, we did manage to establish that you had been President of the Public Services Committee, which was the Committee that was principally concerned with the adoption of the tender process and the award of the bus service contract, and this was in pursuance of a Bus Strategy that was adopted by the States in August or late July of 2001; that is right, isn't it?

CONNÉTABLE CROWCROFT: Yeah.

MR SHEPHEARD: Now, at that time, you were a States Deputy. You afterwards became Connétable of St. Helier and you resigned the Presidency of the Public Services Committee. Would you be so good as to remind us when? I think it was after you became Connétable. Was it to prevent the two rôles coming into conflict?

CONNÉTABLE CROWCROFT: Sorry, did you say when?

MR SHEPHEARD: Yes, when?

CONNÉTABLE CROWCROFT: That is in my submission. I will have to look up and see when I did because I don't remember now. On 15th January 2002 I resigned the Presidency.

MR SHEPHEARD: That was after your election as Connétable, I think.

CONNÉTABLE CROWCROFT: Or not far afterwards.

MR SHEPHEARD: Now, I think I am right, did you continue as a Member of the Committee?

CONNÉTABLE CROWCROFT: Yes, I did. I sat on that Committee and on Deputy Dubras'

Committee and I resigned finally on 9th September 2003. **(Pause)**

MR SHEPHEARD: So it seems clear then that you were a Member of the Committee for most of the time with which this Inquiry is principally concerned.

CONNÉTABLE CROWCROFT: That is right. **(Pause)**

MR SHEPHEARD: Now, having regard to what occurred when you last appeared before the Committee, Connétable, I have to say this, that the questions that have been put to other witnesses have elicited evidence that has been in some cases highly critical of actions taken or perceived as being taken by you as President of Public Services before the adoption of the Bus Strategy. Now, what happened before the Bus Strategy is, strictly speaking, not relevant to the issues that the Committee has been asked to report on. It is relevant in a limited way in helping the Committee to understand what was going on. Now, it may be that my colleagues will have questions for you in relation to the evidence that has been given.

What I have to say is that, although these are matters upon which we have not been asked to report and, therefore, we will not draw any conclusions from that evidence, you have an opportunity today if you want to take it to give evidence yourself as to what occurred. One way of putting it is that you have an opportunity of putting your side of that particular argument. The Committee has not obviously written its report, it can't, but what I would say is that the report would not be drawing any conclusions in respect of the matters that are outside of our timeframe, we would simply report what has said on both sides without comment. I just mention that so that you can understand where the Committee is coming from.

CONNÉTABLE CROWCROFT: Can I come back on that? I mean, you are saying, first of all, that you will not draw any conclusions from the evidence relating to matters before the timeframe covered by the terms of reference. Well, clearly, to some extent that has already happened, in that, as I mentioned last time, there was a report on 2nd February in which one of your Members appeared to have already drawn conclusions from the evidence from before the period covered by the terms of reference. I need to tell you that I have sent to the Bailiff, and which I will pass up to you, an official or a complaint to the Bailiff about that statement, because it does seem to me that it prejudices the impartiality of this Committee of Inquiry. So I will pass

that up, if I may. (**Same handed to Committee of Inquiry**)

You then go on to say that you will not draw any conclusions but you will report what was said in this period that, "*strictly speaking*", to quote your words, you are not mandated to be looking into. Well, clearly if you are going to report even without comment what was said by one party and the other party has no opportunity -- and I will come on to the opportunity in a minute -- to put their side of the story, then I would suggest that that is not a particularly useful exercise.

The reason is, I mean, you have offered me an opportunity to respond to things said about me covering the period before the terms of reference kick in, and it is very good of you to give me the opportunity, but clearly I cannot respond to matters for which I am not prepared. You will notice, for example, that I have handed up to you a verbatim transcript of my diary from the period covered by the terms of reference. I don't have ... my diary goes back to 1975. I haven't printed out the earlier section, nor the section that covers the Bus Strategy. That doesn't make very good reading.

MR SHEPHEARD: Well, I take note of what you say, Connétable, but I think the answer may be that we shall have to consider fairly carefully then whether we need to raise even making a simple statement of "It was said in evidence that ...".

CONNÉTABLE CROWCROFT: It is clearly up to you what you put in your report.

MR SHEPHEARD: It may be then that we will have to consider fairly carefully whether we do in fact go that far in relation to those matters.

CONNÉTABLE CROWCROFT: Yeah, I would agree with that.

MR SHEPHEARD: I will hand over the further questioning now to my colleague Mr Blackstone.

MR BLACKSTONE: Good morning, Connétable.

CONNÉTABLE CROWCROFT: Good morning.

MR BLACKSTONE: I note your accusation of bias and I deny that. I was appointed after very careful interview by Senator Walker and Mr Ogleby, the Chief Executive, in which I was asked specifically if I knew any of the parties involved. I know none of the parties involved and I had

had no involvement with them prior to this hearing.

CONNÉTABLE CROWCROFT: I fully accept that. I didn't suggest, I think, that anything other than that was the case.

MR BLACKSTONE: I was basing the question and answer sessions, which, as you may imagine, are fairly ad lib at times, on the information and the evidence which is provided to us. There was no question of personal bias and there still is not.

Now, as you can imagine, we have had a huge amount of evidence given to us. Therefore, the Committee Members have divided their duties as to specific aspects of the Inquiry and to the timeframe. The period allocated to me starts off in December 1999, when, for the first time in 30 years, Jersey Bus was denied a three year licence. Therefore, the bulk of my questions will refer to that time on through to the date of the acceptance of tenders. I personally, and I think my Committee Members agree with me, consider this highly relevant, this information. This establishes the state of mind of the parties leading up to the tender process and the information that may have been given to persons directly concerned within the tender process. Do you have any objection to answering questions within this field?

CONNÉTABLE CROWCROFT: Well, my only objection is that I may well be unable to because, as I just said earlier, I based my preparation for the Committee of Inquiry on the terms of reference approved by the States. Indeed, my submission to the Committee of Inquiry, I think, makes that fairly clear. So it is not a question of having an objection, it is simply not having the ... as I say, I don't have my diary entries that cover the period that you refer to. I don't have them with me and so I will simply have to do the best I can, but if I say "I don't know" to a lot of your questions, then I'm afraid that is simply the state of my knowledge about the period.

MR BLACKSTONE: No, that is perfectly acceptable. Deputy Dorey, again, had to answer "I don't know" to a lot of questions. He was perfectly honest and said "Well, as far as my memory is concerned, it is so, but it may not be accurate." He did come back after checking with a subsequent submission. So, please, if you don't know or can't remember, say so.

I think we have covered the periods when you were on the Public Services Committee.

In the large part it was as President. Did you initiate the 2000 Hoppa Bus Scheme? Was this a prime mover of you, because I know you are particularly interested in St. Helier and all its environs and the welfare of the people of St Helier?

CONNÉTABLE CROWCROFT: I don't know if I initiated it or not. I couldn't honestly say. I mean, certainly a Hoppa bus was one of the things that successive Public Services Committees had been interested in.

MR BLACKSTONE: Hmm, yes, but, in 2000, there was a particular, shall I say, Hoppa event. The 2001 Bus Strategy, I believe that was particularly "your baby". Somewhat unusually, in fact, I believe that you actually drafted it yourself rather than relying on the civil servants.

CONNÉTABLE CROWCROFT: Yeah, I had set that down in my diary under 2nd August.

MR BLACKSTONE: Hmm hmm.

CONNÉTABLE CROWCROFT: After the debate, I referred, somewhat tongue in cheek, I think, to the fact that I was "*A bit nettled that no one referred to the quality of the writing of the Bus Strategy -- plenty of literary vanity left*". So, yes, I was involved in the drafting of it. Indeed, I was involved in the drafting of the Sustainable Transport Policy as well.

MR BLACKSTONE: Yes. I don't intend to quote from your diaries as you have given them to us in confidence.

CONNÉTABLE CROWCROFT: Yes.

MR BLACKSTONE: But thank you for that. In May 2000, 30th May 2000, Mr Lusby, the senior executive in Public Services, recommended most strongly that negotiations with Jersey Bus continue to a service level agreement and that the tendering process was not advisable. Did you receive that advice?

CONNÉTABLE CROWCROFT: I honestly couldn't say.

MR BLACKSTONE: No. Starting then in late 1999, when Jersey Bus had their request for a fare increase and their three year licence application refused, at that time was there any reason to complain about Jersey Bus' service?

CONNÉTABLE CROWCROFT: I don't know.

MR BLACKSTONE: Well, perhaps I can just comment that the Sustainable Island Transport

Policy lodged in the States on 11th May 1999 states “*The existing privately run service serves certain parts of the Island well, especially routes along the south coast with regular and reliable services.*” Do you have any reason to contradict that?

CONNÉTABLE CROWCROFT: Um, that was certainly what was in the Strategy.

MR BLACKSTONE: Hmm hmm. What was your opinion as to the profitability of Jersey Bus from the service that it ran for public transport?

CONNÉTABLE CROWCROFT: I don’t know. I don’t remember.

MR BLACKSTONE: You never had any firm opinion on it?

CONNÉTABLE CROWCROFT: Well, I don’t remember. I may have had an opinion at the time, but I don’t remember what that was.

MR BLACKSTONE: Hmm hmm. **(Pause)** Now, going on to Hoppa in July 2000, an agreement was negotiated with Pioneer Coaches to provide that service and part of the agreement involved a States’ subsidy of £30,000. Is that correct?

CONNÉTABLE CROWCROFT: Again, it’s a long time ago. I remember very little about that. I could certainly ----

MR BLACKSTONE: But you don’t remember a subsidy being provided to Pioneer to run the Hoppa service?

CONNÉTABLE CROWCROFT: There was talk of subsidies. Again, I don’t remember the ins and outs of it.

MR BLACKSTONE: It was quite a major event, Connétable.

CONNÉTABLE CROWCROFT: Yes, it was.

MR BLACKSTONE: Because it was followed by a general strike.

CONNÉTABLE CROWCROFT: Yeah, that’s right, yeah.

MR BLACKSTONE: And you still don’t remember whether a subsidy was paid?

CONNÉTABLE CROWCROFT: I honestly can’t. I can’t. You know, I’m on oath. I wouldn’t like to make statements that I can’t verify in any way. I can’t rely on my memory from that period to ... You know, I’m not saying that there wasn’t one. I simply don’t remember the facts of what took place.

MR BLACKSTONE: All right. Accepting the fact that the subsidy of £30,000 was offered to Pioneer Coaches, do you not feel that this was somewhat unreasonable in view of the fact that subsidies for Jersey Bus had been turned down repeatedly?

CONNÉTABLE CROWCROFT: I'm sorry, I can't remember.

MR BLACKSTONE: You have no opinion?

CONNÉTABLE CROWCROFT: I've no comment on that.

MR SHEPHEARD: If I can interject at this stage, Mr Blackstone? I think perhaps the position was complicated by the law as it stood then because, as I understand it, there was no provision in the law for paying subsidies in relation to established services, but there was a provision in the law for paying the subsidy for experimental services.

MR BLACKSTONE: Yes, that's right.

MR SHEPHEARD: And the Hoppa bus, I think, would have quite clearly fallen within the ambit of what was an experimental service at that time.

MR BLACKSTONE: On 3rd August there was a meeting chaired by Senator Terry Le Sueur to try and resolve the industrial action by Jersey Bus drivers. Do you recall that meeting at all?

CONNÉTABLE CROWCROFT: I'm afraid I don't, no.

