

HM ATTORNEY GENERAL  
MARK TEMPLE QC

HM SOLICITOR GENERAL  
MATTHEW JOWITT QC

Director Civil Division - Advocate SYLVIA ROBERTS  
Director Criminal Division - HOWARD TOBIAS



LAW OFFICERS' DEPARTMENT  
MORIER HOUSE  
ST HELIER  
JERSEY JE1 1DD

Email: [law.officers@gov.je](mailto:law.officers@gov.je)  
[www.gov.je/lawofficers](http://www.gov.je/lawofficers)

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Deputy Inna Gardiner  
Chair, Public Accounts Committee  
Scrutiny Office  
States Greffe  
Morier House  
St Helier  
Jersey JE1 1DD

21 May 2021

Dear Deputy Gardiner,

### **PAC Review of Estate Management**

Thank you for your letters of 30 April 2021 addressed to the Attorney General, Solicitor General and myself as the Practice Director of the Law Officers' Department.

The Attorney General and Solicitor General have asked that I reply for the Law Officers' Department and I set out below the answers to your questions, as requested.

*1. What consultation have you or your department had with the Government of Jersey, particularly the Corporate Asset Management Board, regarding the plans for the development and future use of Cyril Le Marquand House and Broad Street accommodation, since 2018?*

*a. Do you believe that this consultation was adequate? Did the consultation show a clear understanding of the needs of your department?*

*b. What influence has this had on your views regarding the 2018 Business Case? Have these changed since you first received the Case and since the pandemic?*

There has been no direct consultation with the Corporate Asset Management Board. There has been consultation with the Government of Jersey on the needs of the Law Officers' Department, and the other Non-Ministerial Departments occupying Morier House, firstly with Jersey Property Holdings, and latterly through the CEO's Office Accommodation Board.

A meeting was held on 6 December 2017 between Jersey Property Holdings (JPH) and representatives of the Non-Ministerial Departments in Morier House (the States Greffe and the Viscount's Department and the Law Officers' Department). At the meeting the Non-Ministerial Departments were informed that the air-conditioning and heating system of the twenty year old building was not sustainable and that a full replacement was required. This would entail the stripping out of all the contents of Morier House which would give each department the opportunity to re-

configure the floor space for their current and future needs. JPH announced that a Morier House Refurbishment Project Group would be set up. It was reported that the refurbishment would take place a floor at a time and that if funding could be secured, work could start by the end of 2018. It was noted that if the space was configured more efficiently, there would be space for States Members meeting rooms.

The first meeting of the project group, led by external contractors appointed by JPH, took place on 16 February 2018. A Project Initiation Document was circulated by the project manager which referred to a business case, agreed by COM in February 2016, confirming that 'the building [Morier House] was considered to be a core property to be retained within the [States] portfolio due to the functions within requiring proximity to the States Building'. The paper continued that 'the Office Modernisation Project recognised that there was a significant opportunity to improve the effectiveness of this building [Morier House] and the OMP programme included a major refurbishment of the building to meet the agreed States of Jersey modernisation standards and principles, as agreed by the Council of Ministers'.

The Morier House Refurbishment Project Group met and corresponded throughout 2018. Statements of Business Needs were provided by each department and 'zonal layouts' were drawn up by the external consultants.

The LOD Practice Director learned of a newly established GoJ Office Accommodation Board in September 2018 and joined the board to represent the interests of the Non-Ministerial Departments in Morier House.

On 24 December 2018 the LOD was informed by the Morier House Refurbishment Project Group project manager that the LOD's requests for a law firm office configuration were outside the 'JPH/Office modernisation standards' and that approval would need to be sought from 'JPH/others'. Nothing further was heard from the project manager and we assume the external consultants were asked to step down.

A new external consultant contacted the LOD on behalf of JPH in February 2019 and there were various discussions regarding a decamp of the Non-Ministerial Departments to an office in the Parade while the refurbishment of Morier House would take place.

However, plans for the decamp to the Parade and the refurbishment of Morier House did not progress and it became clear that the focus of the CEO's Office Accommodation Board was on the move of CLMH occupants to Broad Street and a new build One Gov office. The Morier House refurbishment project was not a priority.

At the 15 August 2019 Office Accommodation Board meeting, the then CEO expressed the view that Morier House could be sold off and the Non-Ministerial Departments could become part of the new One Gov office building. The LOD Practice Director replied that Non-Ministerial Departments needed to remain separate from Government and that Morier House was the ideal location. As the Office Accommodation Board minutes will show, this view was noted, but ignored, for the next 18 months.

No further work was undertaken on plans for a refurbishment of Morier House and against the wishes of the Non-Ministerial Departments, the Office Accommodation Board progressed with plans for a new One Gov office including the occupants of Morier House. The Attorney General wrote to the Chief Minister, copying in the CEO, in August and December 2020, on behalf of the three Non-Ministerial Departments, stating the reasons why these departments needed to remain separate from Government.

