

**STATEMENT TO BE MADE BY THE MINISTER FOR INFRASTRUCTURE
ON FRIDAY 12th DECEMBER 2025**

Expressions of Interest (“EOI”) process for the Havre des Pas Bathing Pool and Café

On 10th November 2025, at the request of the Assistant Minister for Infrastructure, he and I met with representatives of Love Our Lido – a party to the Expressions of Interest (“EOI”) process for the Havre des Pas Bathing Pool and Café. During that meeting, concerns were raised with us regarding the process. I committed to look into those concerns and confirmed that commitment in the States on 11th November 2025. I said that we would try and explore the concerns prior to the States sitting on 25th November, when P.94/2025 was due to be debated, and that we would ensure that any assessment was overseen with appropriate independence to ensure it was both thorough and, importantly, was seen to be thorough.

Accordingly, I sought to agree a terms of reference for this independent review with both Love Our Lido and First Point Property Services – the two shortlisted parties. Agreement to the Terms of Reference was confirmed by the parties by 14th November 2025. I was grateful that Jurat Anthony Olsen, Lieutenant Bailiff, agreed to undertake the independent review. I thank him for his report.

Having agreed a Terms of Reference with the parties, I then stepped away from this work, until such time as Jurat Olsen was ready to submit his findings. He did so to the Chief Minister on 9th December 2025.

I was also grateful to Deputy Warr for deferring P.94 from the last sitting, in order to allow Jurat Olsen to complete his work uninterrupted by a States debate. It was very important that he was able to do so.

My priority throughout this process has been to ensure that it has been fair, equitable, and robust at all times. That is why Jurat Olsen’s review was commissioned and, accordingly, I accept Jurat Olsen’s independent findings. Some of these findings provide reassurance regarding the process, whilst some of the findings clearly do not.

The report has been circulated to Members and will be presented to the States so that it is publicly available. In the remarks that follow, I aim to accurately précis Jurat Olsen’s findings for the benefit of Members, but I recognise of course that it is not possible for me to be comprehensive in an oral statement.

It is important to note that Jurat Olsen did not find any conflicts of interest arising from any party throughout the process. I note that this is contrary to some public commentary, including with respect to myself.

In respect of Queree Property Consultants, who prepared the Expressions of Interest document and managed the process, Jurat Olsen found that “There is no criticism on the part of either Love Our Lido or First Point of the role performed by Queree Property Consultants at any stage of the EOI process”.

Jurat Olsen was complimentary of the work of the independent panel, constituted of Deputy Gardiner, Deputy Le Hegarat, and Mr Simon Matthews. He states that “In terms of both the composition of the independent panel and the way in which it worked, it would be difficult to conceive of a more fair, robust and effective evaluation process.” I express my own gratitude to the independent panel who clearly did a very good and thorough job.

Jurat Olsen states at paragraph 45 that, “The position accordingly is that, until Love Our Lido lost its preferred bidder status, in effect neither Love Our Lido nor First Point had any complaints to make about the EOI process.” Jurat Olsen further finds in paragraph 46 that, “effective as at mid-July 2025, the EOI process had been fair and it had been fairly administered.”

With respect to this first phase of the process, I consider that Jurat Olsen has given it a clean bill of health.

In paragraph 48, Jurat Olsen concludes that the existence of the deadline of 26 September for Love Our Lido, as the preferred bidder, to conclude an agreement with Jersey Property Holdings was known to both parties. The relevant email correspondence has now been made available to him confirming this. Jurat Olsen has acknowledged receipt of that correspondence and confirmed that he has nothing to add to his report.

He recognises in paragraph 56 that “It is clear that by late September this year negotiations with Love Our Lido were effectively going nowhere. Taking those points and also those set out in paragraph 55 above into account, it is not difficult to see why JPH finally elected to confer preferred-applicant status on First Point.”

It is from this stage in his report onwards that Jurat Olsen makes findings which are of concern.

Jurat Olsen makes various comments regarding his impression of the parties and their respective approaches. These are not for me to dwell on now, but they are noteworthy, and I hope Members will take the time to consider them.

With respect to the decision to withdraw preferred applicant status from Love Our Lido and commence negotiations with First Point as the reserve applicant, it is important to be clear that the decision confirmed on 29th September, and referenced in paragraphs 59 to 63, followed discussions involving myself, the Assistant Minister for Infrastructure, the Chief Officer of Infrastructure and Environment, and the Director of JPH. With the information provided to us regarding the progression of discussions with Love Our Lido and the recommendations of the independent panel, both the Assistant Minister and I supported the decision to move from the preferred to the reserve applicant. The collective nature of this decision was perhaps not made clear to Jurat Olsen and therefore isn’t reflected in his report.

The report highlights concerns regarding the representation of Love Our Lido’s charity status and whether they withdrew or were withdrawn from the process. Jurat Olsen finds that it is “patently not the case” that Love Our Lido were required to have charitable status in order for its bid to be successful. I accept this. Given that we ultimately reached agreement with First Point, it is evident that a bidding party did not have to be a charity in order to be awarded a lease.

At paragraphs 71 to 75, Jurat Olsen finds that a briefing note to the Council of Ministers on 30th October 2025 stating that “Love Our Lido later withdrew from the process on 24 September 2025 being unable to meet the requirements made by the independent panel to confirm their appointment (One notable reason being that they were unable to secure Jersey Charity status.)” was “apt to mislead the Council of Ministers.” This means that it was likely to mislead. In this respect, Jurat Olsen finds that Love Our Lido did not withdraw from the process – they were removed from it. He re-confirms that charitable status was not a prerequisite for, or a condition precedent to, a successful bid by Love Our Lido. And he finds that the impression was given that Love Our Lido had had an application for charitable status refused, when it was in fact not proceeded with, because Love Our Lido never finalised its application as they were not going to be the new tenant at Havre des Pas. Jurat Olsen states “So no application was refused; more accurately, it was not proceeded with.”

