

2.10 The Connétable of St. Helier of the Minister for Treasury and Resources regarding the use of the former Le Seilleur workshop in Oxford Road:

Would the Minister explain the terms of the Le Seilleur will in relation to the public's stewardship of the former Le Seilleur workshop in Oxford Road and, given the potential for this neglected building to be refurbished to provide complementary facilities for the Millennium Town Park and assisted employment opportunities, does the Minister consider that the feasibility of such a project should be pursued?

Senator P.F.C. Ozouf (The Minister for Treasury and Resources):

May I ask Deputy Le Fondré to be rapporteur for this?

Deputy J.A.N. Le Fondré (Assistant Minister for Treasury and Resources - rapporteur):

The will of the late H.E. Le Seilleur requires that the States of Jersey consult with his executors on the use of the properties - this is the nub - with a particular view that the properties be used for the benefit of aged, infirm and needy residents of the Island. Therefore, any benefit from those properties should be for residents who are aged and infirm and needy. It cannot be for one or the other but must meet all 3 criteria, and that is one of the problems we faced in the history on this building. There are further features of the consequences that come out of this. The building cannot be handed over free *gratis* as a sheltered workshop, for example, because that would not meet the terms of the will. However, the properties could be used to generate a commercial return, for example, through rental or disposal, and that return can be used for the benefit of the aged, needy and infirm. For example, the property could be sold and the proceeds either reinvested to generate income or used for the benefit of the aged, needy and infirm. To address the issues regarding the Millennium Park, it could only be used to complement the Millennium Town Park if the building was rented or sold at commercial rates, and then the proceeds made available to the trust.

2.10.1 The Connétable of St. Helier:

Would the Assistant Minister explain how he can be so prescriptive about the terms of the will given that the building was offered some years ago, when the Youth Service was being run by the late Peter Gambles... it was offered to the Youth Service for the use of assisted employment opportunities for young people.

Deputy J.A.N. Le Fondré:

I am not too sure how long ago this was, but I do know there was a reference to, I think, it was Social Security at the time - and this is going back a number of years, certainly before my time - were looking into doing something along those lines. My understanding was that it either had to be bought by the States to be essentially taken out of the trust to then be used, which is what we are saying, or alternatively, the legal advice was that it was not permitted under the terms of the will.

[10:30]

2.10.2 Deputy T.M. Pitman:

The Constable has really stolen my question, but I will ask another one. Would it be possible to use economic stimulus money to get this up and running? Is it not a fact that if it is complementary to the park, surely that fits all the criteria the Assistant Minister has mentioned? The needy, the elderly, the infirm, all of those people are going to use this.

Deputy J.A.N. Le Fondré:

I have looked at this from time to time and it is being progressed through the department, who are presently investigating whether we should just be getting a planning permission on the site to then sell and then use the funds. The difficulty we have had, and we have had approaches from bodies in the past, is that if a charity wants to utilise the building for a charitable purpose, unless it is for the aged and the needy and the infirm and it is all 3 ... the trouble is the advice that we have been given is that that is very tight criteria. Generally the purposes of the charities that have come to us have not met those conditions. That is the legal tangle we are in.

2.10.3 The Deputy of St. Mary:

I should point out before asking this question that I happen to have a degree in linguistics. [Laughter] When we see “aged” comma “infirm” comma “and needy” in a will, I am astonished to find that the interpretation put on it is that in order to benefit from the terms of that will you have to be both aged and infirm and needy. It is quite astonishing. So my question is, why is the Assistant Minister taking this very narrow and, in my view, perverse view of the reading of this will when I am sure the intention of the benefactor was quite different?

Deputy J.A.N. Le Fondré:

Unfortunately, that is the advice we have been given.

The Deputy of St. Mary:

Could the Assistant Minister say who gave that advice, please?

Deputy J.A.N. Le Fondré:

It is not customary to release legal advice, but that is the legal advice that we have been given.

2.10.4 Deputy G.P. Southern:

Is the Assistant Minister content with his department’s stewardship of this property? In fact, is the property wind and waterproof and has it been maintained wind and waterproof over the years or not?

Deputy J.A.N. Le Fondré:

In itself the stewardship is slightly interesting. The ownership of the property essentially rests in the trust. The trust is administered within the Health Department. So it sits between a number of stools. Am I satisfied that the building has sat there for a period of time in the condition it is? No. I would remind the Deputy that it has been brought to this Assembly on 2 occasions and certainly the last one I can recall, in fact I am sure the Deputy will remember, it was brought by the department with a view to disposal. In fact it had been put to tender and a significant sum had been offered for the building. The then former Minister for Health and Social Services stood up and did not support the proposition and the Assembly backed ...

