

STATES OF JERSEY



ESPLANADE QUARTER DEVELOPMENT: SCRUTINY REVIEW AND REFERENDUM (P.44/2015) – AMENDMENT

Lodged au Greffe on 9th June 2015
by Deputy M. Tadier of St. Brelade

STATES GREFFE

ESPLANADE QUARTER DEVELOPMENT: SCRUTINY REVIEW AND
REFERENDUM (P.44/2015) – AMENDMENT

1 PAGE 2, PARAGRAPH (a) –

Before the words “binding agreements” insert the word “further”; delete the word “preparatory” and after the words “should be started” insert the words “or continued”.

2 PAGE 2, PARAGRAPH (b) –

For the words “agree that, following” substitute the words “request the Council of Ministers, within one month of”; after the words “paragraph (a)” insert the words “to lodge for debate a proposition asking the States Assembly to support the development, and to agree that”; before the words “agreements for development” insert the word “further”; delete the word “preparatory”; after the word “started” insert the words “or continued” and for the words “in question have been approved by the majority of those voting in a referendum held under the Referendum (Jersey) Law 2002,” substitute the words “have been approved by the Assembly”.

DEPUTY M. TADIER OF ST. BRELADE

REPORT

Like many, I am disappointed that there appears to have been a rush to enter into a legally binding agreement with a tenant, at a point when the Corporate Services Scrutiny Panel are coming to the end of their report and when this proposition (P.44/2015) is about to be debated.

It is clear that delays are likely to have been caused to the scrutiny process by the Minister and/or the States of Jersey Development Company (SoJDC) not having delivered key information to the Panel in a timely manner, and that unreasonable and, ultimately unacceptable non-disclosure agreements, have potentially further undermined the scrutiny process.

In his statement on 2nd June 2015, the Minister said –

‘I know this pre-let agreement is being announced before the States can debate Deputy Tadier’s proposal, but the heads of terms for this agreement were signed more than a month before Deputy Tadier lodged his proposition. So his proposition was too late for this agreement to be halted without SoJD. having to pay a substantial financial penalty.’

I would hope that the Minister can give us an exact date on when the heads of terms were signed and what exactly the *substantial* financial penalty would have been, that adjective being, no doubt, subjective. It is disappointing that, even with the scrutiny review in train, and this proposition on the table, the Minister did not give instruction to SoJDC to wait until the day of the debate, to gauge the will of its sole shareholder, the States of Jersey, who would have been able to consider the consequences of any financial penalty in the light of the findings and recommendations of the said scrutiny report.

As such, it is now necessary for me to amend my own proposition, to take account of recent events. I, like many Islanders, believe it is entirely sensible to wait a short time, to consider the evidence of the Panel, before commencing building works.

For clarity, if this amendment is successful, it will read in the following way (the red/italics) denoting additions or changes

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

- (a) to request the Minister for Treasury and Resources to give directions to the States of Jersey Development Company Limited in accordance with Article 22(a) of the Articles of Association of the company that no *further* binding agreements should be entered into by the company for the development of new office accommodation on the site known as the Esplanade Quarter, St. Helier, and no *preparatory* building works should be started *or continued*, until the Corporate Services Scrutiny Panel has presented to the States the final report arising from its current scrutiny review of the project;

- (b) ~~to agree that, following~~ *request the Council of Ministers, within one month of* the presentation of the scrutiny report referred to in paragraph (a), *to lodge for debate a proposition asking the States Assembly to support the development, and to agree that no further* agreements for development of office accommodation on the site should be entered into, and no ~~preparatory~~ building works should be started *or continued* unless the development proposals *have been approved by the Assembly* and to request the Minister to give further directions to this effect to the company.

I hope that whatever members' individual opinions of the merits of the Esplanade development or the merits of my substantive proposition are, they will support the amendment, so that it can be debated on its own merits, taking into account the changing events, which were not known at the time of lodging this proposition.

It should also be noted that rather than maintaining the call for a referendum, I have instead suggested that this is a matter that could and should, on this occasion, be decided by States Members, once they are cognisant of all the facts. This should in no way be interpreted as me saying that the matter is not worthy of a referendum nor that such contentious subjects should not be the subject of a referendum – rather, I hope that, in supporting paragraph (b), Members will have the courage of their convictions in taking the final decision on the proposed plans, and thus be judged on that decision if and when seeking re-election in 2018, whilst at the same time save the associated cost of a referendum.

Financial and manpower implications

I do not believe there are any additional financial or manpower implications from adopting this amendment. If anything, giving time for the findings and recommendations of the scrutiny report to be considered should give a clear steer as to what financial projections are valid, and where any risk lies, ultimately saving money in the long term. As mentioned above, the amendment will also avoid the cost of a referendum as originally proposed.