

STATES OF JERSEY



LA COLLETTE LOW RISE DEVELOPMENT: DIRECTION TO ANDIUM HOMES LTD.

Lodged au Greffe on 9th November 2015
by Deputy R. Labey of St. Helier

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to request the Minister for Treasury and Resources, as representative of the States in their capacity as sole guarantor member of Andium Homes Limited (in accordance with his powers in this regard under Article 2(3) of the Social Housing (Transfer) (Jersey) Law 2013), to give directions to Andium Homes Limited under Article 16 of the company's Articles of Association not to proceed with the current plans in relation to the redevelopment of La Collette Flats (planning application PP.2015/0747), whether or not planning permission has been granted, and to further direct the company to resubmit revised plans which include the retention of the existing green space (currently designated as Protected Open Space) on the site between La Collette Low Rise and the border with Green Street.

DEPUTY R. LABEY OF ST. HELIER

REPORT

On 8th September 2015 the States Assembly adopted my proposition [P.78/2015](#) as follows –

THE STATES are asked to decide whether they are of opinion –

to request the Minister for Planning and Environment to ensure that any redevelopment of La Collette Low Rise upholds and maintains the Protected Open Space status of the existing green space on the site between La Collette Low Rise and its border with Green Street.

Late on 4th November 2015, with the publication of the Planning Applications Committee agenda for 12th November 2015, we discovered that Andium Homes has elected to re-submit their original planning application, which includes the destruction of the protected open space within the scheme, with no regard for the decision of the States to uphold that protection and preserve the open space.

It is a source of deep regret for me that by this action, the Planning Applications Committee are now placed in a most unfair position of having to adjudicate against a decision of the States not to proceed with this application.

This cannot be right or proper conduct.

We are not talking about a private developer here, this is not government interfering with a commercial transaction. This is a States-owned company deliberately proceeding against the wishes of their shareholders, namely the States of Jersey. It is a gross discourtesy to the sovereignty of the Assembly to say the very least, and runs contrary to all accepted protocol.

So now I am forced to ask the Assembly to assist me via an alternative political route, to assert its authority, which is being flagrantly challenged by the actions of one of its own ‘arm’s length’ companies.

It is also a source of deep regret that I am having to take up the more of the Assembly’s valuable time with this issue, and for that I offer apologies and this assurance that I do not intend to rehearse the same arguments on the importance of retaining this protected amenity space. Those arguments won the day in September, we are in different territory now, and my aim is deal with this swiftly.

To those that say this adds further delay to the much-needed provision of social rented housing, I would point out that had *new* plans been submitted which concurred with the wishes of the States, the bulldozers could already have been on standby to move in and begin work.

Article 2(3) of the Social Housing (Transfer) (Jersey) Law 2013 is in the following terms –

“(3) Subject to paragraphs (5) and (6), the Minister for Treasury and Resources may exercise the powers of the States in their capacity as sole guarantor member and, in exercising those powers, shall act in the interest of the States.”

I am therefore asking the Minister to exercise his power as representative of the States to give directions to the company not to proceed with the current plans and to resubmit new plans that protect the open space. The Minister is able to do this under Article 16 of the Articles of Association of Andium Homes Ltd., which reads as follows –

“DIRECTIONS

16. *If the Guarantor shall, in his discretion, be of the opinion that a matter of material public interest has arisen and that it is appropriate to do so, the Guarantor shall be entitled by notice in writing to give the Directors directions to refrain from doing a particular thing or to do a particular thing which the Directors have power to do and the Directors shall be bound to comply with any such direction.”*

Financial and manpower implications

There are no financial or manpower implications for the States arising from the adoption of this proposition.