MR BLACKSTONE: You were present.

CONNÉTABLE CROWCROFT: I may well have been, but I don't.

MR BLACKSTONE: You still don't recall it?

CONNÉTABLE CROWCROFT: No. **(Pause)**

MR BLACKSTONE: I would like to read from the minutes of the Public Services Committee of 4th August 2000. This is as a result of the meeting chaired by Senator Le Sueur: "*A three to five year agreement would be made between the Public Services Committee and Jersey Bus. This would initially be covered by a memorandum of agreement to be made available by the end of September 2000, which would subsequently be covered by a formal service level agreement to be available by about the end of March 2001. It was accepted by all parties involved that there might be competitive tendering for such services after the initial three to five year period.*" Do you have any recollection of that agreement?



CONNÉTABLE CROWCROFT: I am sorry, I don't.

MR BLACKSTONE: Mr Chairman, I think it is pointless continuing with these questions.

MR SHEPHEARD: Well, move on in time, Mr Blackstone, I suggest. Can we explore something perhaps at the end of 2001?

MR BLACKSTONE: We can move on, yes. Do you recall writing to Senator Walker, recommending a subsidy for buses of £6 million, including an annual subsidy of £300,000 for a town hoppa service? This was in 2001.

CONNÉTABLE CROWCROFT: What date in 2001?

MR BLACKSTONE: I am reading now from an email from Alan Muir to Alan Littlechild: *“John Richardson has asked me to advise you of where the figure of £6 million for a high quality bus service comes from. The figure has previously been reported to the Finance and Economics Committee via the financial appraisal of the Sustainable Island Transport Policy. The appraisal and accompanying PSC Report and Act were attached to a letter from Deputy Crowcroft to Senator Walker dated 23rd January 2001.”*

CONNÉTABLE CROWCROFT: Yeah, I mean, I think the history of the buses and money is that the Committees I was involved with tried often to get money from F&E for buses. I am sure if my signature is on that letter, then I wrote it. I was always frequently trying to get money for buses from F&E, but clearly until a bus strategy was accepted by the States, they would be unlikely to put money up.

MR BLACKSTONE: It seems strange to me that, in January 2001, you were recommending these very large figures for a bus subsidy and, at the same time, you were denying Jersey Bus virtually any subsidy at all, even on the unprofitable routes.

CONNÉTABLE CROWCROFT: I can't really comment on that because, you know, I've got no way of refreshing my memory about what was ----

MR SHEPHEARD: Again, Mr Blackstone, I think that the legal problem that I have referred to a few minutes ago certainly had an impact on that.

MR BLACKSTONE: Right. **(Pause)** Now, the negotiations with Jersey Bus over subsidies, service level agreements and fair rate of return continued right through 2000/2001, and you were

advised during this period, I believe, by a Mr John Griffiths. Do you recall him at all?

CONNÉTABLE CROWCROFT: I do remember John Griffiths, yes. I don't remember much about the detail, but I certainly remember meeting him, yes.

MR BLACKSTONE: Presumably, as you were chairman of Public Services at the time, he was reporting to you through the civil service.

CONNÉTABLE CROWCROFT: I don't know. To be quite honest, I don't know what the reporting line was for John Griffiths.

MR BLACKSTONE: Were you aware of Mr Griffiths' qualifications?

CONNÉTABLE CROWCROFT: I might have been at the time. I can't honestly say now whether I was.

MR BLACKSTONE: A lot of the contention with JMT (1987) Limited concerned the disclosure of accounts of other companies within the Diamond Group. Do you recall this contention at all?

CONNÉTABLE CROWCROFT: Yes, it was a subject that was raised in the States on a number of occasions. I haven't listened to the transcript of the Bus Strategy because, as I say, I didn't see a need to, but I expect it was probably raised during the debate. It was clearly one of the key issues that the Committee wanted was open book accounts with the operator that was selected. As we moved on to the selection of the operator, I remember that was a key request of the Committee.

MR BLACKSTONE: Yes, but some of the reasons given, or the main reason given, for not proceeding with the service level agreement with Jersey Bus was that they refused to disclose the accounts for other companies within the Diamond Group. Now, the Diamond Group is a fairly extensive group, as I am sure you know, including things like the Living Legend, Boardwalk Café and others, which have absolutely no relevance to bus operations at all. Can you tell me why those accounts should be demanded?

CONNÉTABLE CROWCROFT: Not really. I think, when it came to the tendering process, again I have not got the tender documents, but I am fairly sure that when we asked for people to take an interest in the competitive tender process, then being able to look at their ... have an open book accounting policy was important to the Committee and to the States.

MR BLACKSTONE: Well, I agree with you entirely concerning the bus companies, but I cannot see what relevance the Boardwalk Café has, and those accounts were also demanded. Do you see the relevance?

CONNÉTABLE CROWCROFT: I don't really have any comment to make at this stage. I mean, as I say, I don't have any Committee papers and I don't have a transcript of the debate to see what was in States Members' minds. It is just that in general terms the issue of open book accounts was important to the States and it was important to the Committee.

MR BLACKSTONE: Hmm hmm. On 17th July 2001, Deputy Le Hérisier raised certain questions in the States. Referring to Mr Griffiths, your answer said: "*The consultant was employed because of his expertise on finance, the development of service level agreements and the work he had carried out for other States Departments. He was to work alongside Jersey Bus, who are experienced in operating bus services. Therefore, there was no need for him to be an expert in operational matters.*" Do you still agree with that statement, that someone who knows nothing about buses should be called to advise on buses?

CONNÉTABLE CROWCROFT: I don't know is the simple answer. I know Deputy Le Hérisier asked a lot of questions during 2001 and possibly earlier.

MR BLACKSTONE: Well, that was the answer you gave.

CONNÉTABLE CROWCROFT: Right, well, I am sure it was, but, again, it is a long time ago. I don't ... I don't ...

MR BLACKSTONE: No, what I was asking you now is whether you now consider your answer reasonable, that somebody who knew nothing about buses should be employed to advise on them?

CONNÉTABLE CROWCROFT: Well, I couldn't really ... without digging out the tape of the questions and answers and finding out why and what went into the writing of the answer, I couldn't really answer that question.

MR BLACKSTONE: At the same time, the same day, you stated "*The basis for the subsidy proposed by Public Services is an interim arrangement for mark-up of 5.3% which was the average mark-up of bus operators in the UK with the same order of turnover as Jersey Bus.*"

Where did you get that figure from?

CONNÉTABLE CROWCROFT: I don't know. **(Pause)**

MR BLACKSTONE: During the period of June 2001 through August 2001, buses very much came to the fore and quite a lot of important events happened. In May/June, your Committee was still purportedly negotiating with Jersey Bus, but I don't suppose you remember that.

CONNÉTABLE CROWCROFT: I am afraid I don't, no.

MR BLACKSTONE: Were Halcrow Group engaged by you in June 2001 to prepare an outline for competitive tendering?

CONNÉTABLE CROWCROFT: Yeah, Halcrow were used, and I said in my submission, that Roger Childs of Halcrow advised the Department and the Committee on the tender process, so, yes, they were used. Again, I don't have any details, but they were the consultants that were chosen by the Committee.

MR BLACKSTONE: And you don't remember when they were appointed?

CONNÉTABLE CROWCROFT: No, I don't.

MR BLACKSTONE: At about the same time, did you approach Southern Vectis with a view to them tendering for bus services in Jersey?

CONNÉTABLE CROWCROFT: I don't remember. Southern Vectis, again, appear in my diary.

MR BLACKSTONE: Yes, I think you made an objection to the fact that the *JEP* had reported that you had called them in.

CONNÉTABLE CROWCROFT: That is right. **(Pause)**

MR BLACKSTONE: Um, so you don't particularly remember discussing these matters with Southern Vectis in July?

CONNÉTABLE CROWCROFT: No, I'm afraid not. **(Pause)**

MR BLACKSTONE: In July 2001, you had a trip to Quebec, I believe.

CONNÉTABLE CROWCROFT: Yes, I think so, yes.

MR BLACKSTONE: And, therefore, you were away from Public Services for a fairly brief period but rather at the height of these very difficult negotiations, but everyone has to take a holiday.

CONNÉTABLE CROWCROFT: It was not a holiday, it was ----

MR BLACKSTONE: Well, a business trip.

CONNÉTABLE CROWCROFT: No, it was a Parliamentary or States trip, yes Parliamentary.

MR BLACKSTONE: My apologies. During this period, Deputy Robin Hacquoil, as Vice-President, held a meeting with Jersey Bus, which has all the appearances of being a reconciliation and a step to move forward. Reading from a draft letter from Robin Hacquoil to Mr Lewis, Managing Director of Jersey Bus: *“At the meeting you put forward proposed arrangements as an alternative to the Committee’s Bus Strategy. The Committee feels that the essential issue to resolve in the immediate future is the winter timetable before we can come to an agreement on how any subsidy for this can be calculated. This could well form the basis for longer term arrangements.”*

That was covered by a draft press release and also a somewhat detailed memorandum entitled *“Proposal for Jersey Bus agreement”*, which I believe was prepared by Dr Swinnerton. Again, I quote: *“At the end of this period if the negotiations with Jersey Bus have been successful and a suitable financial arrangement reached that provides a comparable level of service and overall costs to the other bidders, the Committee may, subject to the States and Committee approvals, agree to enter into a service level agreement with Jersey Bus.”* Also: *“At the end of the seven year SLA”* -- service level agreement -- *“the entire service will be put out to competitive tender.”*

Now, Connétable, this seems to tie in with the agreement and the promises made to Jersey Bus at the time of the Hoppa strike the previous year. It seems that Deputy Hacquoil and the other members of the Committee present made good strides towards settling the matter so that the tendering process would not have to be entered into. Do you have any comments on that?

CONNÉTABLE CROWCROFT: Did that happen ... give me the date in July when that happened.

MR BLACKSTONE: Um, the letter is about 9th July.

CONNÉTABLE CROWCROFT: So that is all before the States’ debate of the Bus Strategy?

MR BLACKSTONE: It is indeed.

CONNÉTABLE CROWCROFT: Yes, well, I mean, you know, you have me at a disadvantage because I don't have my diary for the period that you are referring to and all I know is that the Committee took the Strategy to the States and it was debated on 31st July and approved.

MR BLACKSTONE: It was, yes.

CONNÉTABLE CROWCROFT: So what happened before that is ... I don't really have any comment to make on that period.

MR BLACKSTONE: But you acknowledge that Deputy Hacquoil did chair a meeting with Jersey Bus?

CONNÉTABLE CROWCROFT: Well, I am sure he may have done. I don't have ... If you have minutes to that effect, then I am sure he did, but ...

MR BLACKSTONE: An exchange of emails on 9th July 2001. This is from Clive Swinnerton to Deputy Hacquoil: *"I attach a copy of the following: draft media release for your comments so that it can be issued by 10am in the morning, including the bus item; a draft summary of the meeting with TGWU and Jersey Bus; a draft letter to the TGWU; a draft letter to Jersey Bus; a draft of the proposal from Jersey Bus as we recall it. I understand the letter will be with us tomorrow morning from Jersey Bus. I have taken the liberty of emailing these to the President so he is aware of the situation. I will fax the other PSC Members present after I have received your comments."*

Reply from Deputy Crowcroft, presumably in Quebec: *"Clive, thanks for copying me into documents and for meeting notes and thanks, Robin, for holding the fort. Sounds an interesting meeting you had there. Once again, J Bus is leading us on a merry dance."* What did you mean by that?

