



## Environment, Housing and Infrastructure Scrutiny Panel

### Records of Meetings

Year: 2021

The following records of meetings have been approved by the Panel.

Signed



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Chair

Connétable Mike Jackson

# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by electronic mail

Date: 5th January 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair Connétable Sadie Le Sueur-Rennard Deputy Inna Gardiner
Apologies	
Absent	
In attendance	Nikita Hall, Committee and Panel Officer Monique Magalhaes, Research and Project Officer
Agenda Matter	Action
<b>1. Foreshore Encroachment Policy Review – Draft Report</b>  The Panel approved a first draft of the main body of its report S.R.1/2021 Foreshore Encroachment Policy. The Officer advised that, with immediate effect, excerpts of the main body of the report would be circulated to the Department for Infrastructure, Housing and Environment and all other stakeholders who contributed evidence to the Panel's report for factual checking. It was agreed that the executive summary, key findings and recommendations would then be discussed and agreed at the Panel's next scheduled meeting on 12th January 2021, with a view to presenting the report shortly thereafter.	<b>NH</b>

# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by video conference

Date: 12th January 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair Deputy Inna Gardiner Connétable Sadie Le Sueur-Rennard [items 3,4,5, 6 and 7 only]
Apologies	
Absent	
In attendance	Deputy Steve Luce (Panel Guest)  Nikita Hall, Committee and Panel Officer Monique Magalhaes, Research and Project Officer
Agenda Matter	Action
<b>1. Records of Meetings</b>	
The Panel noted and approved the record of the meeting held on 15 <sup>th</sup> December 2020.	
<b>2. Bridging Island Plan Review</b>	
<p>The Officer updated the Panel on the progress regarding the report. The Officer informed the Panel that report writing had commenced and the intention was for the first draft of the report to be shared with the Panel within the coming weeks. The Officer explained that a section regarding the Draft Covid-19 (Island Plan) Regulations 202- which would enable the shortened Bridging Island Plan to be proposed would be included in the report.</p> <p>It was noted that part of the Panel's Terms of Reference encompassed the inclusion of the Future Hospital in the Bridging Island Plan and therefore it would be pertinent to raise concerns regarding the planning approval process for access routes to the Future Hospital and how the Bridging Island Plan would be connected with this.</p> <p>The Panel raised concern regarding the timeline of the Bridging Island Plan and the lack of clarity regarding when it would commence and when it would be surpassed by the subsequent 10-year Island Plan. In addition, regarding the current absence of clarity over which projects would be allocated to the Bridging Island Plan and which would be attributed to the subsequent 10- year Plan.</p> <p>Regarding terminology used within the Plan, the Panel noted that phrases had been used without clarifying their meanings. It was highlighted, for example, that the term 'sustainability' was mentioned multiple times throughout the Bridging Island Plan without defining what was meant by it.</p>	
<b>3. Draft Wildlife (Jersey) Law 202- Review</b>	
The Panel noted and discussed a letter received from the Minister for the Environment in relation to the Draft Wildlife (Jersey) Law 202-.	

<p>The Vice-Chair informed the Panel that conversations were continuing between the Assistant Minister for the Environment and the Jersey Farmers' Union (JFU) regarding the Law. He noted that it was likely that areas remained to be resolved.</p>	
<p>The Panel noted that the guidelines required to accompany the Draft Wildlife (Jersey) Law had not yet been received. The Officer was requested to draft a letter to the Minister for the Environment for the Panel's approval, requesting the Minister to defer the debate of the Draft Law until the guidelines had been issued and agreed.</p>	NH
<p>The Officer informed the Panel that the deadline for amendments to the Draft Wildlife (Jersey) Law 202- was 25<sup>th</sup> January 2021. The Panel noted it would wait for the guidelines to be issued, however, it was not likely that it would lodge an amendment.</p>	NH
<p>The Panel discussed the potential impacts of the Draft Wildlife (Jersey) Law 202- on the building sector. The Officer was requested to draft letters for the Panel's approval to send to the Jersey Construction Council and representatives of the building sector requesting their views in that regard.</p>	NH
<p><i>Connétable Sadie Le Sueur-Rennard joined the meeting at this point (9.54am).</i></p>	
<p>The Officer was requested to follow up with the JFU and the Royal Jersey Agricultural and Horticultural Society (RJA &amp; HS) to confirm whether they had any further concerns in relation to the Draft Law.</p>	NH
<p>The Panel agreed to present a Comments paper for its review of the Draft Wildlife (Jersey) Law -202.</p>	NH
<p><b>4. Foreshore Encroachment Policy Review</b></p>	
<p>The Panel noted and agreed the factual accuracy checking comments received from stakeholders' regarding evidence that had been used to inform the review.</p>	
<p>The Panel approved the final report and its findings and recommendations.</p>	
<p>The Officer informed the Panel that the final report would be presented to the States Assembly on Thursday 14<sup>th</sup> January 2021.</p>	
<p><b>5. UK-EU Trade and Economic Cooperation Agreement ('TECA') – Inclusion of the Bailiwick of Jersey (P.170/2020) – Review of fisheries related implications</b></p>	
<p>The Panel discussed the Scoping Document and Terms of Reference for its review regarding the fisheries related implications of the TECA.</p>	
<p>The Panel discussed the review and its intention to ensure the views of Jersey's fishing industry and the potential consequences of the agreement on the industry would be highlighted. The Panel noted the importance of considering the practical implications of the agreement on Jersey's fishing industry.</p>	
<p>The Officer informed the Panel that a list of key targeted stakeholders, primarily within the fishing industry, would be identified and a letter requesting written submissions would be drafted for the Chair's approval.</p>	NH
<p>The Officer noted that she was awaiting the complete legal text in relation to the TECA and once received scrutiny work would commence in that regard.</p>	
<p>Regarding the public hearings to inform the review, the Officer asked whether the Panel would be inclined to hold a joint hearing with the Minister for External Relations</p>	NH

<p>and the Minister for the Environment. The Panel agreed that it would be beneficial and requested the Officer to schedule a date for the hearing.</p>	
<p>The Officer was requested to identify key stakeholders to attend a public hearing, as well as potential suitable dates.</p>	<p>NH</p>
<p>The Officer explained she would look to schedule hearing dates for the end of January / first week of February.</p>	<p>NH</p>
<p><b>5. Administrative matters</b></p> <p>Regarding <a href="#">(R.4/2021)</a>, Deputy Gardiner raised concern in relation to the decision taken by the Minister for Infrastructure to extend the lease of the Broad Street office by 25 years. The Panel agreed it would include this as an area of questioning in its upcoming hearing with the Minister for Infrastructure on 26<sup>th</sup> January.</p>	
<p><b>6. Quarterly Hearing with the Minister for Infrastructure</b></p> <p>The Panel noted its upcoming hearing with the Minister for Infrastructure on 26<sup>th</sup> January and discussed areas of questioning for the hearing.</p>	
<p><b>7. Future meeting</b></p> <p>The Panel noted that the next meeting would take place on 26<sup>th</sup> January 2021.</p>	

# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by video conference

Date: 26th January 2021

Present	<p>Connétable Michael Jackson, Chair                  Connétable John Le Maistre, Vice-Chair                  Deputy Inna Gardiner                  Connétable Sadie Le Sueur-Rennard [items 1,2,4,5,6,7,8,9 only]                  Deputy Steve Luce                  Deputy Graham Truscott</p>
Apologies	
Absent	
In attendance	<p><b>Item 2</b></p> <p>Deputy Kevin Lewis, Minister for Infrastructure                  Deputy Hugh Raymond, Assistant Minister for Infrastructure                  Triston Dodd, Head of Transport and Infrastructure                  Ellen Littlechild, Group Director of Operations and Transport                  Tim Daniels, Director, Jersey Property Holdings                  Gordon Forrest, Head of Driver and Vehicle Standards                  Andy Scate, Acting Director General, Infrastructure, Housing and Environment                  John Littlewood, Head of Finance Business Partnering                  Robert Hayward, Senior Transportation Planner                  Christopher Rondel, Private Secretary to the Minister for Infrastructure</p> <p><b>Item 3</b></p> <p>Don Thompson, President, Jersey Fishermen’s Association</p> <p><b>Item 8</b></p> <p>Louise Magris, Head of Sustainability and Foresight, Strategic Policy Planning and Performance                  Lisette Jones, Senior Policy Officer, Strategic Policy Planning and Performance                  Steve Skelton, Director of Strategy and Innovation, Strategic Policy Planning and Performance                  Jane Burns, Eco- Active Programme Manager, Strategic Policy Planning and Performance</p> <p>Nikita Hall, Committee and Panel Officer                  Monique Magalhaes, Research and Project Officer [items 1,2,4,5,6,7,8,9 only]                  Fiona Scott, Research and Project Officer [item 3 Only]</p>
Agenda Matter	Action

