

8.6 Deputy M. Tadier of the Minister for Planning and Environment regarding the maintenance of the former Odeon Cinema as a Class 1 listed building:

Following the decision earlier this year to designate the former Odeon Cinema as a Class 1 listed building, what steps will the Minister take, if any, to ensure that the building is maintained in an acceptable condition by its current owners?

Deputy S.G. Luce of St. Martin (The Minister for Planning and Environment):

It is a common misconception that the listing of a building or place imposes onerous requirements upon an owner. That is not the case. I have been charged by this Assembly with a duty to identify and designate the Island's heritage assets. This is what the listing process achieves and the former Odeon Cinema was first included on the list in 2011 and has been retained following a review earlier this year. The listing of a building or place does not impose in itself any requirements to maintain a property, either on myself or the owner. The only additional obligation is to apply for consent to undertake works that might affect the special heritage interest of the site that would not otherwise require permission.

8.6.1 Deputy M. Tadier:

So we have just learnt that we have listed buildings of different categories but there is no obligation to maintain those very important historical buildings, either by the owner or the Minister. Does the Minister think that this is a sensible arrangement?

The Deputy of St. Martin:

This is a difficult arrangement. I have discretionary powers to award funds to preserve important buildings, but this is not specific to listed buildings and is of course dependent on the availability of funds which are particularly difficult to come by at the moment. I remain of the view that the best way for an historic building to retain its essential heritage character is to remain in a viable use but this of course is difficult and challenging with buildings, especially such as cinemas and churches. But I remain committed to working with the owners of listed buildings to explore how the maintenance of those buildings might be best achieved on a case-by-case basis.

8.6.2 Deputy M. Tadier:

The Minister was on record when he stood for this post as saying: "I am not prepared to see historic buildings fall into disrepair because there is no money available to do it." So the question is, whether it is relating to the Odeon which, I believe, is falling into disrepair externally, is, how does the Minister propose to do that in the absence of any centralised pot of money which the Minister said he would not be necessarily averse to? Does the Minister agree that perhaps when it comes to the acquisition of a listed building that there should be an onus on the prospective owner to prove that they are in a position to maintain the building or, if not, what does the Minister suggest as the proposed way forward?

The Deputy of St. Martin:

I do not have a suggestion today as the proposed way forward. The maintenance of historic buildings, the maintenance of listed buildings, the maintenance of any buildings is a challenge for the owner in this day and age and I do not think that listed or historic buildings are any different from any others. There is an onus on the owner, obviously, to maintain a building but this is expensive. I cannot see that it is my place to tell somebody what they must do with their building, whether they must keep it wind and watertight. I do know that under the Planning Law that if a building falls into ruin or into a dilapidated state I do have powers but that would obviously be, in the case of the Odeon, falling down before I could do something. It is something I will endeavour... and I say to the Deputy I will endeavour to look at again but I think it is very difficult for me to force people to do anything to their buildings at all.

8.6.3 Deputy M. Tadier:

Can I raise a point of order and I do not think it was intentional? The Minister must have misled the Assembly unintentionally because his first answer said there was no onus on the owner to maintain a property and in the final answer he said: "There is clearly an onus on the owner" which I think Hansard will show. So will the Minister perhaps take this opportunity to clarify which one of those statements is true if either is true?

The Deputy of St. Martin:

I think it is probably due to the definition of maintenance but certainly powers that I have under the Article 84 of the law, if a building becomes ruinous or dilapidated I can take action but I think the word "maintenance" in itself - to me anyway - describes keeping a building wind and watertight.