

PARISH OF ST LAWRENCE



**Minutes of the Parish Assembly**

**Thursday 25<sup>th</sup> April 2019 at 7.00 p.m.**

**Assembly Room, St Lawrence**

**Present 100 Principals and Electors**

**Welcome & Apologies**

The Connétable welcomed all present and introduced the Procureurs of the Parish, Mr Bruce Harrison and Mr Martin Sabey, the Parish Lawyer, Mr Tony del Amo, the Parish Secretary, Mrs Leasa Nozedar and the Reverend Phil Warren.

The Connétable advised that the Assembly was being recorded for minuting purposes, following which the Rector led the Assembly in prayer.

The Connétable then explained the Parish Assembly procedure; there being two items of business, those being first to approve the minutes of the Assembly held on the 23<sup>rd</sup> January 2019, then consideration of the second item of business. The Connétable informed the Assembly that everyone was entitled to speak and ask a question but questions must address the items on the Convening Notice and when called to speak, everyone should stand and state their name before expressing their view.

The Connétable explained that when she was satisfied that there were no further questions, the vote would be taken. At that time, those entitled to vote should hold their voting card when they raised their hand, to ensure an accurate count by those responsible for counting the vote. She added that should the result be tied it would be taken that the Assembly had rejected Item 2 on the Convening Notice and the status quo would remain. When the result of the vote had been announced, there being no further business the meeting would be declared closed.

**Apologies:**

Susan Kerley, Paul Ellison, Stephen Platt

**Deputies in Attendance:**

Deputy Kirsten Morel, Deputy Gregory Guida

Minutes taken by Parish Secretary Mrs Leasa Nozedar

**Convening Notice**

The Parish Secretary read the convening notice as follows:

An Assembly of the Principals and Electors of the Parish of St Lawrence will be held in the Parish Hall on Thursday 25<sup>th</sup> April 2019 at 7.00 pm for the following business:

1. To receive the minutes of the Parish Assembly held on the 23<sup>rd</sup> January 2019.
2. To consider and, if agreed, to adopt a recommendation of the Connétable and Procureurs du Bien Public that the Parish enter into a Contract of Exchange and Counter-Exchange of land known as "Clos de Pauvres" being Field number L36, Le Clos de Marie and measuring 4 Vergées 11 perches 6 pieds for Field No. L386 measuring 6 Vergées 14 perches which is owned by Mr Alan Maclean. The said Exchange and Counter-Exchange

	<p>of land, if so agreed by the Assembly, to be made on such terms and conditions as may be deemed appropriate by the Parish to safeguard the rights and interests of the Parish in connection with the future use of “Clos de Pauvres” as agricultural land and to ensure that any change of such use may only be effected by the owner of the land after having obtained the prior consent of the Parish Assembly and on such terms as the Parish deems appropriate in all of the circumstances. It being noted that all reasonable costs and expenses (including legal expenses) incurred by the Parish pertaining to this transaction shall be met by Mr Maclean. If so agreed, the Assembly is to authorise the Connétable and the Procureurs to attend before the Royal Court for the purpose of passing the said Contract on behalf of the Parish.</p> <p>Deidre Mezbourian <span style="float: right;">23<sup>rd</sup> April 2019</span></p> <p><b>Connétable de St Laurent</b></p>
1	<p><b>To receive and if agreed, approve the Minutes of the Act of the Parish Assembly held on Wednesday 23<sup>rd</sup> January 2019, these are on display at the Parish Hall.</b></p>
	<p>The Connétable asked for a proposer and seconder for the minutes. They were proposed by Mr Graham Boxall and seconded by Mr Lee Howard.</p> <p>On a show of hands, all were in favour with none against; the Minutes having been approved were signed by the Connétable as President of the Assembly.</p>
2	<p><b>To consider and, if agreed, to adopt a recommendation of the Connétable and Procureurs du Bien Public that the Parish enter into a Contract of Exchange and Counter-Exchange of land known as “Clos de Pauvres” being Field number L36, Le Clos de Marie and measuring 4 Vergées 11 perches 6 pieds for Field No. 386 measuring 6 Vergées 14 perches which is owned by Mr Alan Maclean. The said Exchange and Counter-Exchange of land, if so agreed by the Assembly, to be made on such terms and conditions as may be deemed appropriate by the Parish to safeguard the rights and interests of the Parish in connection with the future use of “Clos de Pauvres” as agricultural land and to ensure that any change of such use may only be effected by the owner of the land after having obtained the prior consent of the Parish Assembly and on such terms as the Parish deems appropriate in all of the circumstances. It being noted that all reasonable costs and expenses (including legal expenses) incurred by the Parish pertaining to this transaction shall be met by Mr Maclean. If so agreed, the Assembly is to authorise the Connétable and the Procureurs to attend before the Royal Court for the purpose of passing the said Contract on behalf of the Parish.</b></p>
	<p>The Connétable gave the background to the Assembly, explaining that Mr Alan Maclean had approached her and the Procureurs more than 2 years earlier, to ask if the Parish Field, No. L36, could be sold to him. At that time, she and the Procureurs made it clear that they would not recommend the sale of the Parish field, however, they were aware that other Parishes had entered into Contracts of Exchange so Mr Maclean was advised that if he was to offer a Field Exchange that would be beneficial to the Parish, it would be considered.</p> <p>Mr Maclean approached the Connétable and Procureurs again in the summer of 2018 with the current proposal, that being to exchange his Field No. L386 for the Parish Field No. L36.</p> <p>Having given the proposal due regard, they considered that the exchange would be beneficial to the Parish. Having subsequently consulted with Mr del Amo, the Parish Lawyer, the Connétable and Procureurs believed that they had a responsibility and duty to place the proposal before Parishioners to enable them to make a decision by means of a Parish Assembly.</p>