<p><b>1. Records of Meetings</b></p> <p>The Panel noted and approved the record of the meetings held on 22<sup>nd</sup> December 2020 and 12<sup>th</sup> January 2021.</p>	
<p><b>2. Public Quarterly Hearing with the Minister for Infrastructure</b></p> <p>The Panel discussed the question plan for the hearing with the Minister scheduled for 11.30am that day.</p> <p>The Panel received Deputy Kevin Lewis, the Minister for Infrastructure, Deputy Hugh Raymond, the Assistant Minister for Infrastructure and Officers for a quarterly public hearing. The proceedings were streamed live to the public and a recording was taken so that a written transcript could be produced.</p>	
<p><b>3. Public Review Hearing with the Jersey Fishermen’s Association</b></p> <p>The Panel discussed the question plan for the hearing with the Jersey Fishermen’s Association (JFA) scheduled for 2pm that day.</p> <p>The Panel received Don Thompson, the President of the JFA for a public hearing in relation to the review of the fisheries implications regarding the UK-EU Trade and Economic Cooperation Agreement (‘TECA’) – Inclusion of the Bailiwick of Jersey (P.170/2020). The proceedings were video recorded via Microsoft Teams and a transcript was produced.</p>	
<p><b>4. Bridging Island Plan Review</b></p> <p>The Officer updated the Panel on the progress regarding the report. She informed the Panel that it was her intention for the draft report to be shared with them on Friday 29<sup>th</sup> January. The Officer confirmed that a section of the report would consider the Future Hospital within the scope of the review’s Terms of Reference.</p>	<b>NH</b>
<p><b>5. Draft Wildlife (Jersey) Law 202- Review</b></p> <p>The Panel noted and discussed a letter received from the Minister for the Environment on 22<sup>nd</sup> December 2020 updating the Panel on progress that had been made in relation to addressing the concerns of the farming industry in respect of the Draft Wildlife (Jersey) Law 202- and regarding the development of the guidance that would accompany the draft Law.</p> <p>The Panel noted and discussed the Comments paper on the Draft Wildlife (Jersey) Law 202- to be presented prior to the States debate.</p> <p>The Panel discussed Deputy Luce’s amendments to the draft Wildlife Law.</p> <p>The Panel noted that it was reasonably satisfied that the principles had been adopted in the draft Law to allay the concerns of the farming industry and that the role the Attorney General would represent a level of confidence regarding the application of the draft Law.</p> <p>The Panel discussed the marine sector and whether the protection of the sector had been adequately presented in the draft Law. The Panel highlighted its confidence in the Marine Resources team to ensure good representation for the marine sector.</p> <p>The Panel noted it had requested views from the building industry regarding any potential impact of the draft Law on the industry. At the time of meeting, the Panel had not received a response from the industry.</p>	

<p>The Panel requested that the Officer incorporate a section within the Comments paper to emphasise it may seek to review the guidelines that would accompany the draft Law, at a later date, should concerns come to light.</p>	<p><b>NH</b></p>
<p>The Panel requested the Officer present the Comments paper once the revised changes had been made. The Officer noted she would present the Comments paper later that week.</p>	<p><b>NH</b></p>
<p><b>6. Foreshore Encroachment Policy Review</b></p> <p>The Officer informed the Panel that the Ministerial Response to S.R.1/2021 was due by 25<sup>th</sup> February 2021.</p> <p>The Panel observed that correspondence had been received from Jersey Property Holdings (JPH) in relation to its report and its recommendations. The Officer informed the Panel that she would consult with the JPH to further understand their intention.</p> <p>The Panel raised concern in relation to property transactions that were being hampered as a result of the foreshore encroachment policy. The Panel highlighted that if both JPH as well as the property owner were content with a transaction or contract that there should be no reason for the transaction to be delayed.</p> <p>The Panel discussed whether foreshore transactions and agreements of boundaries would be brought before the States Assembly. Noting, when a transaction did not involve a transfer of funds, that it would involve a contract between the parties. The Panel noted it would discuss this area with the Minister for Infrastructure at its Quarterly Public Hearing later that day.</p>	<p><b>NH</b></p>
<p><b>7. UK-EU Trade and Economic Cooperation Agreement ('TECA') – Inclusion of the Bailiwick of Jersey (P.170/2020) – Review of fisheries related implications</b></p> <p>The Panel noted and discussed the compressed timeline for its review. The Officer informed the Panel that the call for evidence would close on the 29<sup>th</sup> January. Additionally, that public hearings had been scheduled with the President of the Jersey Fishermen's Association (JFA) for later that day, and a joint hearing with the Minister for the Environment and the Minister for External Relations had been scheduled for the following Tuesday. The Officer highlighted that there was a 30-day notice period should Jersey wish to withdraw from the agreement and therefore the deadline for the Panel to present its report would be the week commencing 15<sup>th</sup> February so as to allow enough time for the Council of Ministers and the States Assembly to fully consider the Panel's report before this time elapsed.</p> <p>The Panel noted and discussed the submissions it had received. The Officer informed that Panel that, to date, it had received 34 submissions of which majority had been received from the fishing industry. She informed the Panel that a document highlighting the key themes demonstrated throughout the submissions would be shared with the Panel later that week.</p> <p>The Panel proposed that the Officer request Simon Bossy (a member of the public and former Marine Resources advisory officer for the Government of Jersey) to attend a hearing in relation to its review. Alternatively, if this would not be possible as a result of the compressed timeline, to request his views or comments through a written submission.</p> <p>The Panel highlighted the importance of considering a broad range of opinions, noting that the submissions that it had already received seemed to reflect similar views.</p>	<p><b>NH</b></p> <p><b>NH</b></p> <p><b>NH</b></p>



**8. Briefing – Citizens Assembly – Climate Change**

The Panel noted that it was due to receive a briefing in relation to Jersey’s Climate Conversation and Citizens’ Assembly on Climate Change scheduled at 10.30am that morning.

The Panel received officers from the Department for Strategic Policy, Planning and Performance for a briefing in relation to Jersey’s Climate Conversation and Citizens’ Assembly on Climate Change. The record of this meeting was classified as exempt in accordance with the Freedom of Information (Jersey) Law 2011 (as amended) under the Qualification Exemption Article 35.

**9. Future meeting**

The Panel noted that the next meeting would take place on 2<sup>nd</sup> February 2021.

# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by video conference

Date: 2nd February 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair Deputy Inna Gardiner Connétable Sadie Le Sueur-Rennard Deputy Steve Luce Deputy Graham Truscott
Apologies	
Absent	
In attendance	<p><b>Item 1</b></p> <p>Matthew Berry, Legal Advisor, Law Officers' Department</p> <p><b>Item 2</b></p> <p>Simon Bossy</p> <p><b>Item 3</b></p> <p>Deputy Young, Minister for the Environment Deputy Guida, Assistant Minister for the Environment Mr. Peggie, Environment Director and Acting Director of Regulation Mr. Morel, Marine Resources Officer Senator Gorst, Minister for External Relations Ms. Leroy, Director, Bureau des Îles Anglo-Normandes</p> <p>Nikita Hall, Committee and Panel Officer Monique Magalhaes, Research and Project Officer [items 1, 4,5,6,7,8,9 only]</p>
Agenda Matter	Action
<p><b>1. Meeting with Law Officers' Department</b></p> <p>The Panel noted its meeting scheduled with the Law Officers' Department (LOD) at 10.30am that morning and discussed the question areas for its meeting.</p> <p>The Panel met with Mathew Berry, Legal Advisor, from the LOD in relation to UK/EU TECA Fisheries Review at 10.30am that day. The record of this meeting was classified as exempt in accordance with the Freedom of Information (Jersey) Law 2011 (as amended) under the Qualification Exemption Article 32.</p>	
<p><b>2. Public Review Hearing with the Simon Bossy</b></p>	

<p>The Panel received Simon Bossy for a Public Hearing in relation to the Panel's UK/EU TECA Fisheries review. The proceedings were video recorded via Microsoft Teams and a transcript was produced.</p>	
<p><b>3. Public Review Hearing with the Minister for External Relations and Minister for the Environment</b></p> <p>The Panel noted and discussed the question plan for the Public Review Hearing with the Minister for External Relations and the Minister for the Environment scheduled for 2pm that day.</p> <p>The Panel received Senator Gorst, the Minister for External Relations and Deputy Young, the Minister for the Environment for a hearing in relation to the Panel's UK/EU TECA Fisheries review. The proceedings were streamed live via Microsoft Teams and a recording was made so that a transcript could be produced.</p>	
<p><b>4. Bridging Island Plan Review</b></p> <p>The Panel noted and discussed its draft Report on the Bridging Island Plan Review. The Panel agreed it would approve the report by 11am the following day. The Officer informed the Panel that the report would be sent for fact checking following the Panel's approval and would be presented to the States Assembly on Friday 5<sup>th</sup> February.</p> <p>The Panel discussed the potential impact of the Island Plan being considered and debated so close to the next Jersey election. The Panel observed that the proposed process regarding amendments to the draft bridging Island Plan would not be ideal.</p> <p>Deputy Gardiner arrived at this point and was in attendance from 10am.</p>	<p>NH</p>
<p><b>5. Draft Wildlife (Jersey) Law 202-</b></p> <p>The Panel noted that its Comments paper had been presented to the States Assembly on Friday 29<sup>th</sup> January.</p>	
<p><b>6. Foreshore encroachment policy</b></p> <p>The Panel discussed email correspondence that had been received from Jersey Property Holdings (JPH) in relation to the Panel's report scrutinising P.111/2020. The Panel requested the Officer to schedule a meeting with the Minister for Infrastructure and JPH to discuss the recommendations made within its report S.R.1/2021. It was suggested that a meeting be scheduled for 16<sup>th</sup> February.</p> <p>The Panel discussed that any proposed working drafts of potential amendments brought by the Minister for Infrastructure should be shared with them to ensure the Panel would have sight of any amendments prior to the States debate of the proposition. The Officer informed the Panel she would inform the Department of the Panel's request.</p>	<p>NH</p> <p>NH</p>
<p><b>7. UK-EU Trade and Economic Cooperation Agreement ('TECA') – Inclusion of the Bailiwick of Jersey (P.170/2020) – Review of fisheries related implications</b></p> <p>The Panel discussed its review. It highlighted an area of contention in relation to the interpretation of the TECA and what was meant by the 3-mile limit. The Panel noted that Jersey's proximity to the Minquiers and Ecrehous added a level of challenge for Jersey. The Panel discussed the maritime boundary in relation to the Granville Bay Treaty and the TECA.</p> <p>The Panel suggested it should discuss the negotiations of the agreement with the Minister for External relations to gain an understanding of what it had involved.</p>	