CONNÉTABLE CROWCROFT: Well, I am sorry, I don't have a copy of the email that you are referring to, nor my ----

MR BLACKSTONE: Would you like to see it?

CONNÉTABLE CROWCROFT: Well, no, I don't have any paperwork for that period, so it is not ...

MR BLACKSTONE: I can let you see the email.

CONNÉTABLE CROWCROFT: Yes, I know, but that is only the email. I haven't got my diary for the period when I was in Quebec. All of this, as far as I am concerned, is pre-the adoption by the States of the Bus Strategy.

MR BLACKSTONE: It is indeed. I suggest that there was an opportunity which Deputy Hacquoil explored, apparently successfully, to proceed with an agreement with Jersey Bus which would not have necessitated proceeding with the very expensive tendering process and, therefore, I consider this all highly relevant.

CONNÉTABLE CROWCROFT: Well you may. I am afraid the States decided when they agreed the terms of reference that they didn't want to go back over the Bus Strategy and decide whether the Bus Strategy should have taken place or not. There were lots of ... there was an amendment that I refer to in my diary when the Strategy came forward. Deputy Dorey tried to amend the Bus Strategy to delay the introduction of competitive tenders. As far as I remember, that is what his amendment was about.

MR BLACKSTONE: Hmm hmm.

CONNÉTABLE CROWCROFT: You know, I'm not in a position to comment on all the attempts by various parties to prevent the Bus Strategy coming to the States. It came to the States, it was debated and approved by the States.

MR BLACKSTONE: Hmm hmm, that is accepted, but it seems that there were alternatives that were considered by some States Members.

CONNÉTABLE CROWCROFT: There may well have been, yes. I am not disputing that. I am just saying that I am not in a position to comment on the alternatives or the view I took of them.

MR BLACKSTONE: I would like to pass for the time being.

MR SHEPHEARD: Mr Garrett.

MR GARRETT: Thank you. **(The Committee conferred)**

MR SHEPHEARD: Mr Blackstone has indicated that there are some matters which he would like to discuss with me and Mr Garrett. Could I announce that we will adjourn for about ten minutes and we will reconvene at twenty past?

CONNÉTABLE CROWCROFT: Thank you.

### **Adjourned for a short while**

MR SHEPHEARD: I am going to leap ahead, Connétable Crowcroft, to matters that you have had an opportunity to research.

CONNÉTABLE CROWCROFT: Yeah.

MR BLACKSTONE: And, therefore, hopefully you will be able to answer more significantly.

Halcrow: they did the initial proposals and research on the tendering process and they did a report dated 28th September 2001, which stated: *“Discussions have been held with Jersey Bus regarding the costs presented and Halcrow are grateful for the access to key staff and high level co-operation offered.”*

We then go on to February -- sorry March -- 2002, commenting on the various bids, particularly the Jersey Bus bid, and Halcrow state: *“Jersey Bus, the incumbent operator, whilst more expensive than either Connex Bus UK or Dunn-Line, does however have the short term advantage of being the established operator on the Island, which may ensure a smooth transition on the present and future arrangements. We are not however convinced that the spirit of co-operation that is essential to the development of a successful partnership arrangement exists or is possible between the parties.”* That was a total volte-face over a period of six months. What do you think caused that?

CONNÉTABLE CROWCROFT: Um, well, that’s between September 2001 and ----

MR BLACKSTONE: March 2002.

CONNÉTABLE CROWCROFT: Yeah, I’m just seeing whether I have got any notes that cover that period. I mean, in September 2001, I referred to, I don’t remember what the meeting was about, but walking past the bus HQ and seeing a meeting going ahead, so clearly even though the Bus Strategy had been accepted by the States, there were still difficulties to be overcome. Further on, I refer to a call I took from Stuart Linn about parachuting in a bus service if required, so ... further on, I talk about someone, Robert Weston, had a bright idea for solving the bus situation for Chris Lewis and I both to resign. So clearly there were ongoing problems after the Bus Strategy was accepted by the States.



MR BLACKSTONE: I think the question was the level of subsidy to be provided to Jersey Bus. The principle of subsidy had already been agreed. The level was negotiated by Halcrow and I believe a reasonable agreement was reached, which would account for their comments as to co-operation, which they made in September. What I would like to know is why they suddenly changed their mind so dramatically. Was it the attitude of Jersey Bus?

CONNÉTABLE CROWCROFT: I don't know is the answer to that.

MR BLACKSTONE: Well, Jersey Bus weren't going to say to their own detriment, were they? They were not going to say "Well, we're never going to get on with those buggers at Public Services" -- excuse the word -- "those people at Public Services" or "those people on the Committee"? That would be shooting themselves in the foot.

CONNÉTABLE CROWCROFT: Yes. Um, as I say, I can't really enlighten you any further. I don't remember the detail of what took place. I only have my diary to ... and I haven't gone back over Committee minutes, but clearly there are Committee minutes for the period that must record what was going through the Committee's mind. As I said in my submission, there was a Steering Group that was taking things forward. Again, I was involved in that.

MR BLACKSTONE: Yes. I find those latter comments, in what is meant to be a factual report on the tenders submitted, I find them to be thoroughly subjective. They cannot have come from anything in the tender documents. They must have come either from documentation or verbatim from somebody, and it doesn't appear that it was Jersey Bus. That would be illogical. So either Public Services or the Public Services Committee was talking to Halcrow in those derogatory terms about Jersey Bus. Is that a reasonable conclusion?

CONNÉTABLE CROWCROFT: I think that would be ... certainly before the tender process took place, I would be very surprised if that was the case because ----

MR BLACKSTONE: No, I am not talking before. I am talking about during.

CONNÉTABLE CROWCROFT: Well, before or during the tender process, it would be entirely inappropriate for people to prejudice the outcome of the tender process. I mean, clearly, the States had agreed the competitive tender and Jersey Bus were likely to be one of the tendering parties. So it would be entirely inappropriate for Public Services' Members or indeed the staff to

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MR BLACKSTONE: Or indeed the Committee.

CONNÉTABLE CROWCROFT: Or indeed the Committee. Well, that is what I mean by “*Members*”, yeah, Members of Public Services would not want to prejudice the outcome of the tender process.

MR BLACKSTONE: But they must have got this opinion from somewhere: “*We are not however convinced that the spirit of co-operation that is essential to the development of a successful partnership arrangement exists or is possible between the parties.*”

CONNÉTABLE CROWCROFT: Well, again, you will have to ask Mr Halcrow why he said that. I can’t ... I can’t really comment. I don’t know. I don’t remember the report in detail.

MR BLACKSTONE: Jumping ahead again to the meeting, which I think has been referred to earlier as the “*beauty contest*” held on 15th March 2002, with the three finalists, which led on to the decision to appoint Connex.

CONNÉTABLE CROWCROFT: Yeah.

MR BLACKSTONE: You were at that meeting?

CONNÉTABLE CROWCROFT: I was.

MR BLACKSTONE: Can you just tell me the details of everything that happened that day, please, just briefly?

CONNÉTABLE CROWCROFT: Well, it will be brief. **(Pause)** Um, yeah, I mean, there was a meeting. I remember reading through the documents that were delivered, I think to my house. I know I read them before the meeting because I refer to it in my diary. I took part in the meeting in South Hill. As far as I remember it, the process was well run. I mean, I don’t have the details here, but I do refer in my diary to the fact that I found it quite an emotional occasion, simply because I had been working on buses for so long.

MR BLACKSTONE: Hmm, and this was your baby coming home to roost.

CONNÉTABLE CROWCROFT: Yes, if you can mix metaphors like that, that is the case.

MR BLACKSTONE: Excuse me. What was your reaction to the appointment of Connex that day? Were you pleased?

CONNÉTABLE CROWCROFT: Well, surprisingly, I don't -- it surprises me actually that I don't record it. I do say that "*others are driving the process and jawing*", by which I mean talking, "*as I arrived in the Committee room*". I think it ... certainly, I said this in my submission to the Committee of Inquiry, that, um, having been elected Constable, my attention was almost wholly occupied by my new rôle in the Parish and that is why clearly, by the time we got to March of 2001, I was well into my rôle in the Town Hall.

MR BLACKSTONE: But you weren't totally divorced from the Bus Strategy.

CONNÉTABLE CROWCROFT: Well, I was pretty divorced and I think it is reflected and I was surprised when I went through my diary and I put the sections that refer to help the Committee, I put them in bold, and there are very few references to buses at all. Almost everything in my diary from about that stage, if not earlier, say, from the time I left Public Services, is about the job of running the Parish.

MR BLACKSTONE: But you do remember the three presentations being made by Dunn-Line, Connex and Jersey Bus?

CONNÉTABLE CROWCROFT: Yes.

MR BLACKSTONE: And you then record the Bus Strategy and the Public Services Committee met and appointed Connex.

CONNÉTABLE CROWCROFT: Yeah, I mean, I remember the three presentations in outline. I think Jersey Bus went last. I can't remember whether Dunn-Line or Connex went first or second. I remember it was a fairly unanimous decision. By then, of course, the ... I don't remember how many people took part in the selection, but I was one of the people there, of the Steering Group, and I don't think there was, although there may have been, but the minutes will record whether there were any dissenting voices. I don't think there were. I think it was a unanimous decision to ----

MR BLACKSTONE: For Connex to be appointed?

CONNÉTABLE CROWCROFT: Yes.

MR BLACKSTONE: And that decision was taken at that meeting, straight after the presentations?

CONNÉTABLE CROWCROFT: I think we had a pretty good after the presentations. I don't remember the mechanics of it, whether, for example, the formal decision then was taken or not, but certainly the beauty contest happened and so one had a good idea of which of the candidates was preferred. I don't remember the mechanics of, you know, whether somebody rang somebody else up at that stage or whether there was a Committee decision required or whatever.

MR BLACKSTONE: But effectively Connex was appointed on that date?

CONNÉTABLE CROWCROFT: I think Connex were the best of the ... I couldn't say they were appointed on that day. All I could say is that, in terms of getting them in to talk about what they were going to do and what they were going to offer the Island, I think there was probably work to be done after that to establish and to verify the various things that had been offered. Again, I suspect that a formal decision wasn't made that day, but certainly the ----

MR BLACKSTONE: As preferred operator.

CONNÉTABLE CROWCROFT: ---- selection panel came away with the view that Connex would provide the best package to the Island. I mean, in a similar way to when you interview a person for an appointment, you know, you have them all in and you decide who you want, but then you have got to take up references, and I suspect there was a bit of taking up of references after that, but I don't remember.

MR BLACKSTONE: No. I have no further questions. Thank you.

MR SHEPHEARD: Connétable, there was one thing that you said earlier on that I wanted to explore with you a little bit, and it was this. You commented that the history of buses and money is that various Public Services Committees had been going to Finance and Economics to ask for money and not getting it, not getting it or not getting enough. Now, that is a fairly broad statement. Would you say it was particularly true of your time?

CONNÉTABLE CROWCROFT: I think it has gone on ever since I have been in the States. It is going on at the moment. The impression I get from the States at the moment is, so long as the Committee of Inquiry is running, there is no more money for buses until the outcome of the Committee of Inquiry comes in, and that has been ... clearly it would be nice. I would like to get into discussions with anybody to provide a Hoppa service for St. Helier, for example, but that

can't happen until a line is drawn under this particular issue. But certainly it has been a, you know, common complaint of mine that the States would prefer not to invest in buses and, if they can find any excuse not to invest in buses, they will. Um, but that, you know, is a personal view. I don't think there is a particular commitment from the States to fund public transport.

