



Ports of Jersey Limited (POJL) Quality of Services

Initial Notice

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1. Overview

This Initial Notice (**IN**) of a Direction to Ports of Jersey Limited (POJL) regarding Quality of Service.

It sets out CICRA's revised proposals for the performance measures which it requires Ports of Jersey Limited (**POJL**) to monitor and directs POJL to report the relevant Quality of Service information to CICRA on a regular basis.

CICRA received a response to its original IN (CICRA 17/34) from POJL suggesting an alternative set of performance measures.

CICRA considers that the development of quality of service measures by POJL, in conjunction with its customers, is an important step forward. It welcomes the proposals by POJL and intends that they should be adopted as the basis for future reporting.

CICRA is therefore issuing this new IN to set out the proposals and to permit stakeholders including POJL customers and port users to comment on the new proposals.

2. Introduction and Background

The States of Jersey adopted the *Air and Sea Ports (Incorporation) (Jersey) Law 2015* (the **Law**) on 2 June 2015. The Law requires that any person carrying out port operations must have a licence issued by the Jersey Competition Regulatory Authority (**JCRA**), also referred to in this document as CICRA (Channel Islands Competition and Regulatory Authorities).

Port Operations in Jersey were commercialised from 1 October 2015 and CICRA issued a Principal Port Operator's Licence (the **Licence**) to Ports of Jersey Limited (**POJL**) on 1 November 2015, to carry out Port Operations in Jersey. POJL is the only port licensee in Jersey and is responsible for the operation of Jersey airport, Jersey harbour and various marinas and outlying harbours.

In accordance with condition 15 of its Licence, POJL is required to provide regular reports on its development plans and the performance of services at the airport.

Following earlier consultation, including engagement with POJL, and the carrying out of market research on quality of service in airports and harbours, CICRA issued its original IN, document CICRA 17/34 on 21 December 2017.

POJL responded by setting out its alternative proposals for measuring quality of service.

3. Legal Consideration

The Ports of Jersey – including Jersey Airport and Harbours – are regulated in accordance with the Law. Under the Law, the primary object of POJL is, *“to provide, or ensure the provision of, safe, secure and efficient port operations for Jersey, whether by itself or by any other person acting as its subsidiary, agent, employee or sub-contractor”*. Both CICRA and the Minister for Economic Development, Tourism, Sport and Culture have a number of duties defined under the Law, in Article 26:

- (1) *In relation to port operations, the Minister and the JCRA shall each have a primary duty to perform their respective functions under this Law –*
 - (a) *so as best to protect and further the interests of users of port operations, in the short and long term, and to do so where appropriate by promoting competition in the provision of port operations; and,*
 - (b) *so as best to ensure –*
 - (i) *that provision is made to satisfy all reasonable demands, both current and prospective, for port operations,*
 - (ii) *that port operations are provided efficiently and effectively, and,*
 - (iii) *that a company (in particular including POJL), to the extent that it is or is to be licensed under this Law, has sufficient financial resources to discharge its liabilities under securities issued by the company to the States.*

- (2) *In relation to lifeline services, the Minister and the JCRA shall each have a primary duty to perform their respective functions under this Law so as best to ensure that such services are provided –*
- (a) *efficiently, effectively and without interruption; and,*
 - (b) *so far as consistent with sub-paragraph (a), with due regard to –*
 - (i) *any relevant policies of the States,*
 - (ii) *the interests of persons using or likely to use such services, and,*
 - (iii) *the special needs of persons who are disabled.*
- (3) *So far as consistent with paragraphs (1) and (2), the Minister and the JCRA shall each have duties to perform their respective functions under this Law –*
- (a) *so as best to encourage sustainable growth in the economy of Jersey in the medium to long term;*
 - (b) *so as to impose a minimum of restriction on persons engaging in commercial activities;*
 - (c) *with due regard to any relevant policies of the States;*
 - (d) *with due regard to preserving and maximizing the benefits of Jersey’s resources; and,*
 - (e) *with due regard to the special needs of persons who are disabled.*

POJL is the only port operator in Jersey, holds a Principal Port Operator’s Licence and has been found to be dominant in the market for the provision of Port Operations in Jersey¹.

In accordance with condition 15 of its Licence, POJL is required to progressively achieve standards in line with international best practice and other benchmarks as CICRA may from time to time direct.

In order to facilitate this aim, POJL is required to provide CICRA with a target operating plan, setting out the target operating levels it will achieve for port operations and a monitoring plan for providing accurate measurement of target performance levels. To date POJL has not provided either a target operating plan or a port operations monitoring plan to provide accurate measurement of the relevant target levels.

Condition 15 goes on to note (condition 15.8) that the Licensee shall comply with any Directions issued by CICRA from time to time regarding any other quality of service indicators and (condition 15.9) that the Licensee shall provide information required by CICRA for the purpose of assessing service levels.