<p>The Panel discussed the potential impact of Brexit and noted that Jersey would be represented as a third country by the EU, if Jersey was not signed up to the TECA.</p> <p>Connétable Rennard arrived at this point and was in attendance from 9.40 am.</p> <p>The Panel highlighted and discussed a media article that had been published in the Times regarding a ban of British shellfish export.</p> <p>The Panel discussed the challenges that Jersey's Oyster producers were facing regarding the administration process required for the export of their product. The Panel noted that producers were finding it challenging to acquire the assistance of officers within the time frame to meet their export deadlines. The Panel observed that the paperwork required was more complicated and it would necessitate more time to learn the process and iron out any issues in that regard. The Panel agreed that assistance would be required in the early days. Regarding inspections of product, the Panel observed that the department was understaffed and therefore support was not readily available.</p> <p>The Panel discussed whether these issues could be improved through better lines of communication between the Department and the Jersey Fishermen's Association (JFA).</p>	
<p><b>8. Climate emergency – Citizens' Assembly</b></p> <p>The Panel discussed the role it would undertake in the Climate Conversation – Citizens' Assembly project. The Officer informed the Panel that its role should be purely observational in order for the Panel to be able to scrutinise the policy at a later date, if it was so inclined.</p> <p>The Officer informed the Panel that the Citizens' Assembly was scheduled to meet between March and May and that it would be likely that the Advisory Panel and an Officer from the States Greffe would attend those sessions to take the minutes. Therefore, the Panel would not be required to attend all the sessions as independent minutes would be available.</p> <p>The Panel requested the Officer to identify whether the sessions would be recorded so that the Panel could view the sessions after they had taken place in the instances that the Panel could not attend all the sessions.</p> <p>The Panel agreed it would be necessary for at least one of its members to attend the sessions, particularly the initial sessions, to ensure they were being run fairly and were balanced.</p> <p>The Panel agreed that Connétable Le Maistre would act as rapporteur for the Panel and would attend the sessions, however, in the instance when he would be unable to attend other Panel members could attend.</p> <p>The Officer noted the Panel had a meeting scheduled for Monday 8<sup>th</sup> February with the Sortition Foundation to gain an understanding of the process that was used to establish the members of the Citizens' Assembly Panel.</p>	<p><b>NH</b></p>
<p><b>9. Future meeting</b></p> <p>The Panel noted that the next meeting would take place on 16<sup>th</sup> February 2021.</p>	

# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by video conference

Date: 4th February 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair Connétable Sadie Le Sueur-Rennard Deputy Graham Truscott Deputy Inna Gardiner
Apologies	Deputy Steve Luce
Absent	
In attendance	Chris Le Masurier, Jersey Oyster Company Nikita Hall, Committee and Panel Officer
Agenda Matter	Action
<b>1. UK/EU Trade and Co-operation Agreement: Fisheries Review – Public Hearing with Jersey Oyster Company</b>	
The Panel received Chris Le Masurier, owner of the Jersey Oyster Company, for a Public Hearing in relation to the Panel's UK/EU TECA Fisheries review. The proceedings were video recorded via Microsoft Teams and a transcript was produced. Due to a declared financial conflict of interest, Deputy Luce gave his apologies and did not attend the hearing.	

# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by electronic mail

Date: 5th February 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair Connétable Sadie Le Sueur-Rennard Deputy Inna Gardiner Deputy Graham Truscott Deputy Steve Luce
Apologies	
Absent	
In attendance	Nikita Hall, Committee and Panel Officer Monique Magalhaes, Research and Project Officer
Agenda Matter	Action
<b>1. Bridging Island Plan 2022-24: An analysis of the Island Plan Review process – Publication of report</b>  The Panel approved the publication of its report S.R.3/2021 Bridging Island Plan 2022-24: An analysis of Island Plan Review process. The Officer advised that, with immediate effect, the report would be presented to States Members and circulated to the media with an accompanying press release.	<b>NH</b>

# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by video conference

Date: 8th February 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair Deputy Inna Gardiner Connétable Sadie Le Sueur-Rennard Deputy Steve Luce Deputy Graham Truscott
Apologies	
Absent	
In attendance	Louise Magris, Head of Sustainability and Foresight, Strategic Policy Planning and Performance Lisette Jones, Senior Policy Officer, Strategic Policy, Planning and Performance Brett Hennig, Sortition Foundation  Nikita Hall, Committee and Panel Officer Monique Magalhaes, Research and Project Officer
Agenda Matter	Action
<p><b>1. Briefing – Sortition Foundation on the Citizens’ Assembly Selection Process for the Climate Change Project</b></p> <p>The Panel received a briefing from Brett Henning of the Sortition Foundation in relation to the selection process being used for establishing the Citizens’ Assembly for the Climate Change Project.</p> <p>To assist in informing the Panel, it was shown the services brochure of the process that had been followed to determine the 45 member Citizens’ Assembly.</p> <p>It was explained that a two-step random selection process was followed which had mirrored the process that was typically used to recruit for a group of 50 members. However, the process had been slightly adjusted to accommodate a group of 45 members which would establish the Citizens’ Assembly Panel. It was explained that the first step of the selection process had involved the random selection of households and for that process a factor of 200 was used which had equated to 9000 Jersey households.</p> <p>The Panel was informed that the 9000 households that were approached had been randomly selected by Statistics Jersey. It was explained that each of the 9000 households was sent an invitation to register their interest in the Citizens’ Assembly process and that the communications had included the details regarding how the households could respond. For ease, the households were provided with a variety of response options including to register using a free telephone option as well as through an online form for which the URL link was provided. The Panel was informed that the same process would be followed for all response options and that for those</p>	

respondents who had opted to use the telephone option to register their interest, a representative was tasked to fill out the form on the persons behalf. It was explained that the form was identical to the online version that individuals had been provided a link to. Therefore, it was emphasised, that both options would result in the same form being filled out.

The Panel was advised that the form had collected data including information in relation to age, gender, geographic position (which would be represented via the respondent's postal code) as well as information regarding an attitudinal question.

Regarding the attitudinal question, the Panel was informed that a question relating to how important climate change was to the respondent was asked of the respondent.

It was explained that the typical response rate to invitations such as those that had been sent out to Jersey residents would be between two and four percent. In addition, the Panel was informed that the responses would usually encompass those individuals who generally would not engage in political processes.

Regarding step two of the process, the Panel was told that stratified random selection was utilised whereby it was intended that the selection would match the target population of Jersey. It was explained that the second random selection had intended to correct the skew in selection that had formed within the first random selection process and that a computer algorithm was used to remove the skewing that had developed during the selection process.

It was explained that once the 45 members had been selected, the Sortition Foundation would call the successful candidates to inform them that they had been selected as a member of the Citizens' Assembly Panel. The Panel was advised that typically a few candidates would choose to drop out at that stage and that finding exact matching for those candidates at that point in the process was usually challenging. Therefore, when exact matches were not possible, a slight divergence to the target could be expected.

Regarding areas of potential skewing in the selection process, it was explained that usually the process could present skewing in the over 60 years age category as well as in the younger age groups.

The Panel was informed that the socio-economic factor was defined by considering the housing aspect as well as the response to the attitudinal question that had been asked regarding climate change.

Regarding Jersey's response rate, it was noted that Jersey had received a good response rate to date, however, a week still remained for people to register their interest in the process.

Regarding potential skewing that was relative to Jersey, it was explained that areas of skewing had been noticed in more women registering their interest, more urban (St Helier) households and in the age group of 45 years. The Panel was advised that the variation of individuals from a variety of birth places was balanced. Regarding the attitudinal question, it was explained that a significant skewing was apparent as very few individuals who had registered to date were not concerned about climate change. It was explained that a balance would need to be achieved between the individuals who were concerned and those that were not.



Regarding the targets set by the Sortition Foundation as part of the selection process, the Panel asked how the Sortition Foundation had matched its targets and why, when individuals had responded to the selection process, those targets were not accurately reflected.

It was explained that when people responded that skewing was possible. However, the Panel was informed that when the Sortition Foundation undertook the selection it would attempt to match the government census or target statistics in order for the selection to match the microcosm of the population. It was noted that the process had involved selecting individuals in respect of the targets that had been set and not on the response rates that had been received.

Regarding how the Sortition Foundation would ensure the Citizens' Panel had balanced views regarding their climate change concerns, the Panel asked how that was safeguarded by the selection process. The Panel was informed that it was an imperfect measure. It was explained that in the registration process it was important to ensure that the process was as simple as possible and that the questions asked were simple and few. The Panel was told that to assist with that process the Sortition Foundation had used an Ipsos MORI survey and that it had asked one attitudinal question.

