

Appendix 4



email 30.10.19

Tim Daniels letter 19.11.19

[REDACTED]

From: [REDACTED]
Sent: 30 October 2019 15:43
To: [REDACTED]
Cc: Tim Daniels; Barclay Harvey; Farnham Lyndon; [REDACTED]
Subject: Re: Lido access

Follow Up Flag: Follow up
Flag Status: Completed

Dear [REDACTED]

Thanks for your email. I have just met with [REDACTED] on site for [REDACTED] to see what is going on [REDACTED] has taken lots of images of what is clearly many serious issues with the building. It is cold and wet inside as [REDACTED] will attest to.

With regards to the lease, it also says that you will keep the building 'wind and water tight to the best of your ability'. As this has now been going on for 4 years, I'd say that you haven't completed your side of the legal lease terms.

Once a plan has been put in place with a solution to deliver me a building that doesn't rain inside it. I will start paying rent again.

[REDACTED] a year for 3 months of usable time would equal out on a business plan for [REDACTED] for a building that rains inside, has mold growing off the ceiling, peels paint off the walls and ceiling every year, and that I've had to install new doors, fire suppression, fire lighting and totally fit out. Add in the outside railings that are falling to pieces and rusting, don't meet legal height requirement, paint peeling off the building, cracks all over the building etc etc... I don't think that's to anyone's best ability and certainly isn't 'fair' from a cost of lease standpoint.

I think I have done far far beyond and above to try and get your building to a state that it can be used for what you have leased it for and currently have put [REDACTED] we have taken in revenue back into the building since we took over. This isn't acceptable and sustainable. I don't think it's strange to expect to be able to pay yourself a salary or make a profit when running your own business. This building, in its current state has prohibited us from doing that, despite being very busy.

Let's please get this sorted as quickly and pleasantly as possible. It's gone on too long. This building is iconic and a coastal landmark for our island, it should be maintained to the highest level not left like it is.

The visual and marketing benefit that Jersey gets from this building and the number of people we personally bring to the island as a result of the events we run is significant and the building in its current state is nothing other than embarrassing. We even had a local finance company this summer who asked the photographer to colour the outside images to cover the paintwork!

I apologise for being so blunt and direct about all this but I'm losing in the region of [REDACTED] of revenue this holiday season from now cancelling all the events that we expected to be able to host with this new system that yourselves and [REDACTED] specified. It's been going on for a very long time with a good attempt to ignore our moaning or point blame at different government departments. The reality is that it is our business and my livelihood that is negatively affected, not anyone else's.

I look forward to seeing a plan of action to resolve all the issues as soon as possible. Thank you for your work on this.

Yours



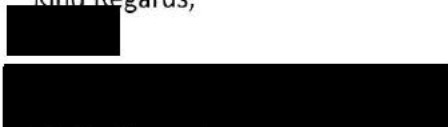
On 30 Oct 2019, at 15:19, [redacted]@gov.je> wrote:

Dear [redacted]

Further to your recent email of this morning, please note that based on the terms of the lease we will not accept any suspension of rental payment.

As per Barclay's email below, this matter is being looked at and we will hopefully know more following the site investigation.

Kind Regards,



Estates Surveyor

Direct +44 (0)1534 [redacted]

Government of Jersey
Growth, Housing & Environment | Jersey Property Holdings
La Collette Depot | La Route du Veule | St Helier | Jersey | JE2 3NX

From: Barclay Harvey
Sent: 30 October 2019 12:45
To: [redacted]
Cc: [redacted]
Subject: Lido access

Dear [redacted]

Please check your inbox for the email [redacted] sent to you first thing today.

[redacted] has requested a time when you would next be onsite to investigate the areas of water ingress.

Currently Officers from the Sport Division and Property Holdings are discussing the best way to approach this.