MR SHEPHEARD: I think, getting all the warnings that have been given by Finance and Economics, it is difficult to find funding for most things these days.

CONNÉTABLE CROWCROFT: My contention has always been that if you provide a bus service that the public will take ... it is chicken and egg really. You have got to put in place a regular and reasonably cheap bus service before you can then ratchet up the cost of parking and take other measures to persuade people not to use their cars for trips that could easily be made by the bus. We certainly don't have that situation at the moment, but, as I said, you know, that is only an opinion of mine. It is not something I am actively campaigning for at the moment, because certainly, as I said in my submission, when I got the job as Constable, I really did say "Well, we will draw a line under Transport Policy. It is someone else's turn to try and resolve it."

MR SHEPHEARD: Now, again, there is a matter that I want to explore further arising out of Mr Blackstone's questions about the contrast between Halcrow's comments in September 2001 and their comments in March 2002. My question really comes down to this. Even if no one actually said to Halcrow "Look, you know, we are never going to get on with Jersey Bus", is it the case that Halcrow could have formed that view from the general atmosphere at the time?

CONNÉTABLE CROWCROFT: I think, up to whenever it was in March, was it 15th March, the selection process?

MR SHEPHEARD: Yes.

CONNÉTABLE CROWCROFT: I think any Committee Member who expressed any view about the desirability of any particular person winning the contract or not would have been slapped down either by me or by another Committee Member.

MR SHEPHEARD: I was ... what I am trying to establish was whether there was at that time an atmosphere of distrust that Halcrow could have picked up on.

CONNÉTABLE CROWCROFT: I don't ... well, I'm not aware of it. I mean, I think I have quoted in my diary, and I put it in my submission as well, that there was, and there still is, I think, this allegation that the States never wanted to choose Jersey Bus, and I certainly rebutted that in my submission. I said there was not then, nor had there ever been, any bias against Jersey Bus on my part. Then I referred to the supposed U-turn, when an arrangement with Jersey Bus was attempted, for which we were strongly criticised in the media and by a lot of members of the public for doing a U-turn. I said in my diary that I was looking forward to signing a service level agreement with Chris Lewis in the Royal Square, so, I mean, the only evidence I have points to the fact that there wasn't a bias against Jersey Bus. Others may hold different views.

MR SHEPHEARD: Would it be right to say that you were trying to go with Jersey Bus but something occurred, or did anything occur, to make you change your view in any way?

CONNÉTABLE CROWCROFT: The Committee wasn't trying to go with Jersey Bus after the Bus Strategy and before the tender process, certainly.

MR SHEPHEARD: No.

CONNÉTABLE CROWCROFT: At that stage, the main political problems were surrounding the transfer of the staff and the concern about their future. That was, I believe, the time when the then Senator Dick Shenton got ... no, he wasn't a Senator then.

MR SHEPHEARD: The ex-Senator Dick Shenton.

CONNÉTABLE CROWCROFT: The ex-Senator Dick Shenton got involved. There were meetings with the Transport and General Workers' Union and so a lot of the ... there was a lot of uncertainty about what would happen if Jersey Bus didn't win the tender, what would happen to their staff, so that was ... but, you know, I don't have the evidence of it, but I am pretty sure I was saying things at the time like, you know, "Please don't assume that this is assuming ...." I did lots of media interviews at the time as well and I said that Jersey Bus are not out of the frame, that this is an open tender process and may the best man or woman win.

MR SHEPHEARD: Moving on to the Shenton agreement, were you involved in giving any undertakings to the Jersey Bus staff through Mr Shenton, as he was then?

CONNÉTABLE CROWCROFT: I think the ... as I recall, the assurances had already been given

in the States.

MR SHEPHEARD: It is certainly around this critical period of the few days either side of the adoption of the Bus Strategy.

CONNÉTABLE CROWCROFT: Yes, that is right. Yeah, I have referred to it here. I said in my submission at 3.2: *“I think that assurances were given during the debate on the Strategy that, in the case of Jersey Bus not becoming the successful tenderer, the staff would be entitled to transfer employment under the same terms and conditions as existed with Jersey Bus. No doubt, a transcript of the debate will confirm whether this was the case.”* I do refer to a minute of a meeting in August 2001 on the subject.

MR SHEPHEARD: There was certainly a minute, I think, of a discussion that Senator Shenton had with the Public Services Committee in August 2001. Were you present at that meeting at all? Do you recall?

CONNÉTABLE CROWCROFT: I don't remember whether I was there or not. Let me see if it is in my diary.

MR SHEPHEARD: I think he met the Members on the Sunday, so it would have been out of the ordinary run of business.

CONNÉTABLE CROWCROFT: Yeah, yeah. **(Pause)** No, I say, on 13th August: *“The bus saga continues with a letter to States Members today from CL”*, which must be Chris Lewis, *“threatening to pull the service. JEP rings up for comment having effectively given Dick Shenton all the credit for sorting out the dispute last week”*, which I put in a kind of ironic sense, because I felt that the Committee had always been willing to offer all the assurances that the staff wanted and Dick had sort of come in and, you know, appeared to solve it, but really the hard work had been done before that. So that would have been the previous week, the 13th.

MR SHEPHEARD: Okay. Mr Garrett?

MR GARRETT: Can I first touch on a couple of sort of general questions? During my research, I read the minutes of the Public Services Committee and I noted two things. One was that the Committee tended to meet fairly frequently, particularly during this critical period, and there seemed to be a large number of minutes produced. Can you sort of just describe very briefly

how demanding your position was as President and then Vice-President in terms of how much work you would have devoted to the Committee and, in broad terms, just because we are focusing on bus issues, but clearly the Committee was dealing with other important issues as well? Can you just give us an outline as to the kind of work that the Committee was dealing with at that time?

CONNÉTABLE CROWCROFT: I think the buses at certain stages of the Committee's life tended to occupy, you know, 90% of our time, depending on whether we were in a sort of crisis mode or not, so it would be hard to say. I mean, certainly we would have had agendas where we gave a lot of our time to the buses and other agendas where, if there wasn't a problem, we wouldn't.

I think, after the adoption of the Strategy, there was this difficult period involving the concern of the bus drivers. But, I think, once that was put to bed and the work was going on on the tender process, certainly there is no reference in my diary at all to buses until ... well, there is. There were some problems in September and then it is sort of all quiet on the buses front until the ... let us have a look.

I recorded in my diary my decision for standing down from Public Services and, on 11th February: "*First Public Services meeting for years in which I have taken a back seat*", so, certainly by that stage, as I said earlier, I think I was certainly pretty much involved in my new career as the town constable and certainly the Committee's work then, given there was a Steering Group and consultants working on the bus tender process, was, I think, probably much more concerned with the Waste Strategy. That was one of the big things in the then Deputy Hacquoil's bid for the Committee, that the Committee had to come forward with a Waste Strategy as well as implementing the States' decision on the Bus Strategy. I don't remember what other particular things were occupying the Committee at the time.

MR GARRETT: They were the key issues at the time?

CONNÉTABLE CROWCROFT: Yeah.

MR GARRETT: And how much time per week would you have spent on dealing with Public Services issues?

CONNÉTABLE CROWCROFT: Well, it would have varied, I think. Certainly, once I was out



of that seat, I was, as I said in my diary, very much a back seat Member. I was going ----

MR GARRETT: But when you were President?

CONNÉTABLE CROWCROFT: A lot more. I mean, I think all Committee Presidents do and have done, certainly so far as I know, and probably continue to do, it is the first thing they do when they get into their email. They are on the email to the Chief Officer and so on and they ask for meetings, pre-meetings. It is pretty much a full-time job. Certainly being President of that Committee was pretty much a full-time job.

MR GARRETT: Bearing in mind the nature and complexity of the issues that you were dealing with in Public Services, what level of support did you expect from the Officers to the Department?

CONNÉTABLE CROWCROFT: I think that is a difficult one. We started off this morning referring to the fact that I had done the drafting of the Strategy. I certainly found when I was in that job, which I still do in my present job, a need to do a fair bit of drafting of important documents. Without wanting ... I suppose one can criticise politicians who get involved in that level of detail, but, at the same time, certainly in my current job I am very aware of the need to bear down on the costs of running the administration and I think probably less so then in Public Services, but you expect technical support and you expect professional advice. You don't expect them to have, you know, literary skills. That is why, I think, you know, certainly when answers to questions have to be tabled, I think they were in my time and I think they still are, run past the President, who would often strike out sections which were not very well expressed and rewrite them or whatever, because, at the end of the day, you have got to stand up in the States and make these statements yourself.

MR GARRETT: Did you ever have reason to question or express any form of discontent regarding the quality of the service or support that you received from the officers or indeed comment adversely on or question the accuracy of any documents that they produced?

CONNÉTABLE CROWCROFT: I don't think so. I mean, I don't ... I refer in my diary, I think ... because it is sort of unexpurgated, I do refer to "*kicking their arses*" over a couple of things. I remember that I was finding it difficult to get residents' parking up the agenda. There seemed to

be some reluctance in the Department to really go there, and it was a very important political objective for me. So I think there was a need at times to say to the civil servants: "You know, this is an important political priority. It may not be important for the Department, but it is important for the elected members." So, I think, yeah, there were times. I would say on the whole that I had a pretty good relationship with the civil servants, but there were times when I felt I needed to remind them really, you know, who had been elected to run the service.

MR GARRETT: Right. Can I take you back into a bit of history, and really this is to raise a question about comments that you have already made this morning? I have a copy of the minutes of the Public Services Committee dated 19th December 2000, which I will share with you. In those minutes, it described "*The Committee received an oral report on discussions that had taken place with representatives of Jersey Bus in connection with the proposed service level agreement.*" I understand that you actually made that presentation.

CONNÉTABLE CROWCROFT: I must have done, if it is ... yeah.

MR GARRETT: Right. And then it goes on about an open book policy and so forth. But then there is a concluding comment, or there are some comments in there: "*It is noted that, having considered the position of Jersey Bus, the Committee recognised that there was considerable opposition to the company*", -- that is Jersey Bus -- "*both within the States and the general public.*" Now, previously this morning, you actually said that no Member of the Committee would have ever expressed those views and yet here it is in a minute dated December 2000, which is long before the Bus Strategy ever came anywhere near the States.

CONNÉTABLE CROWCROFT: That is right. I mean, what I said was, between the period when the States adopted the Bus Strategy and the tender process ----

MR GARRETT: But the view was already formed.

CONNÉTABLE CROWCROFT: Well, you know, you are entitled to your opinion. Politicians say a lot of things and, if you listen to the transcript of the Strategy, which I am sure you have done, there was some very strong statements about Jersey Bus ----

MR GARRETT: Can I focus back on this particular meeting, never mind about the Strategy? Here we are in a meeting in December 2000, where the Committee in a minute, a record, is

actually saying there is opposition to Jersey Bus.

CONNÉTABLE CROWCROFT: Well, it says what it says. It says that there is opposition to the company both within the States and among the general public. You know, that is what was recorded from that Committee meeting, but it doesn't actually have any bearing, in my view, on the fact that ... it actually got much worse than that when we had the States' debate, all kinds of views were being expressed.

MR GARRETT: No, I am not interested in the States' debate. What I am saying is that, within the Committee, there is clear evidence here that the Committee was opposed to Jersey Bus.

CONNÉTABLE CROWCROFT: I don't think ... that is not my reading of the statement. It says there is considerable opposition both within the States and among the general public.