The Panel raised concern regarding the potential for individuals with extreme views (individuals who are sceptical and those that are overly concerned) rather than more balanced views being selected which may affect the process and its outcomes. The Panel asked how the process had ensured that individuals from all areas of the 'concern for climate change' spectrum would be selected. It was explained that this aspect was identified during the second selection process. The Panel was informed that the process would identify individuals that were pragmatic, sceptical and extremely concerned and that the balance could be achieved.

The Panel emphasised that it would be important to ensure the views of the members of the Citizens' Assembly were balanced.

The Panel was informed that although the selection process would encourage the establishment of a Citizens' Assembly that matched the microcosm of Jersey, when 45 individuals had worked through the deliberation process they would ultimately come to the same opinion. It was explained that this would be likely even if a couple of the members were to be replaced. It was emphasised that the deliberation process would play an important role in the process.

The Panel asked how the 9000 households had been selected. It was explained that Statistics Jersey had provided the selection of households to approach to represent the households in Jersey.

The Panel asked if the selection process had matched a subsection of categories including men, women, young people and areas, for example. It was explained that the random selection process could not guarantee the matching of each subsection. The Panel was informed that it only ensured that the 45 people was a microcosm of Jersey.

The Panel asked if the selection process had connected any categories. It was explained that the algorithm that was used had not cross connected between categories and that it had only optimised fairness across the categories.

Regarding the meeting times that had been allocated for the Citizens' Assembly to meet, the Panel asked what consideration had been given to those times and if those times had been detailed in the invitation or during the registration process. The Panel noted that the times may seem inflexible for some people and that it may impact upon some people wishing to take part in the process. The Panel was concerned that the meeting times may result in a low turnout of participants and asked what could be done to improve participation and prevent the exclusion of people if that was the case. The Head of Sustainability and Foresight explained that the times had been considered and that the timings would not be ideal for everyone and that as a result of all the bank holidays during that period those times had been chosen. It was explained that where the commitment would be too demanding for individuals, they would be able to get involved through other dialogue and events options.

The meeting came to a close and the Panel thanked those in attendance for their time.

# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by video conference

Date: 16th February 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair [items 1,3,4,5,6,7,8 only] Deputy Inna Gardiner Connétable Sadie Le Sueur-Rennard Deputy Steve Luce Deputy Graham Truscott	
Apologies		
Absent		
In attendance	<b>Item 2</b>  Deputy Kevin Lewis, Minister for Infrastructure Tim Daniels, Director of Property, Jersey Property Holdings Philip Ahier, Manager - Principal Property, Jersey Property Holdings Duncan Mills, Legal Advisor, Law Officers' Department Christopher Rondel, Private Secretary to the Minister for Infrastructure  Nikita Hall, Committee and Panel Officer Monique Magalhaes, Research and Project Officer	
Agenda Matter		Action
<b>1. Records of Meetings</b>  The Panel noted and approved the record of the meetings held on 15 <sup>th</sup> December 2020 and 5 <sup>th</sup> January 2021.		
<b>2. Informal meeting with the Minister for Infrastructure and Jersey Property Holdings (JPH)</b>  The Panel noted and discussed the Encroachments on the Foreshore: Revised Policy, (P.111/2020) Amendment (2) that had been lodge au Greffe on 16 <sup>th</sup> February. The Panel noted and discussed the recommendations that JPH had not accepted.  The Panel discussed the possibility for transactions to be allowed where both parties had come to an agreement regarding the terms of contract and highlighted that this should be supported where an agreement had been realised without pressure being placed on the party involved.  The Panel discussed the appeals process and suggested it would deliberate this further at its informal meeting with the Minister and JPH. Regarding the proposed appeals process, the Panel raised concern in relation to the utilisation of a third party in the appeals process and suggested it should explore that aspect further as an independent Panel could result in inconsistencies.		

<p>The Panel received the Minister for Infrastructure and JPH for an informal meeting to discuss the recommendations made in the Panel’s report: S.R.1/2021 – Foreshore Encroachment Policy Review at 10:30am that day. The record of this meeting was classified as exempt in accordance with the Freedom of Information (Jersey) Law 2011 (as amended) under Qualified Exemption Article 35.</p>	
<p><b>3. Bridging Island Plan Review</b></p> <p>The Panel noted that its report S.R.3/2021 had been presented on 5<sup>th</sup> February 2021 and noted that the Ministerial Response was expected by 19<sup>th</sup> March 2021.</p> <p>The Panel raised concern that if the public enquiry for the Island Plan was to be undertaken remotely due to Covid-19 restrictions it would raise challenges.</p> <p>The Panel discussed the Island Plan and future provision for affordable homes. The Panel agreed that it would look into this further as a possible topic for its next review.</p> <p>The Panel discussed the housing challenges that individual parishes were facing regarding affordable housing and first-time buyer homes. In addition, the priority lists for housing in parishes and their functioning as well as how the process could be improved. The Panel discussed the possibility for working across parishes on housing schemes to assist with managing adequate housing opportunities for all Islanders. It emphasised that consideration should be given to each parish scheme and consistency should be encouraged for policies across all the parishes. The Panel raised concern that community facilities and facilities for children and young people in the east of the Island were limited.</p> <p>The Panel discussed the importance of ensuring long-term affordable housing was provided so that when first-time buyer homes or affordable housing was sold on, the benefit of affordability would continue for the long term. It was highlighted that a process would be required to manage that aspect so that affordable housing was not sold in the open market for full price.</p> <p>The Panel discussed the demand for affordable housing for the ageing population. In addition, the requirement for care homes and suitable homes for downsizing. The Panel noted that by providing suitable housing for downsizing, the Island could make best use of the housing stock that was available.</p>	
<p><b>5. Draft Wildlife (Jersey) Law 202- Review</b></p> <p>The Panel noted and discussed a letter received from the Minister for the Environment on 5<sup>th</sup> February 2021 in relation to the recommendations made in the Panel’s Comments paper of the Draft Wildlife (Jersey) Law 202-.</p> <p>The Panel discussed the aspects of the legislation that related to bats inhabiting residential properties. In addition, the potential effects of mitigation measures on preventing bats from inhabiting homes and the impacts of that on the necessity for bat surveys under the legislation and planning obligations.</p>	
<p><b>7. UK-EU Trade and Economic Cooperation Agreement (‘TECA’) – Inclusion of the Bailiwick of Jersey (P.170/2020) – Review of fisheries related implications</b></p> <p>The Panel noted and discussed a letter of response received on 5<sup>th</sup> February from the Minister for the Environment.</p>	

<p>The Panel discussed its draft Report and findings and recommendations. The Panel requested the Officer to make a minor amendment to one of the key findings, after which it agreed the report and requested the Officer to proceed with the report fact checking process.</p> <p>The Panel discussed scallop dredging and the size of vessels that would be tolerated in Jersey's waters. It highlighted that the Minister should clarify the expectations with regards to those aspects so that Jersey's fishing community was aware of any changes that would be required going forward.</p>	<p><b>NH</b></p>
<p><b>8. Briefing – Citizens Assembly – Climate Change</b></p> <p>The Panel discussed the meeting it had attended on 8<sup>th</sup> February in relation to the Sortition Foundation's process for establishing the Citizens' Assembly.</p> <p>As rapporteur, Constable Le Maistre debriefed the Panel regarding the Advisory Panel's meeting held on 11<sup>th</sup> February that he had attended on behalf of the Panel in its observational role. Constable Le Maistre informed the Panel that during his observation he was content that the Panel had been independent in its role. He highlighted that the Advisory Panel was not afraid to challenge the Government of Jersey where appropriate to do so. The Panel's free autonomy was demonstrated by discussing the process that would be followed should the Panel disagree with the Government of Jersey or the process regarding the Climate Change project. Constable Le Maistre informed the Panel that the starting point for the process would be taken from the standpoint that the Government would be reducing carbon emissions.</p> <p>Constable Le Maistre informed the Panel that he would not be able to attend the next meeting and requested the Officer to share the meeting dates with the Panel so that another member could attend if they so wished.</p> <p><i>Constable Le Maistre left the meeting at this point at 10.30am</i></p> <p>Deputy Luce highlighted recent data showing the increased uptake of electric vehicles. He explained that the industry was at the tipping point where the cost and the range of the vehicles available would be acceptable to the public. However, he raised concern that the charging facilities on the Island were not adequate to meet the growing demand for electric vehicles. He explained that sufficient charging points had not been provided by the Department for Infrastructure, Housing and Environment and raised concern that when the uptake of these vehicles increased, Islanders would find it challenging to charge their vehicles. He suggested that the Panel should hold discussions with the Jersey Electricity Company (JEC) as to who would have involvement in that area. In addition, to understand the work that the JEC was undertaking to address the challenge and the consideration or work in relation to solar panels and the replacement of gas use with electricity on the Island.</p>	<p><b>NH</b></p>
<p><b>9. Government Plan Review 2021: Ministerial Response</b></p> <p>The Panel noted and discussed a Ministerial Response it had received regarding its Government Plan 2021 Report.</p>	
<p><b>10. States Assembly Business</b></p> <p>The Panel noted and discussed Proposition P.6/2021 – Draft Road Traffic (No.65) (Jersey) Regulations 202-. It was anticipated that it would be debated on 23<sup>rd</sup> March.</p>	
<p><b>11. Future meeting</b></p> <p>The Panel noted that the next meeting would take place on 9<sup>th</sup> March 2021.</p>	

