



## Candidate Brief

Non - Executive Director  
Channel Islands Competition and Regulatory Authorities

January 2012

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## Forward

Dear Candidate

Thank you for your interest in the role of Non –Executive Director of the Channel Islands Competition and Regulatory Authorities (CICRA).

The Channel Islands have strong and vibrant economies and CICRA fulfils a number of vital functions, primarily regulation of the postal and telecoms sectors and Guernsey's electricity sector and encouraging competition and efficiency through the Jersey's competition law (Guernsey's competition law is expected during 2012). In addition CICRA provides guidance and advice to Ministers and to business, and undertakes an ambassadorial role in representing the Islands overseas. The role of CICRA 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, CICRA's core objective is to ensure that consumers receive the best value, choice and access to high quality services, while the Jersey authority has the added responsibility to promote competition and consumer interests. CICRA 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 CICRA must face and one which will present its greatest challenge.

As the Chairman I believe that CICRA Board must demonstrate an understanding of scale and proportionality, while pursuing CICRA'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 CICRA to continue to serve the needs of the Channel Island's economies.

I look forward to meeting the candidates applying to fill this exciting and demanding position.

Mark Boleat  
Chairman of the Channel Islands Competition and Regulatory Authorities

## Background

As British Crown Dependencies, the Channel Islands are not part of the European Union. The Islands operate largely as autonomous jurisdictions with wide powers of self-government including but not limited to fiscal policy. They have their own legislative assembly, administrative, fiscal and legal systems and their own courts of law. The States Assemblies are 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 Islands legislate for the territorial waters adjacent to them and for the airspace over their territories and over those territorial waters. More information about the States of Jersey and the States of Guernsey can be found on the websites [www.gov.je](http://www.gov.je) and [www.gov.gg](http://www.gov.gg).

**CICRA** is the name given to the two Channel Islands regulatory authorities, the Guernsey Office of Utility Regulation (OUR) and the **Jersey Competition Regulatory Authority (JCRA)**. The authorities consistently adopt a pan Channel Island approach to work and operate with a shared board.

Both regulatory bodies were established in 2001. The OUR was established under the Regulation of Utilities (Bailiwick of Guernsey) Law 2001 and the JCRA was established under the Competition Regulatory Authority (Jersey) Law 2001. In Guernsey the telecoms, postal and electricity sectors are regulated by the OUR with Guernsey's competition law expected to come into force during 2012. In Jersey, the telecoms and postal sectors are regulated by the JCRA, which is also responsible for administering the Competition (Jersey) Law 2005.

CICRA receives its funding from its own direct licensing activities plus grants from the respective States departments for competition law administration. In future, it is likely that the role of CICRA will be extended into additional markets in order to promote competition more widely.

The Channel Islands have high-value micro-economies, and therefore decisions made by CICRA have the potential for profound local economic impact. CICRA'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 economies; it enjoys a high profile and is very influential at the highest levels of Government and the local business communities.

Some examples of recent activities can be found at the CICRA website [www.cicra.je](http://www.cicra.je).

## **The Board Non Executives**

The Board currently comprises a Non-Executive Chair, three Non-Executive Directors (NEDs) and an Executive Director. Following the decision to share a board between Guernsey and Jersey CICRA are seeking to appoint an additional Guernsey focused Non- Executive Director.

The Board normally meets eleven times a year alternating between Guernsey and Jersey with occasional meetings in London. It delegates to the Executive Director, John Curran, operational delivery of the agreed strategy.

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 both in the Channel Islands and the UK. 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 2008 and 2011, Dick lives on Jersey 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 2004 and re-appointed in 2007 and 2011, Robert is a former engineering manager in the telecommunications industry, senior civil servant and chief executive 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.

### **Philip Marsden**

Appointed in 2009, Philip is a director of the Competition Law Forum and a senior research fellow at the British Institute of International and Comparative Law. He is a competition lawyer with a particular interest in the abuse of dominance, consumer welfare, innovation incentives and international competition issues and is also a non-executive director on the board of the UK Office of Fair Trading.

### **John Curran**

John has worked with the OUR since 2003 and the JCRA since 2010 and currently holds the posts of Director General of the OUR and Executive Director of the JCRA. John has extensive experience in regulation, having previously worked with Telstra, the Australian telecoms incumbent, and with the Commission for Communications Regulation (Comreg) in Dublin where he was involved in managing the liberalisation of the telecoms market and the office's international work. John started his career with the Irish Civil Service having studied Electronic Engineering at Galway Institute of Technology. He also holds a Diploma in Company Direction from the IoD. He leads a small organisation of eleven employees over the two islands.

## The Role

The role of the Non-Executive Directors of CICRA incorporates the following responsibilities:

- Ensuring that CICRA'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 CICRA.
- Maintain a close working relationship with fellow board members and the Chairman, providing support and guidance as required.
- Together with the Chairman and fellow board members, build and maintain a positive reputation for CICRA which commands the trust and respect of the public, the States of Guernsey and Jersey and in doing so enhances their reputation in the International Community.
- Ensure that the Board maintains an appropriate level of scrutiny of the operations and governance of CICRA.

## 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.
- An interest in competition law and utility regulation.
- A thorough understanding of the commercial, economic and legal issues addressed by CICRA and the ability to understand and explain complex legal and economic regulatory policy.
- Understanding of the challenges faced by small island economies.
- Candidates living on Guernsey 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 judgments 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 CICRA.
- 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 CICRA 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 30 days per year. This will include time required to review relevant papers, attend CICRA meetings and liaise with key stakeholders. Monthly travel to the Islands 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 - £24,000 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

CICRA are seeking 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 27 February 2012 after which all prospective candidates will be contacted. Interviews will take place in Guernsey on the afternoons of 14 and 15 March 2012. 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 CICRA 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: [louise.read@icra.je](mailto:louise.read@icra.je)

By post to:

**Mrs Louise Read**  
**CICRA**  
**2<sup>nd</sup> Floor Salisbury House**  
**1-9 Union Street**  
**St Helier**  
**JERSEY**  
**JE2 3RF**

Please note that the closing date for applications is **24 February 2012**.

If you would like to discuss the appointment or the process, please do not hesitate to contact the Board Secretary, Louise Read [louise.read@icra.je](mailto:louise.read@icra.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.