

Candidate Brief



Non - Executive Director
Jersey Competition Regulatory Authority



June 2010

Contents

Forward	Page 3
Background	Page 4
Role of the Non-Executive Directors	Page 6
The Recruitment Process	Page 8
Annex A – Nolan Principles	Page 9

Forward

Dear Candidate

Thank you for your interest in the role of Non –Executive Director of the Jersey Competition Regulatory Authority (JCRA).

Jersey is a strong and vibrant economy and the JCRA fulfils a number of vital functions, encouraging competition and efficiency, providing guidance and advice to the Minister and to business, and undertaking an ambassadorial role in representing the Island overseas. The role of the JCRA is thus a dynamic and evolving one and the successful candidate will join the Board at an exciting and challenging juncture.

In the field of competition law and across its regulated sectors, the JCRA’s primary mission is to promote consumer welfare in a way that encourages lower prices, greater choice and innovation in the goods and services available in Jersey. But the JCRA must also show itself to be pro-business and capable of innovation and adaptation to the needs of a fast changing and evolving economy. This is a vital function which the Board of the JCRA must face and one which will present their greatest challenge.

As the Minister with the greatest responsibility for the management of the local economy I believe that the JCRA Board must demonstrate an understanding of scale and proportionality, while pursuing the JCRA’s core objective. A partnership approach based on clear understanding of the needs of business and those of consumers will provide a lasting legacy and allow the JCRA to continue to serve the needs of the wider Island economy.

I look forward to meeting the successful candidate filling this exciting and demanding position.



Senator Alan Maclean

Minister for Economic Development

Background

As a British Crown Dependency, Jersey is not part of the European Union. The Island operates largely as an autonomous jurisdiction with wide powers of self-government including but not limited to fiscal policy. Jersey has its own Legislative Assembly, administrative, fiscal and legal systems and its own courts of law. The States Assembly is mainly comprised of popularly elected members. The legislature passes primary legislation, which requires approval by The Queen in Council, and enacts subordinate legislation in many areas without any requirement for Royal Sanction and under powers conferred by primary legislation. The Island legislates for the territorial waters adjacent to it and for the airspace over its territory and over those territorial waters. More information about the States of Jersey can be found on the website www.gov.je

Established in 2001 the Jersey Competition Regulation Authority (JCRA) is an independent authority established by the States of Jersey with the primary mission to promote consumer welfare through efforts that encourage greater choice and innovation in the goods and services available in Jersey. The main functions of the JCRA are to administer and enforce Jersey's competition law and to regulate Jersey's telecommunication and postal sectors. In each of these areas, the JCRA's primary mission is to promote consumer welfare through efforts that encourage lower prices and greater choice and innovation in the goods and services available in Jersey. The JCRA is a member of the International Competition Network and a leading voice in the application of competition law and policy in small economies.

The JCRA receives 35% of its funding from the Economic Development Department (EDD) of the States of Jersey for the purpose of administering the Competition (Jersey) Law, the remainder is generated from its own direct licensing activities. It is one of only two regulators on Jersey, the other being the Jersey Financial Services Commission. In future, it is likely that the role of the JCRA will be extended into additional markets in order to promote competition more widely.

Jersey is high-value micro-economy, and therefore decisions made by the JCRA have the potential for profound local economic impact. The JCRA's activity and decisions are highly visible and widely reported in the press. This is an important role within the context of the Island's economy; it enjoys a high profile and is very influential at the highest levels of Government and the local business community.

Some examples of recent activities can be found at the JCRA website www.jcra.je

The Board Non Executives

The Board comprises a non Executive Chair, three Non-Executive Directors (NEDs) and the Executive Director. Following the successful completion of a second three year term the JCRA are seeking to appoint a Non- Executive Director.

The Board normally meets eleven times a year most often in St Helier, Jersey but occasionally in London. It delegates to the Executive Director, Charles Webb, operational delivery of the agreed strategy for the organisation.

Current Board members comprise:

Mark Boleat

Appointed in April 2010, Mark has extensive experience in regulatory policy and practice, the handling of complex public policy issues, and holds or has held numerous board level appointments in commercial, public and charitable organisations. He has strong ties to Jersey. Educated at Victoria College, he has written extensively on Jersey and has undertaken three significant reviews for the States of Jersey, including one on consumer policy.

Richard (Dick) Povey

Appointed in May 2005 and re-appointed in May 2008, Dick lives on the Island and thereby provides a local perspective to the Board. He has extensive industrial experience including working within the international telecommunications sector. He holds other commercial non-executive roles.

Robert Foster

Appointed in August 2004 and re-appointed in August 2007, Robert is a former engineering manager in the telecommunications industry, senior civil servant and CE of the Competition Commission. He now has a portfolio of activities including being a Commissioner on the National Lottery Commission and Vice Chair of an NHS Trust.