16.02.2021

# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by electronic mail

Date: 19th February 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair Connétable Sadie Le Sueur-Rennard Deputy Inna Gardiner Deputy Graham Truscott Deputy Steve Luce
Apologies	
Absent	
In attendance	Nikita Hall, Committee and Panel Officer Monique Magalhaes, Research and Project Officer
Agenda Matter	Action
<b>1. Inclusion of the Bailiwick of Jersey in the UK-EU Trade and Co-operation Agreement: fisheries – Publication of report</b>  The Panel approved the publication of its report S.R.5/2021 Inclusion of the Bailiwick of Jersey in the UK-EU Trade and Co-operation Agreement: fisheries. The Officer advised that, with immediate effect, the report would be presented to States Members and circulated to the media with an accompanying press release.	<b>NH</b>

# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by video conference

Date: 9th March 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair Connétable Sadie Le Sueur-Rennard <i>[item 2 and 3 only]</i> Deputy Inna Gardiner Deputy Steve Luce Deputy Graham Truscott
Apologies	Connétable Sadie Le Sueur-Rennard <i>[item 1, 4-10 only]</i>
Absent	
In attendance	<b>Item 2</b>  Chris Ambler, Chief Executive, Jersey Electricity Peter Cadiou, Director of Commercial Services, Jersey Electricity  <b>Item 3</b>  Deputy John Young, Minister for the Environment Deputy Gregory Guida, Assistant Minister for the Environment William Peggie, Acting Director Group Regulation, Infrastructure, Housing and Environment Department Louise Magris, Head of Sustainability and Foresight, Strategic Policy, Planning and Performance Department Steve Skelton, Director of Strategy and Innovation, Strategic Policy, Planning and Performance Department Kevin Pilley, Head of Place and Spatial Planning, Infrastructure, Housing and Environment Department Greg Morel, Assistant Director, Marine Resources, Infrastructure, Housing and Environment Department Tim du Feu, Director, Environmental Protection, Infrastructure, Housing and Environment Department Ben Markwell-Sales, Private Secretary to the Minister for the Environment  <b>Item 4</b>  Deputy Russel Labey, Minister for Housing and Communities Sue Duhamel, Director, Strategic Policy, Planning and Performance Department Timothy Millar, Senior Policy Officer, Strategic Policy, Planning and Performance Department Marie Claire Hannigan, Private Secretary to the Minister for Housing and Communities  Nikita Hall, Committee and Panel Officer Monique Magalhaes, Research and Project Officer

09.03.2021



Agenda Matter	Action
<p><b>1. Records of Meetings</b></p> <p>The Panel noted and approved the record of the meetings held on 26<sup>th</sup> January, 2<sup>nd</sup>, 4<sup>th</sup>, 8<sup>th</sup> and 16<sup>th</sup> February 2021.</p>	
<p><b>2. Informal meeting with Chris Ambler CEO of Jersey Electricity</b></p> <p>The Panel met with Chris Ambler, Chief Executive of Jersey Electricity (JE) and Peter Cadiou, Director of Commercial Services, for an informal meeting to discuss a written submission provided in confidence by JE to the Panel's previous Government Plan 2021 Review and to discuss JE's involvement in plans for Jersey to be carbon neutral by 2030. The record of this meeting was classified as exempt in accordance with the Freedom of Information (Jersey) Law 2011 (as amended) under Qualified Exemption Article 26.</p>	
<p><b>3. Quarterly Hearing with the Minister for the Environment</b></p> <p>The Panel discussed the question plan for the hearing with the Minister scheduled for 11.30am that day.</p> <p>The Panel received Deputy John Young, the Minister for the Environment, Deputy Gregory Guida, the Assistant Minister for the Environment and Officers for a quarterly public hearing. The proceedings were streamed live to the public and a recording was taken so that a written transcript could be produced.</p>	
<p><b>4. Quarterly Hearing with the Minister for Housing and Communities</b></p> <p>The Panel discussed the question plan for the hearing with the Minister scheduled for 2.30pm that day.</p> <p>The Panel received Deputy Russel Labey, the Minister for Housing and Communities, and Officers for a quarterly public hearing. The proceedings were streamed live to the public and a recording was taken so that a written transcript could be produced.</p>	
<p><b>5. UK-EU Trade and Cooperation Agreement ('TCA') – Inclusion of the Bailiwick of Jersey (P.170/2020) Scrutiny Review</b></p> <p>It was noted that the Panel's report had been presented to the States on 19<sup>th</sup> February 2021 and a Ministerial Response was expected by 2<sup>nd</sup> April 2021.</p> <p>The Panel discussed ongoing difficulties faced by the fishing industry following Brexit and the adoption of the TCA, including difficulties with landing catch and aquaculture produce. It was noted that there was growing tension in relation to Jersey's fishing industry and an apparent lack of communication and engagement from Government. Furthermore, that the industry was planning a blockade of the harbour in protest of the current situation.</p> <p>The Panel discussed how it might wish to scrutinise the proposed vessel licensing regime once the detail had been considered by Government, in particular, the proposed conditions which would be attached to licences. It was agreed that in the first instance the Panel would meet with the Minister for the Environment and Government officials to be updated on the matter. The Officer was requested to arrange a further briefing update for the end of March 2021.</p>	<p><b>NH</b></p>
<p><b>6. Citizens' Assembly – Climate Change</b></p>	

<p>The Panel discussed its ongoing observational role of the Climate Change Citizens' Assembly process, noting that individual Panel members had now observed three meetings of the Citizens' Assembly Advisory Panel. It was noted that there were differing views shared amongst the Panel as to the independence of the Advisory Panel given that Government officials were present for, and participated in, these meetings. However, the majority view was that the meetings were being conducted in an independent manner with the independent members of the Advisory Panel taking a strong lead on the conduct of the meetings and challenging Government officials where appropriate to do so.</p> <p>The Panel discussed the scheduled dates for the Citizens' Assembly sessions, noting that the first session was that coming Saturday 13<sup>th</sup> March 2021. It was agreed that Constable Le Maistre would attend to observe the first morning session and Deputy Gardiner would attend the afternoon session. The Panel requested that the Officer liaise with Government officials to request if an overview of the session content could be shared with the Panel in advance, so that Panel members could decide their attendance based on this.</p>	<b>MM</b>
<p><b>7. Possible housing-related scrutiny review</b></p> <p>The Panel discussed a briefing paper which had been prepared by the Officer in relation to the outcome of the Housing Policy Development Board report which had been circulated to the Panel in confidence prior to its upcoming publication. The briefing paper also explored other policy issues and/or challenges which had been identified. The Officer explained that the paper had been prepared with the aim of providing the Panel with an overview of current housing-related challenges facing the Island and to explore a range of possible topics which the Panel could choose to review as follows:</p> <ul style="list-style-type: none"> <li>• Housing supply and affordability</li> <li>• 90% market rent policy</li> <li>• Affordable Housing Gateway eligibility criteria</li> <li>• Housing and population policy</li> <li>• Housing and keyworker accommodation</li> <li>• Homelessness strategy</li> </ul> <p>The Panel discussed current challenges of housing supply, including the identification and delivery of viable affordable housing sites for development and agreed that this topic should be scoped further for a review. It was also discussed that the review could explore the supply of housing in terms of Jersey's ageing population which was identified as a current problematic issue.</p> <p>The Officer was requested to prepare a Scoping Document and draft Terms of Reference for further consideration and input by the Panel.</p> <p>It was noted that other topics of interest for potential review were the current social rent policy, as well as Jersey's two-tier housing system and its link to population policy. It was noted that all the topics outlined above could be kept on the Panel's work programme for future possible review.</p>	<b>NH</b>
<p><b>8. States Assembly Business</b></p> <p>The Panel noted and discussed Proposition P.6/2021 – Draft Road Traffic (No.65) (Jersey) Regulations 202- which was due for States debate on 23<sup>rd</sup> March. The Officer was requested to arrange a briefing with the Minister for Infrastructure and Government officials.</p>	<b>NH</b>

<b>9. Correspondence from member of the public</b>	
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<p>The Panel discussed email correspondence received from a member of the public who was concerned that information had been withheld from the Panel by Government officials at a meeting held on 8<sup>th</sup> January 2019 in relation to concerns surrounding plans to introduce netting for bass fishing. It was noted that the Officer had liaised further with the Assistant Director of Marine Resources to investigate the matter further and following the outcome of their correspondence the Panel was satisfied that information had not been deliberately withheld.</p>	
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<b>10. Future meeting</b>	
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<p>The Panel noted that it had a briefing scheduled for 11<sup>th</sup> March 2021 and that the next Panel meeting would take place on 30<sup>th</sup> March 2021.</p>	
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# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by video conference