Jurat Olsen comments, in respect of the statement made in the briefing note to the Council of Ministers, “I would be very surprised indeed had [the official] issued this statement deliberately knowing it to be false, and indeed I cannot think of any motive that he might have had for doing so.”

In my view, this makes this an inadvertent and non-malicious error, and not a deliberate attempt to mislead. That is an important distinction. But it was nevertheless a mistake, and I have apologised to the Council of Ministers.

Jurat Olsen found my officials to be “industrious, committed, personable and honest public servants who were trying their best.” I want to be clear that this has always been my impression of them as well. This has been a long-running and highly politicised issue, and a challenging environment for Ministers, let alone officials, to work through.

In R.158/2025, published on 3rd November 2025, a very similar statement was made, and Jurat Olsen again finds that “this statement was incorrect and apt to mislead the States Assembly.” I categorically state that I did not intentionally or knowingly mislead the Assembly in R.158, and that I have acted in good faith at all times.

If I had thought that a retraction was necessary, I would have made that retraction in response to Written Question 436/2025 on 24th November 2025. As I explained in the answer I did not, at that time, believe that an error had been made. But an error has been found to have been made. In these circumstances, the Code of Conduct for Ministers and Assistant Ministers requires that it be corrected at the earliest opportunity. I will accordingly withdraw R.158/2025, and I apologise sincerely and unreservedly to the States Assembly for the circumstances that have arisen. They are deeply regrettable.

Ultimately, Jurat Olsen states “I am unable to conclude that the second part of the EOI process was fairly conducted.”

As I have stated previously, neither I nor the Assistant Minister involved ourselves in the detail of the EOI process. We were briefed at various stages, we consented to moving from negotiations with Love Our Lido as preferred bidder to First Point as the reserve bidder, and we became formally involved when an outcome was ready to be confirmed and communicated at the end of October.

The independent review was commissioned in order to obtain an impartial assessment of the process, in light of concerns that had been raised with me and the Assistant Minister by Love Our Lido. Some of these findings are unquestionably uncomfortable, but I do not hide from them. This has been a necessary and important review.

Following Jurat Olsen’s findings, and the withdrawal of R.158/2025, we will re-run the second part of the process. I feel that this must be undertaken externally to Jersey Property Holdings. I have therefore asked Jersey Business to run and oversee this process to a conclusion. In the first instance, negotiations will re-commence with Love Our Lido to seek to agree a lease by the end of January 2026. It is important to be clear that the financial terms on which an agreement is available to either party – that of a £60,000 annual payment towards the running and maintenance costs of the premises (subject to annual RPI increases) remains the offer available. This was set out from the beginning of the process and, in the interests of fairness, no additional public funding is available to either party.

In my view, it remains important that we take vacant possession of the site on or before 25th December 2025, to allow the process to be re-run properly. Not doing so risks the public not being

able to take vacant possession and award a new lease to one of the parties. The Council of Ministers has considered this matter, with advice, and has taken a majority decision to proceed on this basis.

Jurat Olsen's findings have shown that language and emphasis is important. Through misunderstanding and/or omission, a fully accurate account of Love Our Lido's status in the process, and their application for charitable status, was not given to the Council of Ministers or States Members. I note Jurat Olsen's finding that "[The official] could so easily have reported to the Council of Ministers that Love Our Lido and JPH had been unable to reach agreement within the prescribed timescale, and therefore the reserve applicant had now become the preferred one – and left it at that. Alas he did not."

The attempts that were made to explain the reasons as to why agreement could not be reached with Love Our Lido within the agreed timescale have fallen short. I note, in particular, that any reference to JPH not being able to agree terms on the financial arrangements for a lease with Love Our Lido, in line with those set out from the beginning of the process, were not highlighted in the briefing note to the Council of Ministers or in R.158. This was arguably more relevant to reaching an agreement than their status or not as a registered charity. It is therefore clear that insufficient weight was given to the relevant reasons for not being able to agree terms with Love Our Lido.

Equally, the language in respect of Love Our Lido's removal from the process was careless. There was no need to state that they had withdrawn when, in any event, the deadline had passed without reaching agreement with them. This was an unforced error. In respect of their charitable status, more considered language again could and should have been applied or reference to this could, and probably should, have been wholly omitted. In this respect, I think it is relevant to note that in various documents, including their initial submission, Love Our Lido stated themselves that they were a charity. This undoubtedly led to a focus on this point and likely deflected attention from the stronger point that we simply couldn't agree terms by the deadline within the financial envelope available. As I stated earlier, and as Jurat Olsen found, agreement for a lease did not have to be with a charitable body.

In time, there will be a need for further and broader reflections on the outcome of this report. It is carefully worded and considered. I hope Members will recognise this. In this regard, I think it is important that we respond to Jurat Olsen's findings calmly, reflecting all aspects of his report. This will ensure that any wider response to the conduct of this process is both proportionate and appropriate. With that in mind, I will work with the Council of Ministers to ensure that we are giving Jersey Property Holdings the tools they need to effectively fulfil their remit.

In closing, it is clear that mistakes have been made. I apologise again for the occasions where erroneous statements have occurred. I emphasise that those mistakes have been genuine and not deliberate. Importantly, there is no evidence of any conflicts of interest, and the review praised the independent panel. It found large parts of the process to have been fair and fairly administered. There are, however, aspects where we have fallen short. In hindsight, I believe that independent oversight should have been maintained throughout. I intend that my actions to rectify the process will now enable us to bring it to a properly administered conclusion.

I am grateful to Members for listening.