

JERSEY / JUDGMENT

AG -v- Wallbridge-Smith

[2008] JRC 055 (04 April 2008)

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JUDGMENT

THE COMMISSIONER: 1. The Crown Advocate has outlined the facts in very great detail and there is no need to repeat them. Suffice it to say that when Mr Wallbridge-Smith and other members of his family bought Laurel House, La Rue Du Crocquet, St Brelade. The Housing consent issued on 18 th August, 2005, was very clear. The use of the property was in these terms:- "That it should be occupied by the purchaser as their sole or principal place of residence or shall be let unfurnished to, or be otherwise occupied by, person approved by the Committee as being persons of a category specified in Regulation 1 (1) (a), (b), (c), (d), (e), (f), (g), (h) or (j) of The Housing (General Provisions)(Jersey) Regulations 1970 as amended, or by persons who have submitted a Particulars of Exempted Transaction form in accordance with Regulation 5 (1) of the above Regulations, and who will occupy the accommodation as their sole or principal place of residence". Of course, you can have up to five lodgers as long as the residentially qualified person is living in the property. 2. It was in September 2006 that the Housing Department received anonymous information that the property was being run as an illegal lodging house. It took some months of investigation to unravel the truth of the matter. Mr Wallbright-Smith continued to deny the offences until 7 th March, 2008, when he eventually admitted that he was at fault. 3. Advocate Preston has quite properly presented a different picture to that implied by the Crown. We now have a letter from Mr Wallbridge-Smith which shows the vast amount he has expended on this clearly deteriorating property; and there are personal matters which have been shown to us in the letter which we will not go into here. 4. This was originally a deliberate flaunting of the law and this was quite wrong, particularly in the light of the Island's housing problem. We note that in the case of AG v Chapman

[2008] JRC 037 , the accused there was given the opportunity to rectify matters which he agreed to do, but did not implement. 5. In the present case the whole of the text message read to us by Advocate Preston is not as startling as the version given to us by the Crown. Nevertheless there is an undeniable impression of a determination to mislead. 6. We note that the investigation and particularly the time factor is for the whole period of the infraction. This was a breach of the housing law which the Court will not tolerate. We have looked at the matter in the round and particularly at the financial and personal situations of the accused. 7. We are going to reduce the fines on Count 1 to £2,500 or 1 month's

imprisonment in default. On Count 2 to £2,500 or 1 month's imprisonment in default, consecutive. On Count 3 to £2,500 or 1 month's imprisonment in default, consecutive. That is a total of £7,500. 8. Advocate Preston has asked us and we have agreed that payment shall be made at no less than £500 per month and there must of course be a contribution to the Crown's costs of £1,500. Authorities AG -v- Chapman

[2008] JRC 037 . Page Last Updated: 22 Jul 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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