Date: 16th March 2021

Present	<p>Connétable Michael Jackson, Chair                  Connétable John Le Maistre, Vice-Chair                  Connétable Sadie Le Sueur-Rennard (Item 1 only)                  Deputy Inna Gardiner                  Deputy Graham Truscott                  Deputy Steve Luce (Item 2 only)</p>
Apologies	
Absent	
In attendance	<p><b>Item 1</b>                  Piers Tharme, Assistant Manager, Driver and Vehicle Standards, Infrastructure, Housing and Environment Department                  Gordon Forrest, Head of Driver and Vehicle Standards, Infrastructure, Housing and Environment Department                  Liz Walsh, Legislative Drafter, Legislative Drafting Office, States Greffe                  Christopher Rondel, Private Secretary to the Minister for Infrastructure</p> <p><b>Item 2</b>                  Michael de la Haye, Independent Chair, Housing Policy Development Board                  Timothy Millar, Senior Policy Officer, Strategic Policy, Planning and Performance Department</p> <p>Nikita Hall, Committee and Panel Officer                  Monique Magalhaes, Research and Project Officer</p>
Agenda Matter	Action
<p><b>1. Briefing on Driving Licence Medical Requirements P.6/2021 (public)</b></p> <p>The Panel received a briefing from Officers of the Department for Infrastructure, Housing and Environment on the Draft Road Traffic (No. 65) (Jersey) Regulations 202- which was lodged au Greffe by the Minister for Infrastructure on 2<sup>nd</sup> February for States debate on 23<sup>rd</sup> March 2021.</p> <p>The Panel received a brief PowerPoint presentation on the legislative updates regarding the medical requirements for driving licences.</p> <p>The Head of Driver and Vehicle Standards explained that the legislative update would align Jersey's legislation with the United Kingdom's (UKs) legislation. Noting that the requirements for the changes to be made to the legislation had been approved in the States Assembly in 2014, it was explained that work had been ongoing regarding the updates for several years. The Panel was informed that the work had been delayed as a result of the Covid-19 pandemic and Brexit.</p>	

The Panel was informed that P.6/2021 would align the Motor Vehicles (Driving Licences) (Jersey) Order 2003 as far as was possible with the UK requirements.

Firstly, it was explained that this would enable Jersey to benefit from extensive UK Driver and Vehicle Licensing Agency (DVLA) materials. It was emphasised that through mirroring the UK legislation, Jersey could align its requirements with the UK DVLA guidance when assessing the fitness of individuals to drive and that parishes would be mindful of the requirements applicable to that guidance.

Secondly, it would ensure Jersey was compliant with the Directive 2006/126/EC (the 3rd Directive) on Driving Licences. It was highlighted that through achieving compliance, other jurisdictions would be more likely to recognise Jersey driving licences abroad.

Thirdly, the Panel was informed that the former Jersey Medical Officer of Health, Dr Turnbull, prior to her retirement in 2020, had recommended that all medical practitioners in Jersey should work under the Jersey Law and the UK medical regulation (General Medical Council). It was explained that this had assisted with the alignment of the Motor Vehicles (Driving Licences) (Jersey) Order 2003.

The Panel was provided with an overview of the proposed regulation changes as outlined in the proposition.

It was explained that the proposed changes intended to better organise the referral process and would ensure that the route for assessment was transparent in respect of the role of the Constables.

The Panel was informed that once the regulation changes had been adopted by the States Assembly the Order changes would follow. An overview of the proposed Order changes was provided to the Panel as outlined in the proposition.

It was explained that the changes to the Order intended to align the licence categories with the UKs Group 1 and Group 2 licence categories.

Regarding impairment of vision and when a licence application should be refused or a licence revoked, the Panel was informed that the Order changes would alter the requirements in that regard. It was explained that currently the law required an applicant or licence holder to be able to read a registration mark on a vehicle at a distance of 20.5 metres (with corrective lenses if necessary). Moreover, a "heavy licence" would be refused if visual acuity in one eye was worse than 6/9 and 6/12 in the other eye or where sight was only possible through one eye, unless the visual acuity in that eye was not worse than 6/9.

It was explained that the proposed new changes to the Order would provide new requirements in relation to licensing and:

- vision impairment
- epilepsy and seizures
- diabetes

An overview was provided to the Panel of the above changes as outlined in detail in the proposition.

The Panel was informed that the peripheral vision standard would be detailed within the guidance provided and not within the Order.

It was noted that the current legislation required epilepsy to be declared by the applicant. Moreover, if an applicant had experienced an epileptic seizure since the age of 5 years an application for a “heavy licence” must be refused. For a “light licence” an application may be granted if an applicant had not experienced an epileptic seizure during the year preceding the application or had only experienced any epileptic seizure whilst asleep during the 4 years preceding the application. It was noted that under the current legislation a licence holder was not required to declare epilepsy except in the case of a heavy vehicle licence if the holder had an epileptic attack since the age of 5 years.

The Panel was informed of the timeline of the development process. It was noted that P.6/2021 was lodged on 2<sup>nd</sup> February 2021 and would be debated on 23<sup>rd</sup> March. It was explained that a minimum six-month implementation period after the Assembly debate of the proposition would follow, before the Order and Regulation changes would come into effect. The Panel was informed that this implementation period would allow for the preparation of supporting documentation, liaison with specific medical departments, charities and organisations and for the changes to be communicated to the public.

The Panel questioned if the life of a licence were to be reduced if this would be reflected in licence fees and asked whether the licence fee would be reduced. It was explained that the aspect was still being considered, however, that allowance was available for fees to be reduced and that the approach would be consistent across all licences issued.

The Panel understood the benefits of aligning the legislation with that of the UK, however, questioned whether an international driving permit would still be required for holders of Jersey licences when driving in the EU. It was explained that work was being undertaken regarding driving licence recognition and driving licence exchange. It was noted that more clarity was required in relation to how this could work within the EU and, therefore, an international permit would still be required when driving in the EU. Regarding the exchange of a Jersey licence, it was explained that was dependant on the jurisdiction and that work in that area was more complex and slow moving.

The Panel questioned whether statistics were available regarding how many people the legislative changes would impact. The Panel was informed that the actual numbers were not available as part of the legislation relied upon self-declaration of a medical condition. However, it was highlighted that through charities it had been identified that a number of people with conditions including epilepsy and diabetes were waiting in anticipation for the changes to occur in order to apply for “heavy licences” which under the current legislation was not possible.

The Panel raised concern regarding the requirement to self-declare a medical condition and questioned whether this would involve a risk as individuals could choose to withhold information during the application process or to not inform the parish of any change in medical conditions. The Panel asked whether the parish would be able to require an individual to undertake a medical examination to rule out such a risk. It was explained that the onus was on the applicant or holder of licence to declare any medical condition or change in medical conditions and that the approach was working when used by authorities within other jurisdictions. It was highlighted that consideration had been given to the implementation of eye tests prior to the re-issue of licences however, the peripheral test could only be carried out by an optician and that would not be feasible. It was emphasised that, to date, there was no evidence to suggest this to be an area of concern.

The Panel suggested that a police officer could require a driver to undertake an eye test if suspicion arose and that could be arranged via the parish Constable.

The Panel questioned whether the self-declaration component of the legislation would be communicated clearly with the community to create awareness of what was required of the public. The Panel was informed that public engagement and a communication drive with charities would ensure public awareness in that regard.

The Panel asked what factors dictated the age of 66 as the notable age. It was explained that the age within the current legislation was 66 years and no reason had prevailed to consider a different age. It was highlighted that ageing impacted an individual's health and that controls were needed to avoid any potential danger to the public. It was explained that age was not a determining factor for a standard driving licence.

The Panel questioned whether a person of the age of 66 years and over who wished to drive a heavy vehicle would be required to complete a medical form as part of the application process to prove that no medical conditions were apparent. The Panel highlighted, regarding gun licences, that the parish Constable could require a doctor to ascertain that the medical form had been correctly filled out, and asked whether that would be an option under these circumstances or if any other mechanism would be used to ensure the information provided was accurate. It was explained that a medical form would need to be provided and this aspect was covered within the regulations to ensure the ongoing safety of the individual.

It was noted that the self-declaration aspect was a complex area and that some people may not accurately declare medical conditions.

The Panel asked whether Article 10 of the law could be used, whereby a Constable could refer the individual to a doctor as this would be a means to circumvent the risk of inaccurate information being supplied. The Law Drafter explained that Article 10 had been more broadly defined in the new legislation, therefore, the parish would be able to require a medical examination under Article 10.

The Panel questioned what the consequence would be for knowingly submitting the incorrect information on the application. It was explained that it was a criminal offence to provide the incorrect information to the parish and a criminal offence to submit the declaration when knowing that the information supplied was inaccurate.

The Panel asked whether a distinction had been made in the legislation regarding type 1 or 2 diabetes. It was explained that a distinction had not been explicitly made. It was explained that evidence had suggested that people were more aware of this condition and that it would be diagnosed and treated more readily.

The Private Secretary to the Minister for Infrastructure offered the Minister's apologies for not attending the briefing and requested that any questions that the Panel may have be directed to him if required.

The meeting ended and the Panel thanked those in attendance for their time.

