

[REDACTED]

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**From:** Andrew Scate  
**Sent:** 27 September 2016 16:54  
**To:** John Nicholson  
**Subject:** FW: Jersey Sports Academy - POA - P/2016/0520

John

Do these latter emails help?

There seems to be worry about a financial penalty, and so I've suggested they consider something else such as below? So if Schools don't use, or Sports clubs don't use, the facility has to offer x places elsewhere to the community, public etc?

Kr  
Andy

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**From:** [REDACTED]  
**Sent:** 27 September 2016 12:16  
**To:** Andrew Scate  
**Cc:** [REDACTED]  
**Subject:** Re: Jersey Sports Academy - POA - P/2016/0520

Hi Andy

Yes I agree that if the operator can identify the quantity of community time available per week / month ( and I believe they can ) and this time is not fully utilised then there should be a mechanism for this unused time to be taken up by other community use in the third sector, parishes etc. This could be tasked to either EDTSC or Education but I believe the former would be best placed to source alternative users This could include for example the Senior Citizen Exercise Referral programme that is currently overseen by Health

Does this make sense  
Kind Regards [REDACTED]

Sent from my iPhone

On 27 Sep 2016, at 11:20, Andrew Scate <[A.Scate@gov.je](mailto:A.Scate@gov.je)> wrote:

Hi [REDACTED]

Yes it doesn't need to be financial, it could be something else, but we will need something in the agreement which answers this point. I know that all parties are committed to making this happen, but we need an agreement which looks into the future and deals with possible changes in circumstances as people move on, and agreements and relationships could change.

One other option would be that the facility offer the same level of free use to other groups, parishioners, islanders or something like that? The key really is to outline what level of community use we expect. Is it 50 people a week, 100 people etc etc? Then if the expected use doesn't happen or changes, then we know how much has to be offered elsewhere?

What do you think of this possibility?

Kr  
andy

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**From:** [REDACTED]  
**Sent:** 27 September 2016 10:57  
**To:** Andrew Scate <[A.Scate@gov.je](mailto:A.Scate@gov.je)>  
**Cc:** [REDACTED] <[\[REDACTED\]@gov.je](mailto:[REDACTED]@gov.je)>  
**Subject:** Re: Jersey Sports Academy - POA - P/2016/0520

Hi Andy

Thanks for your valued intervention in this matter

Both ( 1) and ( 2) make perfect sense but the latter needs to include a report back process so as to clarify the level of take up and identify whether both Education and EDTSC need to intervene and work harder to ensure the community use is taken up

There can be no stronger guarantee that States departments are obliged to use the community space and in fact it would be embarrassing to both Ministers if their officers dos not ensure targets were met

In regards to ( 3 ) I am at a loss as to what ' compensatory measures' could be put in place If it requires the operator to make the facility available to other 3rd Party users such as charities [REDACTED] then I could understand how this would work and again could ensure full community use

If it is being suggested the operator financially compensate the wider community then I have doubts whether this would work and how it would be charged and may put the building of the facility at risk

We must I agree make the community use as definite as possible but the operator is offering a huge amount of free community use in good faith . Education , EDTSC and the operator have made it abundantly clear they desperately want this relationship to work and to that end the Chief Officers and in fact the relevent Ministers have given their total support to make this work

I would plead that ( 3) does not look to financially handcuff the operator as this may put doubt in the mind of investors but instead looks to ensure the community element is made available to other areas of the community if sport and the schools don't take up the offer and if necessary ensure that the operator cannot make financial benefit from the unused community element

In reality I believe that there will not be enough community space rather than unused space and it may well be that the operator will offer further community space if affordable

Kind Regards [REDACTED]

Sent from my iPhone

On 27 Sep 2016, at 10:13, Andrew Scate <[A.Scate@gov.je](mailto:A.Scate@gov.je)> wrote:

Hi both

I've spoken with John. We are both in agreement. I have agreed with him that the POA will be structured in the following way, and in short we will not be wanting lots of SLA's inserted into the document. We will rely on the EDTSC and EDUC Ministries to sign up to provide the community "supply" via clubs and schools.

So it will look as follows

- (1) *the operator will commit to making the identified community space and training timetable slots available, and provide the specified level of training; and*

- (2) *the community groups, sports clubs and oother community users will commit to using the space, slots and training; this will be done via Sports and Education as Ministries signing up to ensure the capacity is taken up by the community they represent, and*
- (3) *that the arrangements in (1) and (2) are precise and enforceable, with compensatory measures in place in the event that either the operator or the community groups default on their agreed commitments.*

Or in other terms,

Part 1 [REDACTED] makes available the capacity for the community to use

Part 2 – Sports and Education sign up to provide the community “supply” to fill the capacity to be used

Part 3 – If the supply does not take place at this facility, then some form of compensation takes place to benefit the community elsewhere

Kind regards

Andy

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