MR GARRETT: Have you ever expressed opposition to Jersey Bus?

CONNÉTABLE CROWCROFT: I honestly couldn't say. I mean, it depends what time you are talking about.

MR GARRETT: In this discussion.

CONNÉTABLE CROWCROFT: I don't know.

MR GARRETT: If you had dissented from that view, would it have been recorded in the minute?

CONNÉTABLE CROWCROFT: Um, it depends what you mean. I mean, as I said, my reading of that sentence is that the Committee recognised that Jersey Bus was not popular within the States and among the general public. Now, whether that is ... that wouldn't require ... you know, that's not individual members on that Committee saying "I agree with that" or "I'm part of that". It is just a general observation.

MR GARRETT: But would you agree that there is no evidence in there to say that the Committee disagreed with that view?

CONNÉTABLE CROWCROFT: No, absolutely not, and I don't know what the Committee said in the debate, but, again, the transcript would reveal. Politicians, as I said, have said all kinds of things about Jersey Bus in the media and in the States, but once the States took a decision about buses and once the competitive tender was underway, I would be very surprised if there was a

minute like that from the Committee.

MR GARRETT: Right, moving on. January ----

MR SHEPHEARD: Sorry, could Halcrow have seen that minute?

CONNÉTABLE CROWCROFT: **This** minute?

MR SHEPHEARD: Yes.

CONNÉTABLE CROWCROFT: They could have done.

MR GARRETT: It is listed as a B minute. Is that more confidential?

CONNÉTABLE CROWCROFT: Yes.

MR GARRETT: Would they have had access to B minutes?

CONNÉTABLE CROWCROFT: I don't know whether Halcrow would have had access to minutes or not.

MR GARRETT: January 2001, there is another minute from the Committee where they considered a draft proposition outlining the future Bus Strategy. Do you know who was responsible for producing that document?

CONNÉTABLE CROWCROFT: I don't know.

MR GARRETT: If you had produced it, would you have recalled?

CONNÉTABLE CROWCROFT: I might have done, but, again, you know, you are going back into the area which I have not researched, so I honestly couldn't comment on that.

MR GARR ETT: So, developing that, you wouldn't be able to comment on whether that draft proposal included references to competitive tendering or the resolution of service level agreements, etc?

CONNÉTABLE CROWCROFT: No.

MR GARRETT: Um, moving on to 11th June, the arrival of Halcrow on the scene, I noticed that, in the 11th June minutes of the Committee, there was also an expression of interest from consultants Steer Davies Gleave, I think is the name, in working on the competitive tendering process. Bearing in mind the expression of interest from a couple of consultants at least, did anybody consider going out to competitive tendering to determine which one should be selected? Do you know how that decision was reached?

CONNÉTABLE CROWCROFT: I'm afraid I don't remember how the consultants were chosen.

MR GARRETT: Who would have chosen the consultants? Is that a Committee decision?

CONNÉTABLE CROWCROFT: The Committee would normally be given a recommendation by the Department as to which consultants would be used for any piece of work. I know that Steer Davies Gleave were used to look into the Island Site, which was another fairly contentious issue that was bubbling away at the time. I don't remember the dates of that.

MR GARRETT: Okay. Was a contract drawn up between the States of Jersey, presumably Public Services, and Halcrow?

CONNÉTABLE CROWCROFT: I don't know.

MR GARRETT: Do you know who would know? Who would have been responsible?

CONNÉTABLE CROWCROFT: At what stage are we?

MR GARRETT: When they were appointed to work on the Bus Strategy, on the tendering process.

CONNÉTABLE CROWCROFT: On the tendering process. I think it would probably have been a Committee decision.

MR GARRETT: Right. And you were President at the time?

CONNÉTABLE CROWCROFT: I was.

MR GARRETT: So if there was no contract as such, the responsibility would rest with the Committee.

CONNÉTABLE CROWCROFT: Yeah. As I say, I think ... I remember that Halcrow were involved in doing what they call a shadow bid, which I gather was and is a way of ----

MR GARRETT: No, that is very much later. Can we just focus on their appointment for the time being, please? You can't recall whether there was a contract put in place?

CONNÉTABLE CROWCROFT: I don't remember the detail if there was one.

MR GARRETT: Do you know whether there were any terms of reference agreed with Halcrow?

CONNÉTABLE CROWCROFT: No.

MR GARRETT: Again, I go back to the previous questions. Would that have been a Committee responsibility, to agree the terms of reference?

CONNÉTABLE CROWCROFT: Not necessarily. I think, if a Committee is going to use a consultant to do a piece of work, the Committee will be ... there will be a recommendation from the officers to use a certain consultant. Now, whether that has terms of reference or not or whether that has to go up to the Committee for approval, I would ... I think it probably depends on the situation, but I don't remember in that case whether terms of reference were given to the Committee or not.

MR GARRETT: Just for clarification in my own mind, who would Halcrow have been reporting to? Were they reporting to the Committee? Were they reporting to the working group set up to progress the SLA, the Bus Strategy Steering Group or the Public Services Department? Who were they answerable to?

CONNÉTABLE CROWCROFT: I am sure there was a reporting line in place, but ... and I remember meetings at which Roger Childs was present, so I think there were certainly Committee meetings where Roger Childs came and reported back to the Committee. He wasn't reporting to the Committee, he was giving us updates, so I assume he was reporting to the Department.

MR GARRETT: That is purely an assumption?

CONNÉTABLE CROWCROFT: Yeah.

MR GARRETT: Do you know whether, at that time, there were any rules or best practice guidance applicable on the appointment of consultants, in particular the use of competitive tendering; the identification and verification of relevant qualifications and experience, the checking of previous performance references, that is; use of contracts, terms of reference; and the management, direction and monitoring of performance of consultants?

CONNÉTABLE CROWCROFT: No. It is a matter which I think the States' Committees have looked at, but I don't know whether any audit reports have been produced into that. It certainly makes sense, but I don't know whether at the time Halcrow were appointed those considerations were there.

MR GARRETT: You earlier indicated that you drafted the Bus Strategy. Is that normal practice? Do other Presidents ... how many other Presidents actually draft documents like the

Bus Strategy or the equivalent to the Bus Strategy?

CONNÉTABLE CROWCROFT: I don't know what other Presidents do. I know that certain States Members do get involved in the drafting of documents, usually taking or normally taking a first draft prepared by an officer, which I think was the case in this one, but doing extensive reworking of it. I would say it is actually fairly common practice with all Committees. I know several Deputies and States Members who have done work on their Committee's behalf in terms of drafting up, just putting things into decent English really.

MR GARRETT: Are you saying that your officers can't produce reports in decent English?

CONNÉTABLE CROWCROFT: I think I said that earlier, that not all officers, although they are clearly professionally competent, technically competent, will always have the ability to write good English. I mean, I have spent a lot of my life in politics removing commas from official documents because civil servants as a whole don't seem to understand the use of the comma. At one end of the scale, one is removing commas and, at up the other end of the scale, one is, you know, saying that this sentence doesn't achieve what you are trying to achieve and that you need to write it differently. So I think it is actually quite common. If one took a poll amongst States Members at the moment, I should think a good proportion of them would say that they are involved in drafting and redrafting of documents.

MR GARRETT: Sorry, just for clarification, is it your recollection that you received some form of initial draft from an officer of the Committee?

CONNÉTABLE CROWCROFT: No, we are talking in general terms because your question ----

MR GARRETT: Sorry, in relation to the Bus Strategy.

CONNÉTABLE CROWCROFT: Well, no, I don't know what the case was for that. I know that in many cases ... certainly the Transport Strategy was a draft of a previous document, which I reworked. I am not sure that I took complete credit for the Bus Strategy at the time, but, again, the transcript of the debate would probably refer to that.

MR GARRETT: Did the Bus Strategy include any reference to the school bus service at all?

CONNÉTABLE CROWCROFT: I don't know actually. It will be in there if it did.

MR GARRETT: You don't recall making any reference to it?

CONNÉTABLE CROWCROFT: No, I'm not ... I don't know if I have got a copy of it here. I don't think I have, no.

MR GARRETT: Okay. Can I now refer you to the States' debate on the Strategy of July 2001? What was the background to Jerry Dorey's amendment in which he basically suggested that all sides should retreat with honour from what appeared to be entrenched positions and give the Committee a clear timetable for constructive negotiations and action? What was the cause of the problem there? What was he referring to there?

CONNÉTABLE CROWCROFT: I think, I'm afraid all that was rather overtaken by events, in the sense that I don't remember what the vote was on his amendment, but it didn't get much support, as far as I record in my diary.

MR GARRETT: But clearly there is a background there. Had you adopted an entrenched position?

CONNÉTABLE CROWCROFT: I don't know. I mean, what I said in my diary was that there was "*little serious opposition to the Strategy. The amendment of JD, was lamentably argued*" and that "*the proponents indulged in an orgy of self-justification*". I don't remember much more about it than that, but, I mean, clearly the transcript of the debate on the amendment and on the Strategy is in the public domain.

MR GARRETT: But you are not able to comment on whether the perception was accurate or not, the view that you had adopted an entrenched position, along with Jersey Bus?

CONNÉTABLE CROWCROFT: Well, I think I have made it clear that I didn't have an entrenched position with Jersey Bus. In fact, the minute you referred me to on 19th December actually begins, not the bit that you read, but the sentence before begins by saying "*The President and Vice-President and its Officers favoured entering into an agreement with Jersey Bus*". So, you know, that is minuted that there was actually a preference for working with the existing operator. I hardly see that as an entrenched position against them.

MR SHEPHEARD: Would it be right then to say, Connétable, that certainly as time goes on things change, perceptions change, and views on what would be an appropriate thing to do in December 2000 may well have become something very different by August 2001?



CONNÉTABLE CROWCROFT: Well, I don't know. I mean, they could do or they could ... you know, people are ... not everyone is ... some people are consistent in their views and some people change in their views. I think it depends what we are talking about. Um, it would be really hard for me to comment on that. Certainly, the ... I haven't looked at a transcript of the strategy, but I think I probably gave the States an undertaking that there was no ... that the outcome was not known in advance and that, if the competitive tender was approved, Jersey Bus would have as good a chance of winning it as everyone else.

MR GARRETT: Moving on to, I think it was, September 2001, I read a comment in one of the minutes of the Committee meetings: "*The President of Finance and Economics accepted the need for an open book policy, but advised that the replacement service must not be more expensive nor less effective than Jersey Bus.*" Can you recall a meeting where those views were expressed?

CONNÉTABLE CROWCROFT: I recall a meeting where I know Senator Ozouf was present. I don't ... We did go and see Finance and Economics on a number of occasions, but I don't remember at what stage in the process that took place. Certainly that is very much consistent with the view of Finance and Economics, so I can understand them saying that.

MR GARRETT: Is it the case that the bus service proved to be substantially more expensive at the end of the day?

CONNÉTABLE CROWCROFT: Yeah, I think certainly that is what has driven the States' call for a Committee of Inquiry. I refer to that in my submission, that the States certainly -- and I said this to some extent as an observer of the situation -- that I recall in my submission that I was disappointed that it appeared to be to some extent coming unstuck, partly because of the operation of the Easylink service, which appeared to me and I think to others to be crippling the new service and preventing it from getting the revenue it required, but also this vexed issue of the shift allowance that was apparently awarded to the bus drivers.