## **2. Briefing on the Housing Policy Development Board Report**

The Panel received Michael de la Haye, Independent Chair of the Housing Policy Development Board and Timothy Millar, Senior Policy Officer, for a briefing on the Housing Policy Development Board Report. The record of this meeting was classified

as exempt in accordance with the Freedom of Information (Jersey) Law 2011 (as amended) under Qualified Exemption Article 36.	
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# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by electronic mail

Date: 18th March 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair Connétable Sadie Le Sueur-Rennard Deputy Inna Gardiner Deputy Graham Truscott Deputy Steve Luce
Apologies	
Absent	
In attendance	Nikita Hall, Committee and Panel Officer Monique Magalhaes, Research and Project Officer
Agenda Matter	Action
<b>1. Draft Road Traffic (No. 65) (Jersey) Regulations 202- [P.6/2021]</b>  The Panel approved the publication of a Comments paper in relation to P.6/2021. The Officer advised that the Panel's Comments would be presented to States Members on 19th March 2021.	<b>NH</b>

# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by video conference

Date: 30th March 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair Deputy Inna Gardiner (Items 1 - 7 only) Connétable Sadie Le Sueur-Rennard (Items 1 - 8 only) Deputy Steve Luce
Apologies	Deputy Graham Truscott
Absent	
In attendance	<b>Item 2</b> Deputy Gregory Guida, Assistant Minister for the Environment Greg Morel, Head of Marine Resources and Management William Peggie, Director, Natural Environment/Acting Group Director, Regulation Matthew Berry, Legal Advisor, Law Offices Department  Nikita Hall, Committee and Panel Officer Monique Magalhaes, Research and Project Officer
Agenda Matter	Action
<b>1. Records of Meetings</b>	
The Panel noted and approved the records of the meetings held on 5th and 19th February and 9th, 16th and 18th March 2021.	
<b>2. Briefing: Update on the Vessel Licensing Regime and the Illegal, Unreported and Unregulated (IUU) Fishing Regulations 202-</b>	
The Panel received the Assistant Minister for the Environment and Officers at 10.30am for a briefing on the Vessel Licensing Regime and the IUU Fishing Legislation. The record of this meeting was classified as exempt in accordance with the Freedom of Information (Jersey) Law 2011 (as amended) under Qualified Exemption Article 35.	
<b>3. Bridging Island Plan Review</b>	
The Panel noted and discussed the Ministerial Response from the Minister for the Environment to the Panel's report S.R.3/2021.	
The Panel raised concern regarding the timeline for the Island Plan process, noting the debate was scheduled to take place prior to purdah which could present challenges.	
The Panel discussed the proposed expansion of the National Park and raised concerns regarding the public's understanding of its definition and the challenges it may pose to the public or sectors, in particular, the farming community. The Panel discussed the National Trust's involvement with the fisheries sector.	

<p><b>4. UK – EU TECA Jersey Fisheries Management Review</b></p> <p>The Panel noted and discussed the Ministerial Response (MR) from the Minister for the Environment to the Panel’s report S.R.5/2021.</p> <p>It noted the recommendations that had been accepted and those that had been rejected by the Minister. The Panel noted discrepancies regarding the delays that shellfish exporters had experienced. The Panel had identified through evidence gathering during its review process that delays were apparent, however, this was not clearly acknowledged within the MR. The Panel agreed it would follow this up with stakeholders and the Minister for the Environment once the MR had been published.</p> <p>The Panel noted the importance of ensuring a consistent presence of the States Veterinary Officer on Island.</p>	<b>NH</b>
<p><b>5. Climate Conversation – Citizens’ Assembly</b></p> <p>The Panel discussed the Citizens’ Assembly Sessions that it had attended to date. A discussion took place as to whether the Citizens’ Assembly approach was the best method to utilise to inform the production of a Carbon Neutral Roadmap. The Panel noted that it would observe further sessions to identify how the process would develop before it formed a final and holistic view of the process. The Panel requested to receive the budget for the entire Climate Conversation and Citizen Assembly Project.</p> <p>The Panel was pleased to observe that assembly members had raised their points of view at liberty, however, raised concern that two presenters who had presented to members on the same topic had provided opposing data which was confusing.</p> <p>The Panel noted that no presentations it had observed had demonstrated an opposing, sceptical view regarding the climate emergency. The Panel noted the reason for this was because the climate emergency had already been recognised and agreed by the States Assembly and therefore the Citizens’ Assembly members would not be required to decide whether the climate emergency was concrete or not, it was required to decide on how and when to achieve carbon neutrality for Jersey.</p> <p>The Panel noted and discussed the dates for the upcoming block three Citizens’ Assembly sessions in April and agreed which members would be attending those sessions. The Panel agreed which member would attend the next Advisory Panel meeting.</p> <p>The Panel requested to receive the minutes for the Advisory Panel meetings to date and questioned whether the minutes would reflect any concerns that had been raised by Panel members during the Advisory Panel meetings.</p>	<b>MM</b>
<p><b>6. Possible Housing–related Review</b></p> <p>The Panel noted and discussed the progress regarding the scoping of a housing-related review and agreed it would be beneficial to have sight of and be briefed on the draft Island Plan for it to be included in the scope of the review.</p> <p>It was noted that the draft Island Plan was due to be published on the 19<sup>th</sup> April along with the outcome for the call for sites.</p> <p>Connétable Le Maistre highlighted a conflict of interest. He noted that a family member owned a potential housing site that may be considered.</p>	<b>NH</b>

<p><b>7. Possible Review into the Cannabis Industry</b></p> <p>The Panel noted that concerns had been raised by some parishes in relation to potential cannabis cultivation and questioned whether a review of the growing aspect including land usage, run off and odour production should be considered. However, the Panel questioned the necessity for a review as significant concerns regarding the environmental aspect had not yet developed.</p> <p>The Panel discussed that the growing of cannabis for medicinal purposes would require a highly controlled environment to ensure its quality.</p> <p>The Panel noted that the Economic and International Affairs (EIA) Panel was considering a review in relation to the commercial side of cannabis production and regulation, however, would not be considering the environmental aspects.</p> <p>The Panel agreed it would speak with the EIA Panel to determine the scope of its potential review to avoid any duplication of work and would discuss how it should proceed depending on the outcome of those discussions. The Panel deliberated whether there would be scope to work jointly on a review with the EIA Panel.</p> <p>The Panel agreed it would benefit from initial briefings from Officers and stakeholders as this would provide further scope for any scrutiny work it may wish to progress. The Panel agreed to discuss this further at its next Panel meeting.</p> <p><b><i>Deputy Inna Gardiner exited the meeting at this point – 11:40am</i></b></p>	<b>NH</b>
<p><b>8. States Assembly Business</b></p> <p>The Panel noted and discussed the Draft Road Traffic (No. 66) (jersey) Regulations 202 [P.15/2021] to be debated on 20<sup>th</sup> April and agreed that no action would be required.</p> <p>The Panel noted and discussed the Les Quennevais Park Flats: Loan Scheme [P.19/2021] and requested that a briefing be arranged prior to the anticipated debate of the proposition on 20<sup>th</sup> April. The Panel raised concern regarding the precedent for responsibilities that the proposition may create for other properties.</p> <p><b>Connétable Sadie Le Sueur-Rennard exited the meeting at this point – 12:04pm</b></p> <p>The Panel noted that the Public Health and Safety (rented Dwellings): Request for new Licensing Regulations [P.20/2020] had been lodged for debate on 20<sup>th</sup> April.</p>	<b>NH</b>
<p><b>9. Jersey Youth Parliament – Chosen Campaign</b></p> <p>The Panel noted that the Scrutiny Liaison Committee had agreed to involve the Jersey Youth Parliament in the scrutiny process. It was noted that one of the chosen campaigns was on climate change which was under the Panel's remit. The Officer informed the Panel that she had met with the group to inform them of the workings of Scrutiny. The Panel agreed it would pose questions to the Ministers within its remit, when the opportunity arose, by including the Jersey Youth Parliament as a stakeholder.</p> <p>The Panel agreed it would arrange to meet with the Jersey Youth Parliament group.</p>	<b>NH</b>
<p><b>10. Future meeting</b></p> <p>The Panel noted that the next meeting would take place on 13<sup>th</sup> April 2021.</p>	

30.03.2021

# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by video conference

Date: 13th April 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair (items 1 - 3 & 5 - 7 only) Deputy Inna Gardiner (items 1 - 3 & 5 – 7 only) Connétable Sadie Le Sueur-Rennard (items 1 - 3 & 5 - 7 only) Deputy Steve Luce Deputy Graham Truscott
Apologies	
Absent	
In attendance	<b>Item 1</b> Deputy Russell Labey, Minister for Housing and Communities Jack Norris, Policy Principal, Strategic Policy, Planning and Performance Department Simon Hayward, Director of Treasury and Investment Management Philip Ahier, Manager - Principal Property, Jersey Property Holdings, Infrastructure, Housing and Environment Department  <b>Item 3</b> Deputy Kevin Lewis, Minister for Infrastructure Louise Magris, Head of Sustainability and Foresight, Strategic Policy, Planning and Performance Department Ellen Littlechild, Group Director of Operations and Transport, Infrastructure, Housing and Environment Department Piers Tharme, Assistant Manager, Driver and Vehicle Standards, Infrastructure, Housing and Environment Department Triston Dodd, Head of Transport and Infrastructure, Infrastructure, Housing and Environment Department Gordon Forrest, Head of Driver and Vehicle Standards, Infrastructure, Housing and Environment Department Tim Daniels, Director of Property, Jersey Property Holdings, Infrastructure, Housing and Environment Department Louisa Phillips, Senior Policy Officer, Strategic Policy, Planning and Performance Department Robert Hayward, Senior Transportation Planner, Infrastructure, Housing and Environment Department Christopher Rondel, Private Secretary to the Minister for Infrastructure  <b>Item 4</b> Deputy John Young, Minister for the Environment Deputy Gregory Guida, Assistant Minister for the Environment Steve Skelton, Director of Strategy and Innovation, Strategic Policy, Planning and Performance Department Kevin Pilley, Head of Place and Spatial Planning, Infrastructure, Housing and Environment Department

