

**KENSINGTON GATE DEVELOPMENT,
ST. HELIER**

**Lodged au Greffe on 10th February 1998
by Senator S. Syvret**



STATES OF JERSEY

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PROPOSITION

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

to request the Finance and Economics Committee to reconsider its recent decision to grant a licence for the Kensington Gate development, St. Helier, under Part III of the Regulation of Undertakings and Development (Jersey) Law 1973, as amended, and instead to reject the application.

SENATOR S. SYVRET

Report

The recent decision of the Finance and Economics Committee to grant a licence under the Regulation of Undertakings Law for the Kensington Gate Development flies in the face of States' strategic policy on immigration. It also cuts across the Housing Committee's contract policy on essential employees.

This issue is absolutely central when considering the concept of good government. The States must now decide whether their Strategic Policy decisions are meaningful and sincere, or merely PR devices; easy and popular to adopt at the time, but of little consequence thereafter?

I include as an appendix the text of a letter from the President of the Finance and Economics Committee, in which he answers a number of questions which I posed. I leave it for members to judge whether the fashion in which this decision was made can be regarded as satisfactory.

APPENDIX

Senator Frank Walker
President,
Finance and Economics Committee,
Cyril Le Marquand House,
St. Helier,
Jersey, JE4 8UL

Senator S. Syvret
4 Raleigh Court
Raleigh Avenue
St. Helier JE2 3ZG

2nd February, 1998

Dear Senator Syvret

Re: Kensington Gate Development

I refer to your communication of 23rd January, 1998 in which you supplied a list of questions to the Finance and Economics Committee on the licence application under the Regulation of Undertakings and Development Law in respect of the above.

The Finance and Economics Committee considered your questions at its meeting on Monday, 26th January, and responds in the following terms -

Question 1

Has the original decision of the F & E Committee to not grant a licence under the Regulation of Undertakings and Development Law for the development been reversed. If so, why?

Answer

Yes, for the reasons outlined in the attached Finance and Economics Committee press release.

Question 2

If the original decision has been reversed, was the revisiting of the subject formally on the Agenda for the meeting?

Answer

No, but the Committee as a whole agreed to take the matter as an extra item.

Question 3

Were the Civil Servants responsible for managing the Regulation of Undertakings and Development Law present for the discussion. If not, why not?

Answer

The Chief Adviser and Executive Assistant, (responsible for the day to day routine administration of the Law) were both present for the discussion. The Assistant Adviser - Policy (the Manager with specific responsibility for the administration of the Law) was not present, but this is the normal situation as he usually leaves the Chief Adviser (who attends all Committee meetings) and the Executive Assistant to present the applications and provide advice when needed.

Question 4

Was the advice and opinion of the relevant civil servants in respect of this application and has their recommendation been ignored by the Committee. If so, why?

Answer

The Committee had the benefit of the views of the Chief Adviser who pointed out to the Committee the implications of a favourable decision in respect of States policies and the precedent that would be set. He also reminded the Committee of the option of the States acquiring the property and developing the site as had happened with the Ritz Hotel, Channel Television etc. The Committee took the view that the housing gain and the benefits arising from the urban renewal were two compelling reasons to justify the granting of a consent in principle.

Question 5

If the Committee has decided to provisionally support this application subject to certain conditions being imposed upon the developer, does the Committee seriously believe that such conditions will be sustainable at law in respect of their enforcement on subsequent purchasers?

Answer

If the Committee agrees to impose conditions on any decision it makes in relation to the Regulation of Undertakings and Development Law it is beholden for it to ensure that those conditions, at the end of the day, are enforceable. In some cases the onus might be placed on the application to come to a legally enforceable arrangement that will satisfy the States legal advisers. The Committee has made it clear that a licence will only be granted if the conditions to be attached can be shown to be legally enforceable.

Question 6

If the Committee has decided to provisionally support the application for this development which includes a proportion of uncontrolled housing, why have they done so when such a decision flies in the face of States strategic policy on immigration?

Answer

See attached press release.

Question 7

Has the Committee considered the PR dimension in licensing further uncontrolled housing?

Answer

Yes. The Committee believes the conditions are acceptable and that the development is unlikely to generate PR outside Jersey. There is also a positive PR benefit here given the provision of local affordable housing and the regeneration of this run down urban area.

Question 8

Do any members of the Committee have a regular personal acquaintance with any of those involved in the development?

Answer

The President of the Finance and Economics Committee has a long-standing friendship with Mr. Peter Pitcher who is the current owner of the land, but who is not, to the President's knowledge involved in the development. Other members of the Finance and Economics Committee also know Mr. Pitcher but not as close personal friends. The President has not met with him in relation to this development. The President and other members of the Committee have no relationship, professional or social, with any of the other parties involved.

Question 9

Has any member of the Committee had private or social meetings with anyone involved with the development. If so have such meetings been declared to the Committee and minuted?

Answer

Both the President and the Vice-President have met jointly and separately with the developer and his Advocate. It is these meetings that secured the terms of the agreement with regard to the (a-h) housing

and the ratio of controlled to uncontrolled accommodation. The meetings have been declared to the Committee.

As a final point I would like to add that the decision of the Finance and Economics Committee was accepted by all the members of that Committee (although two members did not agree with it). May I suggest that if you have any continuing concerns on this matter that we should meet to discuss them, possibly also involving my Vice-President.

Yours sincerely

Signed Frank Walker

Senator Frank Walker
President
Finance and Economics Committee

PRESS RELEASE**FINANCE AND ECONOMICS COMMITTEE****KENSINGTON GATE**

The Finance and Economics Committee today announced that subject to certain conditions it had decided to grant a Licence for the Kensington Gate development under the Regulations of Undertakings and Development Law.

Attached to the Licence will be a number of conditions one effect of which will be to ensure that the development can only proceed if it is linked with the provision of units for local residents.

In reaching this decision the Committee was made aware of other plans to develop residentially controlled accommodation within the Kensington Place/Lewis Street area for which the Kensington Gate development will act as a catalyst and which could provide a total of over 100 units.

It also opens up the prospect of regeneration of an important but currently run-down area of St. Helier.

In giving consent the Committee took into account the States population policy and its duty to restrict immigration.

It also took into account States policies on the need to provide housing for local people and on urban renewal.

30 January 1998

Editors Note:

The conditions to be attached to the licence will be as follows -

1. That, of the total number of 38 units in the Kensington Gate development, the occupation of 12 will be subject to Housing Committee control under Housing Regulations (a)-(j);
2. That the developer will also provide at least 14 units to be occupied by those qualifying under Housing Regulations (a)-(h) (for local occupancy only) on the site it is proposing to acquire in Lewis Street. The occupation of 50 per cent of the total dwelling units to be provided will therefore be subject to the Housing Regulations.
3. The dwelling units to be occupied by those subject to the Housing Regulations will be completed within two years of the date of the licence granted under the Regulation of Undertakings and Development Law.
4. A binding legal agreement will be drawn up, to the satisfaction of the States legal advisers, that provides that, if all the dwelling units to be occupied by those qualifying under the Housing Regulations are not constructed within the required time scale for any reason whatsoever within the control of the developers a penalty of £250,000 will be paid to the States.
5. A binding legal agreement will be drawn up, to the satisfaction of the States legal advisers, that provides that the dwelling units to be constructed that presently would not be subject to the control of the Housing Committee under the Housing Regulations could only be owned either by established financial institutions in the Island and occupied by their staff or by persons with residential qualifications for their own occupation.