So I think, yes, there was a growing sense of dissatisfaction in the States that the new competitive tender service that was launched with much fanfare and everyone was pleased that it was happening, that the process was run and an operator was selected and, apart from the initial

general pleasure that I think people felt that we had a new fleet of buses coming into the Island, there was certainly within the States disappointment that the finances appeared to be not stacking up because of these two things that I referred to, the ability in a rival service to operate in the first summer and the apparent agreement of a bigger bill to the States than had been expected.

MR GARRETT: Dealing with the efficiency issue, save for the introduction of recent -- indeed since this Committee has been in place -- introduction of, I think they call it, transport on demand or something, has the Connex service proved to be more or less efficient? I mean appreciably more efficient or less efficient than the predecessor service.

CONNÉTABLE CROWCROFT: I honestly don't know. I have not ... you know, I clearly retain an interest in public transport, but that is about as far as it goes. I simply do not have the time to study reports of the current bus service and compare them with the previous operation.

MR GARRETT: But whilst you were with the Committee, still with the Committee, were you impressed by them?

CONNÉTABLE CROWCROFT: No. I think there was a feeling of concern that ... I refer in my submission to the meeting when we were told that a shift allowance had been agreed. This is in 3.32.

MR GARRETT: Sorry, I am dealing with efficiency at the moment, never mind about cost.

CONNÉTABLE CROWCROFT: Well, I don't remember, in that case. I mean, my only recollection about the period after the selection is that, as I have already said, we welcomed the introduction of new buses. I don't have any recollection about whether it was considered more efficient. I remember there were considerations about the kind of material that was going to be used on the seats and that sort of thing. There was a discussion about that, but I have no real recollection about whether the service was more efficient or not.

MR GARRETT: But in your position as President or Vice-President or even a Member of the Committee, was consideration ever given to actually doing an audit, a proper audit, on the level of performance of both Jersey Bus so that you knew what you were competing against, so you knew what the bus service was actually made up of and then comparing the service delivered by Connex?

CONNÉTABLE CROWCROFT: I think that was required by the States for the approval of the Bus Strategy. I haven't got the Strategy here, but I seem to remember that one of the things that the States instructed the Committee to do was to monitor the performance of the new operator and report back.

MR GARRETT: But did you know what the bus service was that Jersey Bus was delivering, what the Jersey Bus service comprised of at that time? I mean, did you have a benchmark?

CONNÉTABLE CROWCROFT: Well, I seem to remember that the Committee clearly did have information about the previous service. They possibly didn't have the information about the costs and the income, but they certainly knew about the routes, so, yes, in terms of ... and certainly one of the disappointments in the new service, I remember as the Committee received the information, were concerns route cuts, because the last thing you wanted for a new bus service was the suggestion that route cuts were happening, but that would very much go back to the financial issue that we referred to.

MR GARRETT: So when it was agreed to go out to competitive tendering, you actually didn't know what you were tendering on. Is that a fair assessment?

CONNÉTABLE CROWCROFT: No, I don't think it is.

MR GARRETT: You had a bus timetable, but that was about it?

CONNÉTABLE CROWCROFT: The States approved the Bus Strategy and the bus tender document, which I don't have much recollection of what it said, but the bus tender document, there was an invitation for expressions of interest, which got, I think, into double figures and then there was the invitation to tender. So the documentation in those documents will indicate what was required. I don't remember what the detail was.

MR GARRETT: But it is the contention of Connex that there was a lack of information regarding the relief service, relief bus services, and all that was available was a timetable.

CONNÉTABLE CROWCROFT: That may have been the case. I don't remember.

MR GARRETT: Okay. Moving on to the legislation, you were President of the Committee, so were you responsible for actually initiating, kick starting, the process of amending the law and monitoring its progress?

CONNÉTABLE CROWCROFT: Um, I wouldn't say that the President kick started it. We were advised that the law would have to be changed to allow for competitive tender and legislative changes were put in train by the Committee. Again, I don't remember who said what in the meetings, but certainly the legal advice we received was that you couldn't run a competitive tender without changing the law.

MR GARRETT: Accepting that, what I am trying to identify is who was actually responsible for making sure that it happened.

CONNÉTABLE CROWCROFT: Well, it would be the Committee. The Committee was, but in certain areas the Committee would expect, you know, the Chief Officer to bring things through in due time and, as far as I remember, the legal changes required by the Committee were progressed for it and certainly I think I refer to that in my submission, that it went back to the States, that the legal changes went back to the States and were approved. In 2.5, I refer to them in March 2002 and in April 2002, the lodging and the debate of the major legislative changes required.

MR GARRETT: But that is the point, isn't it, that the actual legislation didn't get before the States until after the so-called "*beauty contest*" and that created a difficulty for the Committee, did it not?

CONNÉTABLE CROWCROFT: I honestly don't remember that being the case, but, um ...

MR GARRETT: Because you couldn't appoint the successful candidate or the preferred operator because the legislation wasn't there. What I am trying to identify is who was responsible for actually progressing the thing and the whole thing getting out of sync.

CONNÉTABLE CROWCROFT: Well you say it was "*out of sync*", but I mean, I don't ----

MR GARRETT: Well, you actually got to a point where you were in a position to choose the preferred operator and the law wasn't there and everything had to be put on hold.

CONNÉTABLE CROWCROFT: Right. Well, that is not necessarily out of sync. That means there is a delay in the formal ratification of the appointment. It doesn't mean that it is out of sync, I would suggest. I mean, certainly from my recollection of it, the legal changes were made in time for the new operator to start whenever that was going to be, so I don't see that necessarily

as a massive problem.

MR GARRETT: But, however, it did compress the time that was available for the successful operator, the chosen or preferred operator, to actually get everything in place before the existing contract with Jersey Bus expired and that clearly created some difficulties when the Connex service took effect.

CONNÉTABLE CROWCROFT: It may have done. As I say, I wasn't intimately involved in the process, but, from where I was sitting, you know, it appeared that the States had made a decision, the Committee had run the process, the operator had been chosen and the new buses were rolling off the ferry. There was a new bus station as well that was being built at the time, so there was quite a lot going on. My main recollection, particularly at the time when I handed over to Deputy Hacquoil, was that I was going to miss out on the ... you know, after all the hard work I had been doing over the years, I was going to actually miss out on the ability to cut the ribbon for the new bus service. That was something that Deputy Hacquoil, the then Deputy Hacquoil, acknowledged to me was going to be something I was going to miss out on. I don't think he realised at the time that it wasn't going to be quite as much fun as he expected.

MR GARRETT: Okay. If I can move on to another area within our terms of reference, which is the preservation of the terms and conditions of employment for the bus drivers and staff, during our investigations we have received evidence regarding the work of Mr Shenton in brokering the deal in August 2001. In the first instance, can you explain why Mr Shenton intervened?

CONNÉTABLE CROWCROFT: I haven't the faintest idea. I remember at the time being a little surprised because it seemed to me that the assurances were given in the States and the assurances ... the Committee expected to maintain the assurances, but, clearly, it does help sometimes, I suppose the Opera House is a current example of it, where there is a seeming problem between the Committee and another body and somebody will ride in on their white charger, which I think was a phrase used about Mr Shenton at the time, and that will provide a sort of catalyst to get things going.

MR GARRETT: In his evidence, Mr Shenton indicated that he was appalled by the attitudes that he encountered at Public Services. What was going wrong at the time?

CONNÉTABLE CROWCROFT: I don't know.

MR GARRETT: Was everything in train, everything was working satisfactorily? Is he mistaken?

CONNÉTABLE CROWCROFT: I think up to a point it was, but, clearly, when people are worrying about their jobs they do get very concerned. I remember giving assurances that there was going to be a transfer on the same terms and conditions, but clearly people are concerned. What makes Senator Shenton say that I don't know, but ...

MR GARRETT: Mr Shenton described one of the issues that he raised was a complete lack of knowledge really of the working conditions of the bus drivers and support staff and a wholly inaccurate impression regarding the levels of pay within the Committee. Was that ----

CONNÉTABLE CROWCROFT: That wasn't a criticism that was ever levelled or that I recall being levelled at the Committee at the time, but I seem to remember that ... you know, that is possibly something he felt, but I don't believe we were told that. I think we had quite ... it was the first time we had seen Mr Shenton since his retirement from politics, so I think we were quite ... Yeah, I think we met on a Sunday, but we were, you know, quite pleased to see him and it was quite a civil meeting we had.

MR GARRETT: Right. When it was agreed that the terms and conditions of employment would be preserved, what did you envisage those terms and conditions of employment would cover? Did you think it would just be pay or would it cover the full range of sort of terms and conditions of employment that I would recognise, including annual leave entitlement, sickness arrangements and so on?

CONNÉTABLE CROWCROFT: Yeah, yeah, I think we said what we meant, you know, that we wouldn't want the drivers to be any worse off, depending who won the competitive tender.

MR GARRETT: Did you ever see any of the documentation that flowed from that decision?

CONNÉTABLE CROWCROFT: Not that I am aware of.

MR GARRETT: No, because the only documentation that we are aware of are pay scales.

CONNÉTABLE CROWCROFT: Hmm hmm.

MR GARRETT: Um, when it was stipulated that any new operator would have to employ the

bus drivers and support staff on the same terms and conditions of employment, did you, or indeed anybody else, specify that the wage negotiations that were scheduled for February/March 2002 would have to be suspended pending the selection of a new operator?

CONNÉTABLE CROWCROFT: I don't remember.

MR GARRETT: Okay. A variation on the theme: did anybody suggest that any wage negotiations that were scheduled for early in 2002 would have to be limited to a cost of living increase?

CONNÉTABLE CROWCROFT: I'm afraid I don't remember the detail of those discussions.

MR GARRETT: It is fairly critical to our terms of reference.

CONNÉTABLE CROWCROFT: Well, I am sure it is, but ----

MR GARRETT: It is the whole basis of why we are here.

CONNÉTABLE CROWCROFT: I mean, I don't think, you know, I can be expected to remember the detail of those negotiations three or four years on.

MR GARRETT: But you had an opportunity to refresh your memory.

CONNÉTABLE CROWCROFT: Well, I have, but only from ... I have not gone back, because I don't think it is my job to, to go back and go through all the Committee minutes. I have dug out my diary and, you know, I remember what I remember of the period. That is really all I can say on it.

MR GARRETT: As the President of the Committee, and then I think you became Vice-President, am I correct, did you actually view and approve the tender documents that were prepared by Halcrow prior to them being issued to the interested parties?

CONNÉTABLE CROWCROFT: I imagine the Committee would have seen them, but, again, I don't remember at what meeting or at what level that took place.

MR GARRETT: Do you have any recollection of how Halcrow represented the sort of agreement dating from August 2001 in terms of preserving the terms and conditions of employment?

CONNÉTABLE CROWCROFT: No.

MR GARRETT: Would you be able to say whether any of those documents focused on broad

terms and conditions of employment or focused really on pay?

CONNÉTABLE CROWCROFT: On pay?

MR GARRETT: Yes.

CONNÉTABLE CROWCROFT: No, as I say, I don't recall the detail of the tender process.

MR GARRETT: Are you aware of the sequence of events following the selection of Connex as the preferred operator, in terms of achieving the agreement on the preservation of terms and conditions of employment for bus drivers and support staff?

CONNÉTABLE CROWCROFT: No.

MR GARRETT: Did the President, or you as Vice-President, or any Member of the Committee, take any steps to ensure that the political requirement in respect of the preservation of the terms and conditions of employment was actually satisfied prior to the commencement of the Connex service?