Due to a lack of response to the Attorney General's correspondence, and having learnt in January 2021 through the filing of Standing Order 168 to States Members that the move to the One Gov Building in Broad Street was to proceed, the Non-Ministerial Departments of Morier House were forced to appeal and express their concerns to Scrutiny and the PAC.

To answer part (a) of the question, the consultation was not adequate and did not show a clear understanding of the needs of the departments in Morier House.

In answer to part (b) of the question, the needs of the Law Officers' Department will have changed since the 2018 discussions on the refurbishment of Morier House and will need to be looked at again in light of growth in headcount and working patterns post-Covid.

*2. To what extent were you consulted on the Public Estate Strategy 2021-2035?*

*a. How regularly were you in contact with the team assigned to the Strategy's development?*

The LOD has not been consulted on the Public Estate Strategy.

*3. What role do the Corporate Asset Management Group and States of Jersey Development Company have in maintaining the office accommodation used by your department?*

*a. Do you believe that the communication you have with these organisations is adequate? How could it be improved?*

Morier House office accommodation is maintained by Jersey Property Holdings. Communication between the Department and JPH is adequate.

*b. We understand there to have been an advanced business case regarding the refurbishment of Morier House (2018) – to what extent were you consulted on the business case and what is your understanding of its status currently?*

The following documents were prepared in 2018:

- A Project Initiation Document (prepared by external consultants for JPH)
- Statements of Business Needs (prepared by the Departments)
- Proposed zonal layouts (prepared by external consultants for JPH)

Nothing has been heard of these documents since 24 December 2018. The zonal layouts had not been agreed by the Department and there was still significant discussion to be had regarding the floor plan and the office requirements of the Department. The requirements will have changed further post-Covid.

*c. Have the needs you expressed for the building's layout changed post-pandemic and have these been taken into account?*

The last correspondence on the re-configuration of Morier House was in December 2018, post-pandemic changes will not have been taken into account.

*4. Can you provide a list of property/land in your department's remit, including:*

- *Rental*
- *Unused/closed/disused*
- *Outside the purview of the Property Division*

The Law Officers' Department occupies the fourth, third and a portion of the second floor of Morier House.

5. Please indicate if you have completed any of the following on the behalf of your department:

- *Asset Management Plan*
- *Condition survey*
- *Risk/cost benefit analysis (for use/disposal/repurpose)*
- *Maintenance programme?*

The Law Officers' Department does not carry out these functions but we understand that JPH has recently carried out an audit of Morier House.

6. What consultation have you received on ensuring disability legislation compliance, and what was the result?

a. How has this information been compiled?

The Department is reliant on JPH making any changes required. We understand that an audit has taken place and we await the outcome.

7. Do you consider the Strategy to be 'fit for purpose' – if not, what are the issues with any of the land/property you utilise not addressed by the Strategy?

a. How do you expect these issues to be represented beyond the Strategy? What discussions have you had with relevant Officers and Ministers regarding this?

There is no specific reference to the Morier House Departments in the Island Public Estate Strategy but the following objectives listed on pages 32 to 38 cover all the essential requirements:

6.3.1 A unified, sustainable and smart estate which respects the natural and historic environment

6.3.2 Meets the needs of the client and building occupiers

6.3.3 Economic and efficient operation, facilitating investment, supporting growth and regeneration and delivering value for money

6.3.4 Continuous improvement through consideration of emerging design and evolving technologies

6.3.5 Effective and efficient operations supported by a comprehensive asset management system

The Strategy appears to be well thought through. It is the implementation of the Strategy that is in question to date, in particular, objective 6.3.2, meeting 'the needs of the client and building occupier'. It should be noted that the needs of the Law Officers' Department are to be independent from Government offices and adjacent to the States Assembly and Royal Court buildings. These needs are met by remaining in Morier House, a building which is already owned by the States.

8. Have you undertaken an assessment of what land/property your department will need:

- *In one year*
- *In 5-10 years*
- *In the longer term?*

Future needs were looked at when the refurbishment of Morier House was planned in 2018 but will need to be reviewed again in light of changes in headcount and in working practice post-Covid.

9. How much annually do you spend on property maintenance (including what percentage of your budget) and who undertakes that maintenance?  
a. Who is/are the Accountable Officer(s) for that expenditure?

The Department's 2021 spend on 'facilities management' is £99,000. This represents 1.16% of the total LOD budget. The amount includes property maintenance and all aspects of building control such as security, cleaning and the front desk reception. Work is arranged by JPH, either directly or using external contractors.

The Accountable Officer for all LOD expenditure is Alec Le Sueur. The Accountable Officer has no input in the 'facilities management' allocation of costs to the Department from Treasury.

I would be very happy to answer any further questions or clarify any points as required.

Yours sincerely



**Alec Le Sueur**  
**Practice Director**  
D +44 (0) (1534) 441444  
E a.lesueur@lawofficers.je