The Bailiff:

The concise answer then to your view of the condition?

Deputy J.A.N. Le Fondré:

The short answer is the department has tried to act to sort the problem out on at least 2 occasions and the Assembly has not supported it.

2.10.5 Deputy G.P. Southern:

Is the Minister aware whether the property has been maintained in a wind and waterproof state or not? Whether it is the Health Department or his department, is that the case?

Deputy J.A.N. Le Fondré:

It is categorically not the case. Certainly in the time I have been in it, it has never even started to be in a wind and watertight condition. So I am unable to comment on whether it was in a wind and watertight condition when it was first passed to the States.

The Bailiff:

There are a number of other questions, but we will only take a few of them.

2.10.6 Senator J.L. Perchard:

Will the Assistant Minister confirm that the Le Seelleur building is an S.S.I. (Site of Special Interest) and that one of the problems with the building is that there are extreme planning restrictions which have been placed on it by the Planning Department [Laughter] that make the building undesirable, unwanted and uninteresting.

Deputy J.A.N. Le Fondré:

I will try not to stray into planning matters. Firstly, it is an S.S.I. So, secondly, there are obviously conditions that apply to that. My understanding is that the Minister is open to appropriate design being applied to the building. To say that it is unwanted and undesirable, I would not like to comment on, apart from offering the remark that on the 2 times it has been tendered, tenders have been received. If an appropriate use can be found for it that generates money for the trust, I think there is an ability to sell it.

Senator J.L. Perchard:

Could I ask a supplementary, Sir?

The Bailiff:

Yes.

2.10.7 Senator J.L. Perchard:

Could the Assistant Minister confirm the tenders were received from people under the height of 5 foot 2 inches tall? [Laughter]

Deputy J.A.N. Le Fondré:

Not to my knowledge.

2.10.8 Deputy D.J. De Sousa of St. Helier:

Would the Assistant Minister confirm to the House that he would be happy to see this building used for rental, for possible assisted employment opportunities, i.e. for Mencap or stroke victims and then that money could then be passed on to Health for the criteria of the will.

Deputy J.A.N. Le Fondré:

I think all of us would be delighted to see that building being put to a proper use. There are 2 difficulties with that request. One is the legal definitions, as I said, in terms of the usage. To get out of those legal definitions one needs to be able to generate a commercial return for the trust. If it is to sell, that is not a problem. So if some mechanism is found to put money into the trust on a commercial return and then a use is applied, that would probably work. If it is just a rental and the States maintain ownership, the difficulty is that a significant sum is required to refurbish the buildings. I do not need to reiterate the point about available funds.

2.10.9 Senator S.C. Ferguson:

Will the Assistant Minister confirm that when the States rejected the proposition to sell the property, that in fact the tenders received were in fact prepared to do the restoration work as an S.S.I. with a view to their particular uses?

Deputy J.A.N. Le Fondré:

I cannot confirm from the point of view of a factual response, but that would certainly be the logical assumption, because no one would have offered the amount of money that was offered without being fully aware that a significant amount of work was required on top of that. So it is certainly a logical assumption from that. Possibly the Senator has seen the correspondence and I have not.

2.10.10 The Connétable of St. Helier:

Given that the property was left for the benefit of the Island, does the Assistant Minister not think that a feasibility study should be undertaken, because this surely is a better use of the site, to help those with assisted employment needs rather than this going into the private sector and remaining there?

Deputy J.A.N. Le Fondré:

I apologise, because I think that also means I did not answer the last part of the initial question. I am certainly aware that the Constable has expressed a desire for the Parish to purchase the site workshop, using funds from the town park. What I will say on the feasibility side is that provided that is supported by the executors, I would certainly fully support a feasibility that the Constable's proposals be examined. But it must be very clear that any proposition must fully comply with the terms of the bequest. Secondly, any acquisition must be at market value. To reiterate the point, that is a significant sum. On top of that there is a very significant refurbishment cost for which, certainly within the budgets I am aware of, I have not seen monies available. If the Parish wants to go down that road, I am fully supportive of them. But they need to be very clear of the road that they are going down.

The Bailiff:

Very well, we will move then to question 12.