CONNÉTABLE CROWCROFT: Um, I don't recall. I mean, I assume that the Committee was always mindful of the States' decision in all the, I think there were, seven parts of the Bus Strategy. So the Committee was mindful of the States' decision.

MR GARRETT: Being mindful of it and actually making sure it happened are two different things.

CONNÉTABLE CROWCROFT: Well, I can't ... I don't remember what ... you know, I don't remember what meetings took place and when and where and what was discussed. So, without access to the Committee agendas and minutes, I would be unable to say.

MR GARRETT: Right, just to go back, I am going to move on to levels of knowledge during the tender process regarding the wage claim, which is a key issue and really one of the sole reasons why we are here, I suppose. At the commencement of the tendering process did you, as President and then Vice-President, receive a copy of the tender documents at any stage?

CONNÉTABLE CROWCROFT: I don't know. As I said in answer to your previous question, I assume that the Committee saw the tender documents at some stage, but I don't remember who that was restricted to.

MR GARRETT: Would you have been aware of the terminology used in them? Would you



have been aware of the requirements that were set out for the tenderers to fulfil, like contractors to inform themselves fully?

CONNÉTABLE CROWCROFT: I think we were using officers and clearly we were not involved in the writing of tender documents ourselves as a Committee, so this work was being done for us. We would have relied on the ability of the officers concerned or the consultants concerned to put together a document that complied with the States' decision.

MR GARRETT: Um, a key issue in our deliberations really is the circulation of a document which has been referred to as *Bulletin 2*, which was issued by Halcrow and to which was attached a copy of a wage claim letter from Transport and General Workers' Union. Did you ever receive any of that documentation?

CONNÉTABLE CROWCROFT: I don't think so. I said in my submission, under "*The state of knowledge of the parties*": "*At no time during the period between the debate and the award of the contract do I recall being made aware of any variance from the agreement referred to in 3.2 above*", and that is about the limit of my understanding, of my memory of the period. Basically, as I said, the Committee set people to work to produce the documents. I don't remember seeing *Bulletin 2*, for example. I'm not saying I didn't see it, but I don't remember seeing it.

MR GARRETT: Right. Moving on to the selection process, this issue was well covered by my colleague, which I shall move on from. Were you present when the tenders were opened?

CONNÉTABLE CROWCROFT: Um, I don't remember. I don't think so because I remember going to the selection process, which was presumably after the tenders were opened, so, no, I don't believe that I was. I mean, I wasn't President at the time, so I wouldn't have been expected to be there.

MR SHEPHEARD: Arising from that, Connétable, were you aware of the prohibition issued by Deputy Hacquoil on Members of the Committee attending the opening of the tenders?

CONNÉTABLE CROWCROFT: No, I wasn't aware of that.

MR GARRETT: At any stage following the opening of the tenders, did you receive three brown envelopes, or indeed, do you know of anybody else who may have received three brown envelopes containing documents that were supplied by Halcrow?

CONNÉTABLE CROWCROFT: We received documents before the 15th March meeting, when we had to select the preferred operator, but I don't remember whether there were three of them or not. I remember we just got a bundle of documents that I was expected to read before the meeting.

MR GARRETT: Those envelopes actually contained copies presumably of the tender bids, did they? They wouldn't have been a comprehensive set of documents, basically a copy of every document that had been received by or had been generated by Halcrow from the commencement of the ----

CONNÉTABLE CROWCROFT: I don't think it was that big. I seem to remember that it was documents that we needed in order to be able to appraise the three tenderers. Again, I don't remember the detail of them and I don't believe I kept that, so I ...

MR GARRETT: It is a fairly sort of crucial issue, so I would ask you to rack your brains and delve deep into your memory. Halcrow have told us that they delivered three envelopes and they were three large envelopes. The reason why they were three wasn't that there were three sets of documents. These were three envelopes containing a copy of every document that had been generated by or received by Halcrow. What we are trying to do is to find out what happened to those.

CONNÉTABLE CROWCROFT: Yeah, it is difficult. I remember reading through the three ... reading about the three tenders before going to the meeting. It was a bulky package. I don't remember if there were three of them or not. Most of our Committee papers arrive in large brown packets, but I have no recollection whether we had every document that Halcrow received or not. I couldn't say.

MR GARRETT: What would have happened to those documents following the process?

CONNÉTABLE CROWCROFT: Um, I don't recall going away from the meeting with them, so I suspect they were left behind after the meeting, but I may be wrong about that because I have been involved in a number of tenders before and since and I think it is common practice not to take away documents afterwards. In fact, they are normally called in on these sorts of occasions at the end of the meeting, but I couldn't say whether that happened on that occasion. It is simply

that I don't remember hanging on to them. I certainly don't have them at the moment because I have had a look.

MR GARRETT: Moving on to the so-called "*beauty parade*" on 15th March, do you know if consideration was ever given, or was it ever your thought, that the process should be recorded in some way, either using video or that a verbatim account should be maintained of proceedings?

CONNÉTABLE CROWCROFT: Well, I have been to a few competitive tenders and that has never happened. It is ... you know one has people in; one listens to what they have to say; one takes advice from the officers; and then one discusses it. I don't remember thinking "We should be videoing this".

MR GARRETT: And nobody thought about maintaining a detailed minute of the proceedings?

CONNÉTABLE CROWCROFT: I don't remember if it was minuted or not.

MR SHEPHEARD: Do you recall if there was a Committee Clerk present on 15th March 2002?

CONNÉTABLE CROWCROFT: No, I don't, I'm afraid. There would clearly need to be a Committee Clerk for a formal Committee decision to be taken, but it was not a meeting of the Committee anyway, it was a meeting of the Steering Group, so that would probably not have been necessary, but officers were present.

MR GARRETT: During the presentations, did any of the tenderers raise any concern regarding the completeness or quality of the material that had been supplied by Halcrow?

CONNÉTABLE CROWCROFT: I don't remember.

MR GARRETT: Similarly, during the presentations, did any of the tenderers raise any concern regarding the timescales that had been set for the preparation of the tenders?

CONNÉTABLE CROWCROFT: I don't recall.

MR GARRETT: Again on this theme, during the presentations did any of the tenderers raise concern or indicate that they had not had sufficient time to gather information on key issues, in particular data on the provision of the relief services?

CONNÉTABLE CROWCROFT: I don't think so, although, having said that, I remember that Jersey Bus who at last ... I remember they were ... they came across as being a bit concerned about the process. I wasn't chairing the meeting, but I would expect that they were assured that

... I mean, there may have been a comment like “Well, we’re not going to get it anyway” and I am pretty sure that the person chairing it, which was probably ----

MR GARRETT: But that is not the answer to the question. I am saying, you know, about people’s ability to gather key information on key issues.

CONNÉTABLE CROWCROFT: Well, as I say ----

MR GARRETT: You will be aware that one of the issues that is, you know, critical to our investigation is about the relief services, a claim made by Connex in relation to the relief services, and it is their contention that there was what they called a “*shadow timetable*” which they were not aware of.

CONNÉTABLE CROWCROFT: Hmm.

MR GARRETT: The question I am asking is did anybody ever raise concern regarding the timescales and say that they didn’t have time to gather the information on the relief services?

CONNÉTABLE CROWCROFT: I don’t think so, no.

MR GARRETT: Did anybody indicate that they had not taken account of the wage claim?

CONNÉTABLE CROWCROFT: I don’t remember the wage claim being part of the presentations by the tenderers.

MR GARRETT: Can you tell us what influenced you and other Members of the Steering Group to favour Connex?

CONNÉTABLE CROWCROFT: Um, again, I don’t have a note of the decision-making process. I have a note of the meeting and the fact that I found it quite a moving experience to have got to that stage. My impression of the tender process is that Connex, they had visual aids. They may have used PowerPoint, although I don’t recollect, but it was a very polished presentation. I don’t honestly remember why at the end of the meeting the general feeling was that Connex was best, but that was certainly the conclusion that the meeting drew.

MR GARRETT: The thing that concerns me is really at this stage, you know, as to what evidence exists to demonstrate that the selection process was absolutely fair and based on a totally level playing field.

CONNÉTABLE CROWCROFT: Yeah, but, I mean, I would counter that remark by saying, you

know, what evidence is there that the considerations that were discussed at the time were unfair?

MR GARRETT: We don't know. We don't know what was discussed. Nobody knows.

CONNÉTABLE CROWCROFT: Well, that's right.

MR GARRETT: So people are going to be concerned, are they not?

CONNÉTABLE CROWCROFT: Well, I don't think they are. I mean, I have been involved in many -- well, not many, but a number -- of tenders and indeed interviews for jobs where candidates have come in, done their bit and gone away and one has discussed the merits and demerits of the candidates and one has made or reached an opinion. You don't assume in that case that the others are going to be jumping up and down complaining that they didn't get the job. It is simply something that people have to do. They have to take decisions about things.

MR GARRETT: I can tell you in other jurisdictions people have been taken to tribunals because of the inability to demonstrate that the selection process was fair, certainly in relation to job selections, so ...

CONNÉTABLE CROWCROFT: Hmm.

MR GARRETT: Moving on, I appreciate from your submission that you sort of had a reduced involvement, but are you aware of any changes that were made to or approaches that were made with a view to influencing the contract that Connex ultimately signed?

CONNÉTABLE CROWCROFT: No.

MR GARRETT: Is that no you don't remember or no you ----

CONNÉTABLE CROWCROFT: I don't remember.

MR GARRETT: You don't remember. You said before about in the Bus Strategy there was a requirement for the States to monitor the performance of Connex. Again, do you know if that was ever pursued?

CONNÉTABLE CROWCROFT: No, I don't. It has been discussed. Certainly there has been a lot ... certainly at the time of Deputy Dubras' Committee I think that was raised in the States in questions, but ... and there have been reports on the bus service to the States since then, so I assume there is some knowledge of that amongst the officers that some reporting back is required by the States.

MR GARRETT: I think there is a slight difference between actually submitting a report to the States and actually doing a detailed audit on performance.

CONNÉTABLE CROWCROFT: Yes.

MR GARRETT: The key issues that we are looking at really relate to this shift allowance and the relief bus services, the claim submitted by Connex. Are you able to contribute in any way or comment on the legitimacy of those claims or do you have any views on those issues?

CONNÉTABLE CROWCROFT: Well, I think I addressed that in my submission, that certainly one of the defining moments for the Committee in terms of the new service was the revelation that the bill, as I called it earlier, was going to be a lot higher than was expected because of this shift allowance. As I said in my comments -- this is 3.32 -- I don't remember who was at the meeting, although I think the President would have been in the chair. But I said there was general dismay expressed at what appeared to be collusion between the TGWU and Jersey Bus. I was sufficiently taken aback by the news that I declined the invitation I received to attend Mr Mick Kavanagh's retirement dinner at the Hotel de France on Saturday 29th March. So I was pretty annoyed at that meeting to hear that, as far as we were informed, we had been tricked and that was the view, I think, of most of the people at the meeting.

MR GARRETT: Were you aware, or are you aware now, that full details of that wage claim were circulated to the tenderers back in February?

CONNÉTABLE CROWCROFT: No.

MR GARRETT: Would that alter your view?

CONNÉTABLE CROWCROFT: Well, that was my view at the time and, as I say in my note, I didn't investigate the matter myself and I am unable to say whether the advice we received at the meeting was correct. I don't ... I subsequently met Mr Kavanagh on another occasion and it wasn't an issue, in the sense that politicians move on from matters like this. They don't bear grudges if they're sensible. So, um, clearly this was a problem that had arisen and, as I said in my note, it was disappointing that the new strategy was looking like it was running into problems.