Accordingly, an Assembly was held on 24<sup>th</sup> September 2018, at which time those present asked that more information be provided by way of valuations. Two valuations had been obtained on behalf of the Parish both of which had been available for view on the Parish website and in the Parish Hall.

The Connétable then explained that she and the Procureurs believed that if the exchange was approved by the Assembly it would be beneficial to the Parish as the field being offered, No. L386, was larger than the Parish field, at 6 vergées, 14 perches. A recent rental valuation placed it at £1,200 per annum with a value of £48,000. The Parish field, No. L36 (Le Clos de Marie, known as a Clos de Pauvres), measures 4 vergées, 11 perches and 6 pieds. A recent rental valuation placed it at less than half that of Field No. L386 with a value of between £25,000 and £29,750. The Connétable explained that Field No. L386 had better access than the Parish Field and was therefore considered to be more commercially viable for rental purposes.

Should the exchange be approved, the terms and conditions of the Contracts would safeguard the rights and interests of the Parish in connection with the future use of Field No. L36, as agricultural land. Those safeguards would ensure that any change of use could only be affected by the owner after having obtained the prior consent of a Parish Assembly and on such terms as the Parish Assembly deemed appropriate in all of the circumstances. Additionally, should the exchange be approved, Field No. L36 would be returned to agricultural use prior to Contracts being passed before the Royal Court.

Referring to the two valuations she had mentioned previously, the Connétable gave details: -

Mr Stephen Bridle of Bridle Estates had advised that a Valuation Assessment of Field No. L36 would be realistic at around £25,000. He also considered “there would be a negligible enhancement value to Mr MacLean’s property by virtue of ownership of the Field”.

Mr Simon Buckley of Buckley and Company had assessed the value of Field No. L36 at between £27,625 [with a tenant] and £29,750 [with vacant possession]. He also said that Mr Maclean’s property had sufficient land attaching to it for its size, location and market expectation. He added that additional land (Field No. L36) would generate an enhanced position and would afford a greater degree of protection but his view was deemed subjective and as such, was hard to quantify in terms of any capital uplift. In his opinion, there was some gain but it was not material.

The Connétable then advised the Assembly that before taking questions from the floor, there was a question that she needed to ask. By way of explanation, she informed the Assembly that earlier that day the following post had been made on the Facebook Page of the St Lawrence Church Conservation group: -

“Urgent! Tonight! DM wants to transfer a Parish Field, believed to be at Under Value. Tonight at 7pm. We need everyone there to Vote No.”

The Connétable explained that the post had been made by Parishioner Mr Martin Webster, who she understood to be present at the Assembly. She then asked whether he would like to address the Assembly and present to it the evidence he had to suggest that the Parish Field had been undervalued.

Mr Webster chose to address the Assembly, saying that in his opinion if the field had been sold to him or anybody else in the room, it might not be at the valuations stated. He added that as the field is attached to a multimillion pound property in his opinion it enhanced the value more than just the normal commercial value. He concluded by saying that those were the reasons behind his Facebook comment.

The Connétable then asked the Parish Lawyer to address the points made by Mr Webster. Mr del Amo reminded the Assembly that the Parish had taken advice from two independent and professional valuers, both of whom had stated that any marriage value gain would be

negligible. The Connétable asked Mr Webster whether he would like to respond to Mr del Amo, however, Mr Webster chose to not comment.

The Connétable then opened the floor to questions.

Mr David Vibert was the first to address the Assembly, saying that he considered both valuations to have been undervalued. Referring to Field No. L386 he was of opinion that it was not a particularly good field as stones restricted its use; he thought that a third of the field was stone. He added that it is also shaded on the West and the South, it slopes South and has the potential to flood the property below. Referring to Field No. L36, he said it was shaded and had poor quality soil. Mr Vibert believed that the offer of exchange was not acceptable. He added that he thought there was a potential that Mr Maclean would run mains drains under Field No. L36.

