

STATES OF JERSEY



MANAGEMENT AND MAINTENANCE OF THE HAVRE DES PAS SITE (P.94/2025): AMENDMENT

Lodged au Greffe on 18th November 2025
by the Minister for Infrastructure
Earliest date for debate: 25th November 2025

STATES GREFFE

MANAGEMENT AND MAINTENANCE OF THE HAVRE DES PAS SITE
(P.94/2025): AMENDMENT

1 PAGE 2 –

For the words “end of January 2026” substitute “25th December 2025”.

2 PAGE 2, PARAGRAPH (a) –

For the words “terminate all ongoing negotiations and any associated tender processes” substitute “receive the report and findings of the independent review which has been commenced into the Expressions of Interest Process for the lease”.

Delete the words “relating to the management, occupation or letting”.

After the words “Havre des Pas Bathing Pool” insert “and Café”.

Delete the words “, including the current process for a proposed nine-year lease”.

3 PAGE 2, PARAGRAPH (b) –

For the words “transfer of” substitute “report to be presented to the States and, based on its findings, either confirm a lease for the”.

After the words “Havre des Pas Bathing Pool” insert “and Café”.

For the words “to the future charitable body ‘Love Our Lido’ (the charity)” substitute “in accordance with R.158/2025”.

After the words “community-led model for the site” insert “, or seek vacant possession of the site in accordance with the notice that has been duly served under the Loi (1919) sur la Location de Bien-Fonds whilst any issues raised in the findings of the report are addressed and resolved, or seek vacant possession of the site whilst the expressions of interest process recommences afresh, and to present a report to the States explaining the action that is to be taken”.

4 PAGE 2, PARAGRAPH (c) –

Before the words “implement a formal management and funding agreement” insert “as part of any future lease with any party for the Bathing Pool and Café”.

In sub-paragraph (ii), for the word “Charity” substitute “lessee”.

In sub-paragraph (iii), for the word “underwrite” substitute “ensure”.

In sub-paragraph (iii), for the word “£170,000” substitute “at least £60,000”.

In sub-paragraph (iii), for the words “apportioned across the relevant departments that benefit from or interact with the site, including infrastructure, Visitor Economy, Sport, Arts & Culture, and Health, with” substitute “provided from within the Infrastructure Head of Expenditure, with any additional annual public funding to be agreed prior to a lease being signed, and to permit”.

In sub-paragraph (iii), after the words “and improvement funding” insert “for the site to be”.

In sub-paragraph (iii), for the words “the charity” substitute “a charity or other body as part of the lease agreement”.

5 PAGE 2, PARAGRAPH (d) –

For the word “Charity” substitute “lessee”.

After the words “to include regular reporting to the” delete “publicly elected”.

MINISTER FOR INFRASTRUCTURE

Note: After this amendment, the proposition would read as follows –

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

to request the Minister for Infrastructure, in consultation with the Council of Ministers, and before **25th December 2025**, to –

- (a) **receive the report and findings of the independent review which has been commenced into the Expressions of Interest process for the lease of the Havre des Pas Bathing Pool and Café;**
- (b) **arrange for the report to be presented to the States and, based on its findings, either confirm a lease for the management and maintenance for the Havre des Pas Bathing Pool and Café site in accordance with R.158/2025, acting on behalf of the public of the Island of Jersey, to deliver a sustainable, community-led model for the site, or seek vacant possession of the site in accordance with the notice that has been duly served under the Loi (1919) sur la Location de Bien-Fonds whilst any issues raised in the findings of the report are addressed and resolved, or seek vacant possession of the site whilst the expressions of interest process recommences afresh, and to present a report to the States explaining the action that is to be taken;**
- (c) **as part of any future lease with any party for the Bathing Pool and Café, implement a formal management and funding agreement to include the following terms –**

- (i) the Government of Jersey shall retain full ownership of the superstructure and insure it accordingly;
 - (ii) the lessee shall assume full responsibility for site management, operations, safety, and day-to-day maintenance;
 - (iii) the Government shall ensure an index-linked baseline contribution of at least £60,000 per annum, to be provided from within the Infrastructure Head of Expenditure, with any additional annual public funding to be agreed prior to a lease being signed, and to permit any additional enhancement, event, and improvement funding for the site to be raised independently by a Charity or other body as part of the lease agreement; and
- (d) establish an operational partnership framework between Government and the lessee to include regular reporting to the 'Lido Steering Group', and inclusion of community and user-group representation in all major decisions.