The issue by CICRA of a direction to POJL to comply with a specific licence condition is considered to be the exercise of a regulatory function in accordance with Article 23 of the Law. Interested parties have a specified period in which to respond (a minimum of 7 days and in this case, 28 days). If no responses are received, the IN will take effect on the date specified in the Notice.

¹ <https://www.cicra.gg/cases/2016/poj1204j-significant-market-power-smpdominance-designation/poj1204j-final-notice-ports-of-jersey-assessment-of-market-power/>

Where representations are made within the period specified in an IN, CICRA must consider the responses and, in accordance with article 23(4) of the Law, issue a Final Notice (FN) which refers to the IN, summarises the representations received and confirms whether or not CICRA intends to exercise the regulatory function proposed.

4. Proposed Quality of Service Measures

CICRA recognises that, in many of these performance measures, parties other than POJL have an important role to play in delivering services. In each case, POJL itself or the airport infrastructure and its availability plays a role in the ability of POJL and its business partners to deliver a high quality service.

As a result of its consultation and the direct engagement with interested parties through consultation and market research carried out on CICRA’s behalf, customers and port users identified the issues and areas of service of most importance to them.

In its response to CICRA’s original initial notice, POJL set out alternative proposals, which CICRA has agreed to adopt. These are set out below, for Jersey airport, harbour and marinas, together with a summary of complaint handling information to be provided.

Airport reporting measures

Jersey Airport	
Punctuality of flights to and from Jersey Airport	
Departures:	Proportion of flights departing within 15 minutes of scheduled time*
Departures:	Proportion of flights cancelled*
Arrivals:	Proportion of flights arriving within 15 minutes of scheduled time*
Arrivals:	Arrivals: Proportion of flights cancelled*
Availability of Airport Stands	
Airport stands	Percentage of time when airport stands are available
Time for passengers to clear security	
Security	Percentage of time for which the queueing time to clear security is 15 mins or less
Security	Percentage of time for which the queueing time to clear security is 30 mins or less
Baggage Handling	
Luggage	Percentage of flights for which final bag is delivered to carousel >20 minutes after arrival
Luggage	Percentage of flights for which final bag is delivered to carousel >45 minutes after arrival

*excluding due to weather

Harbour reporting measures

Jersey Harbour	
	Punctuality
sailings	Proportion of Condor sailings subject to moderate delay events*
sailings	Proportion of Condor sailings subject to material delay events*
sailings	Proportion of Condor sailings subject to cancellation events*
sailings	Proportion of non-Condor sailings subject to delay > 30 mins
sailings	Proportion of non-Condor sailings subject to cancellation
	Availability of Berths
Berths	Percentage of time when berths are available

Note: Delay events as defined in the agreement with Condor Ferries

Journey duration (scheduled)	Moderate delay means a delay of:	Material delay means a delay of:
up to 4 hours	30 - 60 minutes	> 60 minutes
4 – 8 hrs	60 - 90 minutes	> 90 minutes
8 – 12 hrs	90 - 120 minutes	> 120 minutes

Marinas reporting measures

Jersey Marinas	
	Infrastructure - Waiting time for new berths
Berths	Number of customers waiting for a new berth (by size and location)

Complaint Handling reporting measures

Response to issues and complaints raised	
	Speed of Response
Airport	No. of airport issues/complaints raised
	No. closed in 10 days or less
	No. closed in 20 days or less
	No. closed in more than 20 days
Harbour	No. of harbour issues/complaints raised
	No. closed in 10 days or less
	No. closed in 20 days or less
	No. closed in more than 20 days
Marinas	No. of marina issues/complaints raised
	No. closed in 10 days or less
	No. closed in 20 days or less
	No. closed in more than 20 days

5. Conclusion

CICRA welcomes POJL's response and its proposals. It considers that taking into account the response and additional information provided by POJL, the most reasonable approach is to adopt in full the measures proposed by POJL as a common basis for quality of service reporting going forwards.

CICRA has therefore decided to issue this new IN and Direction to implement the Quality of Service measures as proposed.

6. Direction to POJL

In accordance with Condition 15 of POJL's Ports Operations Licence, CICRA directs that POJL provide the information set out above in connection with Jersey airport, harbour and marinas commencing 1 July 2018.

For the time being, and until otherwise agreed, POJL is required to report performance information to CICRA quarterly, no later than 1 month after completion of each relevant quarter. At the end of each calendar year, POJL will provide a summary of its performance over the year, including aggregated annual performance figures, to reach CICRA no later than six weeks after the end of the calendar year. The first quarterly reporting period is therefore 1 July 2018 to 30 September 2018 and the first annual period is therefore 1 July 2018 to 30 June 2019.

The issue by CICRA of a direction to POJL to comply with a specific licence condition is considered to be the exercise of a regulatory function in accordance with Article 23 of the Law. Interested parties have a period of 28 days in which to respond to this IN and to make representations to CICRA. If no responses are received, the IN will take effect on a specified date which may be no sooner than the 29th day after publication.