Chris Bright

Appointed in August 2004 and was reappointed in August 2007, Chris is a practicing solicitor in competition law. Amongst other non executive activities he is a member of the UK Competition Commission. Chris's term of office ends on 31 July 2010.

The Executive

Charles (Chuck) Webb is the Executive Director, and also sits on the Board. An American national, Chuck has been the JCRA's Executive Director since 2007, and is an experienced lawyer in the fields of competition law and regulation. He leads a small organisation of eight full time employees incorporating case officers, legal and economic advisors, a finance and operations manager and a PA to the Chair, Executive Director and the Board. The organisation had an income (and expenditure) in 2008 of just over £1.2m. The latest annual report can be downloaded at:

<http://www.jcra.je/pdf/090416%20JCRA%20Annual%20Rep%2009%20V3.pdf>

The Role

The role of the Non-Executive Directors of the Jersey Competition Regulatory Authority incorporates the following responsibilities:

- Ensuring that the JCRA's business is conducted in an impartial, open and efficient manner and in accordance with good practice.
- Provide advice and guidance in decision making on the strategic direction of the JCRA.
- Maintain a close working relationship with the Executive Director and Chairman, providing support and guidance.
- Together with the Executive Director, Chairman and other Non Executive Board members, build and maintain a positive reputation for the JCRA which commands the trust and respect of the public, Ministers and the States of Jersey and in doing so enhance its reputation in the International Community.
- Ensure that the Board maintains an appropriate level of scrutiny of the operations and governance of the JCRA.

Person Specification

Candidates for this position should ideally possess the following skills, experience and qualifications:

Part One - Experience

- Evidence of having successfully operated at a senior professional level in a commercial, regulatory or public service environment.
- Evidence of experience of both competition law and utility regulation.
- A thorough understanding of the commercial, economic and legal issues addressed by the JCRA, and the ability to understand and explain complex legal and economic regulatory policy.
- Understanding of the challenges faced by a small island economy.
- Candidates with a strong legal background in Competition Law are particularly encouraged to apply.

Part Two – Personal Style and Behavior

- The ability, stature and personal authority to establish credibility with the Board and key stakeholders, and to be respected by peer groups on the wider international scene.
- The resilience, determination and integrity to reach well balanced judgements in an impartial objective and transparent manner, despite emotive lobbying or media pressure.

- The ability to demonstrate the highest standards of honesty, probity and integrity, in the performance of his/her functions and the encouragement of such standards across the JCRA.
- Politically astute and aware with a thorough understanding of the public interest.
- A high level of analytical ability, combined with an ability to take a wide view on economic matters, including an understanding of consumer interests.
- The ability to ensure that key objectives and projects are developed and taken forward, ensuring that the Board maintains momentum whilst effectively prioritising key issues.
- To enhance the discussions of JCRA by knowledge of the legal perspective, locally, within the UK and internationally.

Commitment Required

It is envisaged that the time commitment for Non-Executive Directors will be in the region of 24 days per year. This will include time required to review relevant papers, attend JCRA meetings and liaise with key stakeholders. Monthly travel to the Island will be required for non-residents and appointees will be entitled to claim expenses for this purpose. All appointees will require a statement of support from their respective principle employers.

In recognition of the time and commitment required for this non executive position, an honorarium is being offered, as follows:

Non-Executive Director - £18,840 per annum

The Nolan Principles guide all appointments to public office and will be used as criteria for selection to this position. A copy of the Nolan Principles can be found at **Appendix A**.

The Recruitment Process

The JCRA are working with the States of Jersey and the Jersey Appointments Commission to identify outstanding individuals who would be interested in talking about this role in more detail.

The short listing will take place in the week commencing 21 June 2010 after which all prospective candidates will be contacted. Interviews will take place in Jersey in the week commencing 5 or 12 July 2010. If candidates find any of the interview dates outlined above difficult, they should make this known at the start of the process.

How to Apply

Applications should be made by full CV detailing your qualifications, employment, skills and experience. Please also provide a covering letter:

- summarising the most significant contribution or impact that you have made at board level and what you feel you could bring to the JCRA as a Non-Executive Director;
- including the names and contact details of two referees who are in a position to comment on your professionally, with a brief indication of how long and in what capacity they have known you (referees will *not* be contacted without your prior agreement); and

Please include your full contact details including daytime and evening telephone numbers.

The application should be sent as follows:

By email: l.read@jcra.je

By post to:

**JCRA
2nd Floor Salisbury House
1-9 Union Street
St Helier
JERSEY
JE2 3RF**

Please note closing date for applications is **18 June 2010**.

If you would like to discuss the appointment or the process, please do not hesitate to contact me by e-mail l.read@jcra.je or by telephone +44 (0) 1534 514994.

Appendix A

The Nolan Principles and recruitment to public office

The Seven Principles

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.