REPORT

Context

On 11th November 2025, I informed the Assembly that the Government would explore the concerns that had been raised by Love Our Lido in respect of the Expressions of Interest process for the Havre des Pas Bathing Pool and Cafe to see if they have merit. I confirmed that I was open to ensuring that this work was overseen with appropriate independence, to ensure that it is both thorough and seen to be thorough. At the time of lodging this amendment, a Terms of Reference has been agreed by the parties, and we are close to being able to confirm who will undertake this work independently. I expect this to be announced in advance of the 25th November sitting, in order that Members are aware.

In correspondence with the proposed independent reviewer on 14th November, it was made clear that, should we wish this work to be completed by 21st November (in order that it could be presented to and considered by Members in time for the 25th November States sitting), it would understandably need to be a more limited review and would be conducted “on the papers”. Should we wish there to be a more detailed review, including meeting with the relevant parties, more time would be needed.

The Chief Minister and I are of the view that the proposed independent reviewer should be given the time that is needed to complete a more thorough review. It is important, in our view, that the concerns raised by Love Our Lido are properly considered, independently, and that we can all move forward with confidence to the next stage of this process, whatever that might entail.

The proposed independent reviewer has indicated that they will likely be able to complete their work by Tuesday 9th December (although this is not a definitive date). This would allow, were it still to be necessary, for P.94/2025 to be debated at the sitting commencing on 8th December 2025. However, a debate at the 25th November sitting would impede and cut across the independent reviewer’s work. I therefore hope that Deputy Warr will agree to defer his proposition and allow this important work to be completed unhindered and without prejudice. However, in the event that Deputy Warr were to move his proposition at the 25th November sitting, it would then also be necessary for me to move this amendment, to enable the independent review to run its full course.

The Amendment

The amendment accounts for all potential eventualities that may result from the independent review.

It sets a deadline for the work that will result following the conclusions of the review to be commenced or completed (depending on the scenario) by 25th December 2025, as that is the date on which the public will, in any event, take vacant possession of the site in accordance with the notice that has been served to the current occupier in accordance with the Loi (1919) sur la Location de Bien-Fonds. It should be noted that any delay beyond this date risks the public not being able to take vacant possession until 25th December 2026 at the earliest, which will further frustrate efforts to move forward and make a fresh start at Havre des Pas. Given that the current occupier did not participate in the Expressions of Interest process, it should be non-contentious that vacant

possession of the site by the public must therefore be duly taken by 25th December 2025. Indeed, the current occupier has confirmed in correspondence to all States Members that he and his partner “are stepping away from the business...”.

I will not repeat the contents of the comments previously presented by the Council of Ministers in response to P.94, other than to confirm that those comments remain valid in respect of the proposition.

I should note however, in response to a recent statement of the Charity Commissioner (which was issued on 11th November, after the presentation of R.158/2025 and the comments to P.94), that I have not communicated with the Commissioner at any stage of this process (as I believe was appropriate), and I received no prior notice of the statement he issued on 11th November 2025.

I note from the Commissioner’s statement that there is no regulatory impediment to Love Our Lido establishing as a charity, and that the necessary arrangements for registration have been agreed. It remains the case, however, that Love Our Lido could not agree terms with the public for a lease before the deadline of 26th September. This includes in respect of the level of annual public funding that would be available as part of a lease. If Love Our Lido have not registered as a charity, because they have been unable to agree to the terms of a lease agreement, including how much public money would be received as part of that agreement, then the statement made in R.158/2025 and the comments to P.94 remain valid.

