

ROYAL COURT
(Samedi Division)

17.

31st January, 1997

F.C. Hamon, Esq., Deputy Bailiff, and
Jurats Le Ruez and Vibert

The Attorney General

- v -

Channel Island Carriage Company Ltd

2 counts of contravening Article 8(1) of the Island Planning (Jersey) Law, 1964:

Count 1 : by making a material change of use of the ground floor of the defendant company's premises at 48 Colomberie, St. Helier, Jersey, Channel Islands, from use as a shop to use as premises for letting or hiring motor vehicles without the permission of the States Planning and Environment Committee as required by the said Law;

Count 2 : by making a material change of use of the shop front of the said premises by displaying advertisements on external parts of the premises not normally used for that purpose, without the said Committee's permission as required by the said Law.

1 count of contravening Article 4(1) of the Island Planning (Control of Advertisements) (Jersey) Order, 1965, as amended by displaying advertisements without the said Committee's permission, as required by the said Order (count 3).

Plea: facts admitted.

Details of Offence:

The defendant made a material change in use of the premises 48 Colomberie by changing the use from a shop as defined in the use classes regulations to a hire car booking office. The offences took place between 1st July and 30th September, 1996. The defendant company also made a material change of use by virtue of Article 5(4) of the Island Planning (Jersey) Law, 1964, by displaying advertisements on external part of the property not normally used for such purpose. The gaudy advertisements caused one member of the public to complain that the premises looked like a "Soho sex shop". The infraction of the Control of Advertisements Order related to three moveable boards located in the pedestrian precinct.

Details of Mitigation:

The defendant company had no previous convictions although the Crown Advocate referred to two previous incidents in 1994 where the company had only submitted a retrospective application for change of use and removed advertisements after the threat of legal action. There was a breakdown in communication between the

company's officers and the company's dealing with the Planning Department coloured by the personal antipathy of Mr. T.J. Le Main, one of the company's advisers, towards an Enforcement Officer. The application for change of use to hire car booking office would have been granted by the Committee had an application been submitted. The application for displaying the advertisements would have been refused.

Previous Convictions: None.

Conclusions:

Count 1 : £500 fine.

Count 2 : £500 fine.

Count 3 : £25 fine.

£300 costs.

Sentence and Observations of the Court:

Conclusions granted. Court noted the handsome apology made on behalf of the company by defence counsel and the undertaking from the company to abide by the Planning Law in future.

P. Matthews, Esq., Crown Advocate.
Advocate C.P.G. Lakeman for the Defendant Company.

JUDGMENT

THE DEPUTY BAILIFF: As someone once said "*a thing of beauty is a joy forever*", but presumably the corollary of that is that if something causes offence, steps should be taken to regularise it.

5 I do not think we could have had a more handsome apology than
the one we received from Mr. Lakeman this morning. We will not
dwell upon the matter, nor attempt to clarify some of the points
which have been raised in our minds. We will merely say that we
will follow the conclusions of the Crown and the fines as
10 suggested by the Crown are imposed.

Authorities

AG -v- Barrett (14th December, 1990) Jersey Unreported.