

**WRITTEN QUESTION TO THE MINISTER FOR INFRASTRUCTURE
BY DEPUTY M. TADIER OF ST. BRELADE
ANSWER TO BE TABLED ON TUESDAY 1ST NOVEMBER 2016**

Question

What voting rights, consultation and ability to attend general meetings are afforded to the non-freehold tenants and leaseholders of Les Quennevais Park and Clos des Sables?

Does Jersey Property Holdings consult, when appropriate, these tenants and leaseholders before deciding how to cast its block votes?

Have any approaches been made by any such tenant or leaseholder to officers of Jersey Property Holdings to have more say in decisions relating to these blocks of flats and, if so, how many; and what is the Department's policy on such matters?

Answer

The project to convert to perpetual flying freehold the 99-year leasehold apartments at Quennevais Park and Clos des Sables has followed the prescribed co-ownership structure for such associations.

The terms and conditions for the administration of each association is set out in a '*Declaration*' lodged and retained in the Public Registry.

Each association is obliged, under its *Declaration*, to hold at least one Annual General Meeting [AGM] of the co-owners.

In cases where certain 99-year leaseholders have opted to retain their leasehold ownership status (rather than converting to flying freehold), Jersey Property Holdings [JPH] attends the AGMs in its capacity as co-owner on behalf of the Public of those apartments.

Prior to each AGM, JPH contacts every respective 99-year leaseholder, setting-out any relevant agenda items which could affect those apartments. JPH asks for comments and whether the leaseholder is in favour or against respective items.

JPH votes at meetings having regard to its position as the co-owner representing the Public and reflecting any views expressed by the leaseholders.

JPH then writes to the leaseholders following the AGMs to set-out the decisions made.

JPH has received a small number of approaches from 99-year leaseholders asking if they could attend AGMs in person. The difficulty with such requests is that firstly, the meetings are for the flying freehold association, being the co-owners forming that association. It may be possible, theoretically, for a co-owner to bring a guest to an AGM, although that guest could only attend in an observing capacity. Secondly, some items at an AGM are confidential financial decisions, such as setting the level of service charge, which affect only the co-owners and JPH considers that it would be unfair on co-owners to have guests at meetings being privy to those discussions.

To date, the arrangement of JPH contacting the leaseholders prior and after meetings appears to work satisfactorily, albeit proving time consuming for the department. JPH would encourage the remaining 99 year leaseholders to consider acquiring the freehold interest and would welcome applications from those in a position so to do.