Given that I have had no communication with the Commissioner during this process, and nor did I receive advance notice of his statement, it follows that the statements were in any event made in good faith and reflected the position as I understood it to be. I am pleased that this can form part of the independent reviewer’s work.

Part (a)

The amendment to part (a) is necessary to allow the independent reviewer to complete and submit their work, rather than unilaterally terminating a process that is being independently reviewed.

Part (b)

The amendment to part (b) ensures that the report that results from the review will be presented to the States, to ensure transparency. It then allows the range of options that could result from the findings of the review to be undertaken, these being:

- To confirm a lease in accordance with R.158/2025; or
- To seek vacant possession of the site whilst any issues raised in the findings of the report are addressed and resolved; or
- To seek vacant possession of the site whilst the expressions of interest process recommences afresh.

In all scenarios, the amendment requires the Minister for Infrastructure to present a report to the States explaining the action that is to be taken, thus ensuring ongoing democratic oversight.

It is important to re-emphasise that I remain opposed to the States Assembly taking its own unilateral decision as to the outcome of this Expression of Interest process. I believe it would be inappropriate for Members to do so, as it would set an unwelcome precedent and open us to further challenge. I do not discount there potentially being matters to address, or a view that the process should recommence, just as I do not discount the potential of the process being upheld, but to quash the process and then simply award the lease to one party with no further recourse or process is not common or good practice, and it could expose the public to an adverse costs order if that decision was successfully challenged by way of judicial review.

Part (c)

The amendment to part (c) ensures that the proposition can relate to any future lessee. It sets the baseline contribution at a minimum of £60,000 per annum and confirms that this funding will come from the Infrastructure Head of Expenditure, therefore giving some order to this part of the proposition. The amendment removes the arbitrary figure of £170,000 and provides flexibility for additional public funding to be agreed. This could come from other areas of Government but, should that be agreed, that funding would then be transferred to the Infrastructure Head of Expenditure, in line with the established process.

The amendment also leaves open the possibility for additional funding for the site to be raised independently by a charity or other body in future. This would apply irrespective of the organisation with which a lease is ultimately signed. Indeed, it confirms the position of Ministers that Love Our Lido, whether they establish as a charity or continue as a community group, have a role to play in the future of the Bathing Pool irrespective of the outcome of this process.

Part (d)

Part (d) is largely maintained, other than in two respects. Firstly, to remove the requirement for the framework to be established with a charity. This again allows for due process to take its course.

The reference to the Lido Steering Group as being “publicly elected” is also removed. Article 14 of the Elections (Jersey) Law 2002 (“the 2002 Law”) states that “Public elections and parish elections shall be conducted in accordance with this Law.” Members of the Lido Steering Group are not elected in accordance with the 2002 Law, and therefore this reference is not appropriate.

To be clear, Ministers are in agreement with the proposed public and community engagement that forms part of the original proposition, and reference to the Lido Steering Group is maintained, but with this important factual clarification.

Conclusion

As previously stated, this amendment will be moved in the event that Deputy Warr proceeds with a debate at the 25th November sitting. Should Deputy Warr agree to defer P.94 to the 8th December sitting, Ministers will be able to consider the findings of the independent review, and will then confirm their proposed next steps accordingly.

Financial and staffing implications

The independent reviewer will likely receive a limited payment for their review of the expressions of interest process. This will be met from within existing budgets. There are no other additional resource implications that would arise as a result of this amendment.

Children's Rights Impact Assessment

I consider that this amendment has no direct or indirect impact on children and that the duty to have due regard to the UN Convention on the Rights of the Child does not arise. Accordingly, a Children's Rights Impact Assessment is not required under the Children (Convention Rights) (Jersey) Law 2022.