7. Consultation

Interested parties have a period of 28 days to respond to this IN. Responses should be made in writing either by email to info@cticra.je or to the address below.

To assist respondents to this IN, a comparison of the proposals in CICRA's original IN and the revised proposals contained in the new IN is set out in Annex 1.

The text of this IN is available for inspection at CICRA's Jersey office at:

2nd Floor, Salisbury House
1-9 Union Street
St Helier
Jersey, JE2 3RF

A copy may also be found on CICRA's website, www.cticra.je.

The deadline for responses is 5.00pm on 3 May 2018. Responses should be clearly marked "Ports of Jersey Ltd – Quality of Service".

It is CICRA's normal practice to publish consultation responses on its website. If respondents prefer that all or part of their response should remain confidential then they may do so by stating which parts of the response are confidential and marking them accordingly.

8. Next Steps

CICRA will carefully consider responses it receives to this Initial Notice and if appropriate will amend the proposal accordingly. If significant changes are required, CICRA will publish a revised Initial Notice for further consideration. If no responses are received to this Initial Notice, it will take effect on 4 May 2018.

Annex 1

Comparison of CICRA December IN and new proposals based on POJL response

Airport reporting measures

Original Proposal	POJL proposal
Punctuality of flights to and from Jersey Airport	
Departures: Number of flights departing within 15 minutes of scheduled time	Departures: Proportion of flights departing within 15 minutes of scheduled time [excluding due to weather]
Departures: Number of flights cancelled	Departures: Proportion of flights cancelled [excluding due to weather]
Arrivals: Number of flights arriving within 15 minutes of scheduled time	Arrivals: Proportion of flights arriving within 15 minutes of scheduled time [excluding due to weather]
Arrivals: Number of flights cancelled	Arrivals: Proportion of flights cancelled [excluding due to weather]
Availability of Airport Stands	
Percentage of flights for which airport stands are available on arrival	Percentage of time when airport stands are available
Percentage of flights for which the wait for a stand is >15 mins	No measure
Time for passengers to clear security	
Percentage of time for which the queueing time to clear security is 5 mins or less	No measure
Percentage of time for which the queueing time to clear security is 15 mins or less	Percentage of time for which the queueing time to clear security is 15 mins or less
Percentage of time for which the queueing time to clear security is 30 mins or less	Percentage of time for which the queueing time to clear security is 30 mins or less
Time taken to unload luggage	
Number of flights for which final bag is delivered to carousel >15 minutes after arrival	Percentage of flights for which final bag is delivered to carousel >20 minutes after arrival
Number of flights for which final bag is delivered to carousel >35 minutes after arrival	Percentage of flights for which final bag is delivered to carousel >45 minutes after arrival
Response to issues and complaints raised	
No Proposal	No. of airport issues / complaints raised
	No. of airport issues / complaints closed in 10 days or less
	No. of airport issues / complaints closed in 20 days or less
	No. of airport issues / complaints closed in more than 20 days

Harbour reporting measures

Original Proposal	POJL proposal
Punctuality	
Departures: Number of sailings departing within 15 minutes of scheduled time	Proportion of Condor sailings subject to moderate delay events*
Departures: Number of sailings cancelled	Proportion of Condor sailings subject to material delay events*
Arrivals: Number of sailings arriving within 15 minutes of scheduled time	Proportion of non Condor sailings subject to delays of more than 30 minutes
Arrivals: Number of sailings cancelled	Proportion of Condor sailings subject to cancellation events
	Proportion of non-Condor sailings subject to cancellation events
Availability of Berths	
Percentage of arriving vessels for which suitable berths are available on arrival	Percentage of time when berths are available
Time for passengers to clear security	
Percentage of time for which the queueing time to clear security is 5 mins or less	No reporting measure
Percentage of time for which the queueing time to clear security is 15 mins or less	No reporting measure
Percentage of time for which the queueing time to clear security is 30 mins or less	No reporting measure
Passenger boarding / disembarkation	
Number of sailings for which last passenger disembarkation is >15 minutes after arrival	No reporting measure
Response to issues and complaints raised	
No Proposal	No. of harbour issues / complaints raised
	No. closed in 10 days or less
	No. closed in 20 days or less
	No. closed in more than 20 days

* We suggest aligning to the definitions contained in the Condor Operating Agreement for all of the sailings.

Marinas and Moorings reporting measures

Original Proposal	POJL proposal
Availability of infrastructure	
Waiting time for new berths	Number of customers waiting for a new berth (by size and location)
No of days when key infrastructure is not available Infrastructure availability = (no of days available/365) x 100%	No reporting measure
Response to issues and complaints raised	
No. of issues / complaints raised	No. of marina issues / complaints raised
No. closed in 10 days	No. closed in 10 days or less
No. closed in 20 days	No. closed in 20 days or less
No. closed in more than 20 days	No. closed in more than 20 days