Regards

Barclay

From: [REDACTED]
Sent: 30 October 2019 11:02
To: [REDACTED] <[REDACTED]@gov.je>; [REDACTED] <[REDACTED]@gov.je>; [REDACTED] <[REDACTED]@gov.je>; Barclay Harvey <[REDACTED]@gov.je>; Lyndon Farnham <L.Farnham@gov.je>
Cc: [REDACTED]
Subject: Lido Rent

Dear All,

I have instructed our accounts department to hold all future rent on the Lido building until we receive a response to [REDACTED] email with a plan on how to stop the huge water ingress in the building.

I am disappointed and quite frankly shocked that only one person from [REDACTED] entire email list responded, which was the planning department.

This is Tourism Development Fund money being spent in a large amount and our team spending over 3 years of pushing paper around and project managing the install of a state of the art machine to try and help a building that is simply not being looked after by its owners sufficiently. This is not a new issue.

Sorry to be so blunt about this but we don't seem to be getting anywhere any other way and I don't want to take this to the media, I believe we can resolve it between us in a sensible and prompt manner.

We have had to decline over 30 events for the winter months this year as the building is still not usable at that time, which is very disappointing and hugely financially crippling to our group.

I look forward to hearing back from you all with a plan very soon.

Thank you

[REDACTED]

[REDACTED]

Care : If you have received this email and it was not intended for you, please reply to the sender, and then delete it. Please treat our information in confidence. This communication may contain legal advice which is confidential and/or privileged. It should not be forwarded or copied to anyone else without the prior permission of the sender.

Jersey Property Holdings
La Collette Depot | La Route du Veule
St Helier | Jersey | JE2 3NX

[REDACTED]
The Lido (Havre des Pas) Limited
Maison Friquettes
La Rue des Friquettes
St Saviour
JE2 7UF

19 November 2019

Our ref: 1437-01-001
Your ref:

Dear [REDACTED]

Kiosk and Internal Restaurant area within the Havre des Pas Swimming Pool Complex (the 'Premises').

I am writing to you regarding the above site, which you lease from the Public of the Island of Jersey under a 9 year lease commencing 1 September 2015.

Notwithstanding the points you have raised regarding the condition of the Premises, having had site of your email dated 13 November 2019 I thought it best to write to you in order to clarify a number of points you have raised.

I have enclosed a copy of your signed Lease with this letter for good order.

First and foremost, I would like to draw your attention to [REDACTED]

Please note that this [REDACTED]

One other important point that I feel needs elaborating upon is your comment that you have every intention of extending the lease for an additional 9 years after the expiration of the current Lease.

I am afraid that there is no provision in the Lease which would entitle you to an automatic right to extend, and nor are there any statutes in Jersey which would afford you a similar ability. Any decision to grant a sitting tenant a new lease would be entirely at the Landlord's discretion and subject to Ministerial approval.

I note from your email that you claim to have spent [REDACTED] on the interior of the Premises. From our records, I understand that you have only applied for Landlord's consent to install the dehumidifier system and replace the fire doors. For good order and to ensure that no alterations have been made to the Premises without you having first notified the Landlord in accordance with [REDACTED] of the Lease and/or obtained, where required, the necessary Landlord consents (which would constitute a breach of your lease) can you please provide an itemised list of any changes?

Finally, I would like to take this opportunity to reiterate the point my colleague [REDACTED] made in [REDACTED] email to you dated 30 October 2019. Under the terms of your lease [REDACTED]

[REDACTED]

As detailed in my colleague Barclay Harvey's email of the 13 November 2019, we will shortly be arranging a survey of the building to review a number of factors, including the overall use and condition. Our officers will be in touch in due course to inform you of the date/time of this survey.

I suggest that we await the outcome of this survey so that we can determine how best to proceed.

Yours sincerely

[REDACTED]

Tim Daniels
Interim Director of Estates

D +44 (0)1534 [REDACTED]
E t.daniels@gov.ie

Cc Darren Scott, Director of Economic Development