Responding to the comment about a potential mains drains connection, the Connétable reminded the Assembly of the Convening Notice in which it was implicit that should the Assembly approve the Field Exchange, any proposed change of use would need to be considered and approved by a future Parish Assembly. In response to Mr Vibert's comments, Mr Maclean informed the Assembly that there were two options available to him for the connection of mains drains, neither of which involved going under Field No. L36.

Mr Vibert continued his comments by saying he believed that it is not possible to put a price on privacy and in his opinion the Parish had the opportunity to make some money on the proposal from Mr Maclean; he suggested that the Parish should take full advantage. Following that comment, Procureur Bruce Harrison addressed the Assembly to advise that contrary to Mr Vibert's view, he did not believe there was an opportunity for the Parish to gain more money from the offer.

The floor was then taken by Advocate Marcus Pallot, speaking on behalf of Mr Maclean. He explained that Field No. L36 was a Clos de Pauvre, the purpose of which was to provide an income or an asset for the benefit of the indigent of the Parish. The Assembly had to decide if they would like the needy of the Parish to receive £425.00 per year or £1,100.00 per year and whether the Parish should have an asset worth approximately £30,000 or "something in the region of £50,000".

Mr Vibert then spoke again briefly, stressing that in his view if Mr Maclean wanted to acquire Field No. L36 he should pay a lot more. Before concluding, Mr Vibert added that he had spoken earlier in the day with Procureur Bruce Harrison regarding the proposed Field Exchange. At that time, the Procureur had suggested that the objectors were objecting as they were jealous of Mr Maclean. Mr Vibert concluded by saying he thought it was a disgraceful comment to make.

Mr Roly Cooke then addressed the Assembly, agreeing with Mr Vibert that Field No. L386 was not particularly good land. He had formed that opinion as he had farmed it in the past. He also said it was up to the Assembly to get the maximum amount for the field.

Mr Ian Kenny said it had been his suggestion at the Assembly held on the 24<sup>th</sup> September 2018 to adjourn for more information. He acknowledged that further details had been received but thought some important information was still missing. He asked if the Parish Lawyer had checked whether any conditions had been placed on Field No. L36 when it had been bequeathed to the Parish. Mr del Amo said the field was for the benefit of the poor of the Parish and the intention of the new field would be the same; any income from it would be beneficial in the same way as the existing field, however, he confirmed that checks had not yet been undertaken by his firm.

Mr Winston Le Brun advised the Assembly that he had undertaken research on behalf of the Parish and as such, he confirmed that Field No. L36 had not been bequeathed to the Parish, it had in fact been purchased by the Parish on the 16<sup>th</sup> March 1776. He confirmed that the information was available [in the Public Registry] in Book 58, Page 88; he also advised that

	<p>there was no restricted covenant on the field. The Connétable thanked Mr Le Brun for having carried out the research on behalf of the Parish, adding that as he had confirmed there was no restrictive covenant on Field No. L36, the proposed Field Exchange could proceed, if agreed by the Assembly.</p> <p>Mr Harry Kenny then addressed the Assembly, saying he thought the Parish had an opportunity to make more money from the exchange of the field.</p> <p>There being no further questions from the floor, the Connétable read out an email received earlier that evening from Parishioner Mr Stephan Platt in which he gave his apologies for not being able to attend the Assembly as he was off Island; he also asked that his views be put to the Assembly in support of Item 2 on the Convening Notice.</p> <p>The Connétable then asked whether there were any further questions or comments from the floor; there being none the Assembly moved to the vote on a show of hands.</p> <p>The votes were counted by Procureurs Bruce Harrison and Martin Sabey and verified by the Parish Secretary Mrs Leasa Nozedar and Assistant Parish Secretary Mrs Emma Woodward.</p> <p>Those voting in favour were confirmed at 47. Those voting against were confirmed at 45.</p> <p>Having announced the result, the Connétable confirmed that the recommendation for the Field Exchange had been approved by the Assembly.</p> <p>Mr Jason Cronin then said that the Procureurs had been seen to cast their vote and as such, he asked whether they were entitled to vote at the Assembly.</p> <p>The Connétable confirmed that the Connétable and the Procureurs are entitled to vote at all Parish Assemblies and as such, it was in order that both Mr Harrison and Mr Sabey had chosen to cast their vote. The Connétable advised that when she presides over an Assembly she chooses to not cast her vote and had not done so that evening.</p>
<p><b>3</b></p>	<p><b>Meeting Closed</b></p>
	<p>There being no further business the Connétable closed the meeting at 8.30 pm</p>

Signed:.....

Date.....

**Connétable Deidre Mezbourian**  
**President of the Assembly**