MR GARRETT: As I said, the documents, the full details of the claim, were circulated to all

tenderers by Halcrow and were known to Halcrow back in February, before the completion of the tendering process. If you had known that, would you have still held the same views? Would you have made the same comments in your diary?

CONNÉTABLE CROWCROFT: Well, I don't like to have to speculate. I mean, I don't really see that as relevant to what I might have thought if I had different information. I can only really go on what I thought at the time. Clearly when ... and I said, I think, in my closing remarks that I do hope the Inquiry will shed light on what took place, but clearly it has clouded the whole process and if there is clarity on what happened, clearly that was my view at the time, but I might have to revise that, but, you know, I haven't seen any definitive statement of what did take place yet.

MR GARRETT: Right. Moving on to another key issue, you will be aware that certain allegations have been made about the accuracy or the inaccuracy of reports and so forth that were presented to the Committee and ultimately to the States. Are you able to contribute to or comment on that debate at all? Do you have any views on the accuracy of any material that was provided by officers of the Department?

CONNÉTABLE CROWCROFT: No. I must say that I am not aware that there is a debate about the accuracy of documents submitted to the Committee, but it would depend what period we are talking about.

MR GARRETT: It was probably after your departure and may relate, to a certain extent, to answers to questions that were tabled by Mr Vibert.

CONNÉTABLE CROWCROFT: There was a long period, I think it was last year, but it was at the time of Deputy Dubras' Committee getting into trouble with a long series of questions and I didn't take a lot of interest in those because clearly when you move on from a Committee you hand over the torch, you don't continue to back seat drive. What I was aware of at the time was that I was reminded in the period that I was President and I was receiving questions on a fortnightly basis from a number of States Members -- only a minority of States Members -- and I must say I was disappointed because clearly the bus service was becoming a political football. It wasn't moving in the direction that I hoped it would.

MR GARRETT: Okay. Moving on to my sort of concluding section really, if you were embarking on this kind of project again, what would you do differently?

CONNÉTABLE CROWCROFT: I don't know. I would have to think about it. I would have to really review what took place and then draw conclusions.

MR GARRETT: Okay. I have reached the end of my section, but, before closing, would you like to make any statement or comment on anything that I have raised during our discussion?

CONNÉTABLE CROWCROFT: No.

MR GARRETT: Okay. Would you like to draw attention to any issues that you believe we should be looking at in any greater detail?

CONNÉTABLE CROWCROFT: I think I have ... I mean, I have made a submission which I am quite happy with. I don't see any need to revise that. I have also provided my diary for the period. I don't think I really have anything further to add.

MR GARRETT: Thank you.

MR SHEPHEARD: Any further questions from you, Mr Blackstone?

MR BLACKSTONE: Yes, I have some more questions. In responding to Mr Garrett, Connétable, you said (and I quote): "*Easylink was crippling the new service.*" What did you mean by that?

CONNÉTABLE CROWCROFT: Well, I referred to that in my submission. **(Pause)** I will find it in a minute. **(Pause)** Yes, it is in the last page of my submission. I have said that the confidence, the public and the States' confidence, in the new bus operation was lost for two reasons. The first was that the new service was placed in immediate financial difficulty by the appearance of a rival bus service in the crucial months of its first term of service and the second reason, as we referred to, was the fact that the contract was going to cost more than we had anticipated.

MR BLACKSTONE: But Easylink was not affecting the service at all. It was providing an additional service which Connex were not providing. It didn't affect Connex at all. It didn't affect their revenue, did it?

CONNÉTABLE CROWCROFT: We are not here to debate the Easylink service.



MR BLACKSTONE: No, it is only because you made the comment that “*Easylink were crippling the new service*”, which is a very strong statement.

CONNÉTABLE CROWCROFT: Well, I am able to make that and that was certainly the feeling the Committee had at the time and I suspect it is reflected in the minutes.

MR BLACKSTONE: But the new service was run by Connex and Easylink had no effect on Connex’s revenue at all, nor the services they were running. That is true, isn’t it?

CONNÉTABLE CROWCROFT: I don’t know.

MR BLACKSTONE: Hmm?

CONNÉTABLE CROWCROFT: I don’t know. I can’t really comment on that. I have not ----

MR BLACKSTONE: Can you give any instance of how Easylink impacted on Connex?

CONNÉTABLE CROWCROFT: What I am saying is that my perception was that it was damaging to the confidence of the States and the public in the new service, the appearance of a rival bus service, which was taking and was going to put it in immediate financial difficulty. That is my impression. You are saying that is not the case, but I am not ... you know, I’m not really able to enter into an argument about it because I don’t have any figures in front of me.

MR BLACKSTONE: I think the accurate situation was that Easylink was providing a service which Connex was not providing, possibly through the basic fault in the tender process, although I don’t want to go into the details on that, but then the States took action in court and won their action that the Easylink service was illegal. Despite that expensive action, they then decided that the Easylink service should continue.

CONNÉTABLE CROWCROFT: Yes, I know, yes.

MR BLACKSTONE: So I think your comment that “*Easylink was crippling the new service*” is inaccurate in the extreme.

CONNÉTABLE CROWCROFT: Well, you are entitled to your view. I mean, that was the view of the Committee of the day, that it was a disaster to have Easylink coming in and creaming off the profits of the summer season. Now, you are entitled to your view. There is not really much point in debating it. I think the key issue for me (and I have said this in my submission) is that if we had drafted the law in such a way as allowed competition when the whole point of the

Strategy was to have a preferred operator and not a free-for-all, then the legislation that was drafted would have been inadequate, so that is why I said in my submission that I was very relieved when the Court found in favour of the Committee, because it showed that the legislation drafted had been fit for its purpose.

MR BLACKSTONE: Was Easylink running routes the same as Connex?

CONNÉTABLE CROWCROFT: I can't honestly say. I don't remember.

MR BLACKSTONE: I think it was a totally different route.

CONNÉTABLE CROWCROFT: Well that may be.

MR BLACKSTONE: I still can't understand your statement that "*Easylink was crippling the new service*". It was a positive, strong statement, but you cannot explain in what way it was crippling the new service.

CONNÉTABLE CROWCROFT: Without going back through the minutes of the meetings when it was discussed, I can't, but certainly it was a view that the Committee of the day had.

MR BLACKSTONE: Well you just made the statement without reference to any minutes, a definitive statement of "*crippling the new service*", but you can't explain in what way it was "*crippling the new service*". Certainly it had no impact on Connex.

CONNÉTABLE CROWCROFT: Well, that is your view and certainly the view that we were given on the Committee was that it would have and was having an effect.

MR BLACKSTONE: It may have had an effect on States' revenue, yes, but that may have been a fault of the whole operation in the way that it was set up. Anyway, I take objection to that "*crippling the new service*" because I think it is an inappropriate statement. I would also like to explore your statement about the shift allowance "*We had been tricked*". Who was "*we*" and by whom had you been "*tricked*"?

CONNÉTABLE CROWCROFT: Well, I am referring there to my submission 3.32 and the ... which, as I say, I do have a clear recollection of because I cancelled a dinner engagement when I heard about it. I say "*A general dismay expressed at what appeared to be collusion between the union and Jersey Bus.*" As I say, that was the impression we were given on the Committee. I am not saying or I go on to say that that may not be the case, but that was certainly the advice

that we were given.

MR BLACKSTONE: At that time. Given subsequent information, have you changed your opinion on that at all?

CONNÉTABLE CROWCROFT: Well, I've not had to yet because clearly this Committee of Inquiry hasn't found, hasn't produced it evidence, so I ----

MR BLACKSTONE: But you have heard no subsequent evidence yourself?

CONNÉTABLE CROWCROFT: No, I must say I have not been following the whole saga.

MR BLACKSTONE: No, but the matter has been discussed in the States.

CONNÉTABLE CROWCROFT: There have been extensive questions in the States, that is right, and I confess I have not given them ... you can't follow every subject in the States because there is too much going on.

MR BLACKSTONE: Hmm hmm. The position we have today, it seems to me, is that we have new and smarter buses, but possibly that could have been achieved by Jersey Bus if they had got more than the one year contract; we have a lesser service, because Connex seems to have been cutting services; we haven't yet established whether they have reduced their contract price as a result, but it appears not; comments have been made in the States that the Bus Strategy is in tatters; and we are now paying something like two and a half million pounds a year more over a seven year contract than was being paid to Jersey Bus previously. What is your feeling about this outcome of your Bus Strategy?

CONNÉTABLE CROWCROFT: Well, first of all, none of those comments you have made are, you know, objective, in the sense that one would need to have an objective presentation of those if they were to be held up as fact, and I don't think this is the forum to do that. Secondly, the Bus Strategy was adopted by the States by a large majority, so, while I do claim a lot of influence in its construction, it was very definitely a Committee strategy that was fully endorsed by the Committee and it was fully endorsed by the States. That is presumably why the States directed the Committee of Inquiry, not to spend a lot of time unpicking the Bus Strategy because it was a States' decision. At the end of the day a States' decision stands unless it is rescinded.

MR BLACKSTONE: I am not querying the States' decision. It is accepted that the States did

take that decision -- the vote was, I think, 35 to 15 -- what I am asking you is your views on the fact that we have an extremely expensive contract with Connex and, apart from the fact that there are new buses, we seem to have a lesser service.

CONNÉTABLE CROWCROFT: Well you say "*we seem to have a lesser service*".

MR BLACKSTONE: Well, routes have been cut. Therefore, that is the lesser service.

CONNÉTABLE CROWCROFT: As I say, this is not the forum to have that debate. I have said in my submission, you know, all I think I need to say at this stage about the Bus Strategy. I have said that clearly it is something that many politicians wanted to work. I have said in the closing section. I said "*I was naturally disappointed when it became clear that the Island was not going to experience the improvements that many people were hoping for. The early signs were promising -- the introduction of a new fleet and so on and the new bus garage and an open book policy*", but then I go on to talk about the loss of confidence in the new partnership. So I have said there that I am disappointed with the outcome, but I don't, you know, accept your conclusions about what exactly is wrong with it at the moment.

MR BLACKSTONE: I was really questioning your personal opinion on the present status of the bus service, which is costing two and a half million a year more than the previous bus service.

CONNÉTABLE CROWCROFT: Well, you say that, but you have got to compare like with like and I don't think, as I have said twice now, that this is the forum to have a discussion about whether the new bus service is better than the old one. I don't think that comes within the terms of reference of the Committee of Inquiry.

MR BLACKSTONE: I have no further questions, President.

MR SHEPHEARD: Just one question from me, I think, in closing, Connétable, is this. We know that it was put to Finance and Economics that they would have to come up with a subsidy of around £6 million. Was that demonstrating unusual foresight or just being realistic?

CONNÉTABLE CROWCROFT: As I said earlier on, I think, the experience that I am aware of around the world is that bus transport is expensive. I know the last report that was produced about the cost of the current bus service showed that, I believe, subsidies elsewhere are higher, so I stand by my comment that particularly, until you get people using the bus service, it does

require a public subsidy and, even then, it will never make a profit.

MR SHEPHEARD: We are very grateful to you for coming today, Connétable, and there are matters that we have raised with you and that you have raised with us that we believe are going to be quite important in considering exactly what conclusions we draw. Thank you.

CONNÉTABLE CROWCROFT: Thank you.

MR SHEPHEARD: Thank you. The Committee will now adjourn until 2pm, thank you, when we will hear the evidence of Senator Edward Vibert.

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