13.04.2021

	<p>Ben Markwell-Sales, Private Secretary to the Minister for the Environment</p> <p>Nikita Hall, Committee and Panel Officer  Monique Magalhaes, Research and Project Officer (items 1, 2 &amp; 4 - 7 only)</p>
Agenda Matter	Action
<p><b>1. Briefing: Les Quennevais Park Flats: Loan Scheme [P.19/2021]</b></p> <p>The Panel received the Minister for Housing and Communities and officers for a briefing on the Les Quennevais Park Flats: Loan Scheme (hereafter the “Loan Scheme”) which was lodged au Greffe on 9th March 2021 by the Minister for Housing and Communities to approve, in accordance with Article 6 (4) of the Public Finances (Jersey) Law 2019, a variation to the purpose and terms of the 99-Year Leaseholders Fund (hereafter the “Fund”). It was explained that, if approved by States Members, it would enable monies from the Fund to be lent to individual property owners for the repair of balconies on properties in Blocks A to H, Les Quennevais Park Flats under the terms set out in the Report of the proposition. The Fund was considered as the most appropriate means for providing the required support to residents</p> <p>The Panel was provided with a background of the history of the Les Quennevais Park Flats and the rationale for the proposed Loan Scheme. It was noted that the flats had been constructed on behalf of the former Housing Committee in 1964 and had been sold on a 99-year leasehold basis. Subsequently, during recent maintenance of the flats, defects were identified on several balconies and it was concluded that the defects had stemmed from the original construction method. The rationale for the proposed Loan Scheme was to provide financial assistance to the residents to undertake the works as outlined in the proposition. It was highlighted that in the absence of the Loan Scheme that residents, many of whom were elderly, would not be in a position to raise the funds required commercially.</p> <p>Noting that the defects to the balconies had been identified during recent maintenance, the Panel questioned whether any alternate opinions had been sought regarding the matter. The Panel was informed that Brunel Management Limited, who would oversee the programme of repairs, had received advice from a local civil and structural engineering consultancy firm. In addition, meetings had been held between co-owners and engineers. It was noted that a co-owner had taken a second opinion on the matter which had confirmed the balconies were structurally flawed.</p> <p>The Panel raised questions regarding the purpose for the Fund and its workings and asked what the original purpose for the Fund was. It was explained that it had originally been established to provide loans for 99-year lease properties and had been used for that purpose to date. However, it was noted that one complication with the mechanism of the Fund was in relation to it being able to provide the appropriate source of funding at present. It was explained that the current Fund could only provide loans to lease holders, however, the Les Quennevais Park Flats now comprised both leasehold and flying-freehold flats. It was highlighted that the approval of the proposition would enable accessibility of the loans to both leasehold and flying-freehold residents which was not possible under the structure of the existing Fund.</p> <p>Noting that some of the flats were flying-freehold, the Panel raised a point of concern that some residents may choose to opt out of repairing the balconies and asked whether this would be an option. It was explained that all residents would be obligated to have the work undertaken as the balconies formed part of the Les Quennevais Park</p>	

Flats common area. Therefore, in line with the declaration of the Association, all flats would be required to contribute their assigned percentage to repair the balconies. The importance of ensuring that all balconies were repaired was highlighted as the insurance of the Les Quennevais Park Flats depended upon this given that the balconies had been declared as defective to the insurer by Brunel Management Limited.

The Panel questioned whether all of the balconies were defective and, if not, whether they would all need to be repaired. It was explained that it was possible that some of the balconies would not have suffered in the same manner as others as renovations to some flats had meant that several of the balconies were now under cover and protected from the external elements. However, it had been identified that the existing concrete beams that had been used for the balcony structure could not handle force, so work would be required for all the balconies, nonetheless. It was clarified that even where residents had renovated, and the balconies were protected from the weather, that the precast beams would still require support to be provided.

The Panel asked for clarity regarding whether the monthly payments on the loans would be paid into the same Fund. It was confirmed that would be the case. Noting that the loans would bear fixed interest at a rate of 2% per annum for the period of the loan, the Panel questioned the reasoning for posturing the interest at 2%. It was explained that existing legislation had required an interest rate of 7.5% to be charged, however, that the Fund would allow for this rate to be amended to 2%. In addition, the loan would not be secured so it was felt that the rate would be appropriate for the low level of risk associated with provisioning an unsecured loan to residents.

The Panel questioned how it was concluded that the loan would deliver a low level of risk. The Panel was informed that it was recognised through the expression of interest for the Loan Scheme that had demonstrated approximately 40 of the 96 flats would apply for a loan. In addition, the value of the monthly payments was considered, which were relatively low in value. It was noted that the highest monthly payment would be £130 per month over the 10-year period of the loan. The Panel was informed that a further protection measure would be the ability to utilise the Petty Debts Court to recover debts if that was deemed necessary. Therefore, when considering all of these factors, it seemed appropriate to categorise the risk level as low.

Considering the flats belonged to many elderly residents and that the loans would be provided, unsecured, over a lengthy period, the Panel raised a point of concern regarding a means for debt recovery. It was explained that a loan agreement had been produced by the Law Officers' Department and that the main route of debt recovery would be via the Petty Debts Court. It was noted that the decision was taken to provide the loans on an unsecured basis due to the low value of the loans that would be required.

The Panel questioned whether any legal obligation existed on the Government to provide assistance regarding the repairs outlined. It was explained that there was no legal obligation on the Government to provide support, however, as the fault was resultant of the original construction method, it was felt that a moral duty existed to provide a means of assistance to rectify the issues.

The Panel understood the rationale in relation to the Government's moral obligation to residents, however, raised a point of concern regarding the potential precedent that the Loan Scheme may set going forward, should the proposition be approved by the States Assembly. The Panel questioned whether consideration had been given in that regard and whether any knowledge existed in relation to any prevailing issues with



<p>other estates where assistance may be sought in the longer term. It was noted that there was currently no evidence to suggest that other properties were experiencing similar issues, however, that a risk of a precedent being set for similar schemes could not be negated. It was highlighted that a media release of the proposed Loan Scheme had been published in March and that to date it had not elicited any enquiries from other estates regarding any issues.</p> <p>The Panel questioned whether any mitigation measures had been put in place to safeguard against requests of further loans over the longer term for areas outside of those that had been outlined in the proposition. It was clarified that the proposed Loan Scheme was for the purpose of reconstructing and repairing the balconies alone, and that going forward, any further work would depend on the type of improvement that was required and the reasons for that improvement. It was noted that the Loan Scheme had clearly established that the loans would only be for the balconies and that the money would be paid directly to the contractor to settle the payment.</p> <p>Noting that Les Quennevais Park Flats were nearly 60 years old, the Panel questioned whether consideration had been given to the complete redevelopment of the flats rather than its continual maintenance, as would be required with any older building. It was explained that, although it was not likely to have been discussed at length by the Association, the Association would likely not decide to redevelop and that the route of continual improvement would be the preferred option as many of the residents would not be in a position to redevelop. It was highlighted that it may be different for properties that were not privately owned.</p> <p>The Panel questioned whether the one block of the Les Quennevais Park Flats that was owned by Andium Homes would also be considered under the Loan Scheme. It was explained that it would not as Andium Homes was responsible for the maintenance of that block. It was noted that the block that was under the ownership of Andium Homes had already undergone refurbishment about five years previously.</p> <p>The Panel asked whether the work on the balconies would enhance the value of the properties. It was thought that it would and would aid in the sale of the properties as currently owners wishing to sell had found it challenging due to the significant structural concerns and the insurance issues that this posed.</p> <p>It was noted that to arrive at this point had taken nearly a decade and that Brunel Management Limited was content with the proposed arrangement. The Panel highlighted that it had been aware that this was an ongoing issue for many years and was pleased to see an advancement to finally resolve the challenge that the flats' residents were facing.</p> <p>The Panel thanked the Minister and his Officers for the briefing and the meeting ended.</p>	
<p><b>2. Panel debrief following the Les Quennevais Park Flats: Loan Scheme [P.19/2021] Briefing</b></p> <p>The Panel discussed the briefing it had received from the Minister for Housing and Communities and Officers that morning and agreed to present a Comments Paper prior to the States Assembly debate of the proposition. The Panel agreed it would finalise the Comments Paper on Thursday that week in order for it to be presented on Friday 16th April ahead of the debate of the proposition on Tuesday 20th April.</p>	<p><b>NH</b></p>
<p><b>3. Public Quarterly Hearing – Minister for Infrastructure</b></p> <p>The Panel discussed the question plan for the hearing with the Minister scheduled for 11:30am that day.</p>	

<p>The Panel received Deputy Kevin Lewis, the Minister for Infrastructure, and Officers for a quarterly public hearing. The proceedings were streamed live to the public and a recording was taken so that a written transcript could be produced.</p>	
<p><b>4. Briefing: Draft Island Plan and Call for Sites outcome</b></p> <p>The Panel received the Minister for the Environment, Assistant Minister for the Environment and Officers at 2.30am for a briefing on the Draft Island Plan and Call for Sites outcome. The record of this meeting was classified as exempt in accordance with the Freedom of Information (Jersey) Law 2011 (as amended) under Qualified Exemption Article 35.</p>	
<p><b>5. Climate Conversation – Citizens’ Assembly</b></p> <p>The Panel noted that no member had attended to observe the Citizens’ Assembly session on Wednesday 31<sup>st</sup> March. The Panel noted which members would be attending the block three Citizens’ Assembly sessions commencing on Saturday 17<sup>th</sup> April and agreed this should be confirmed with the department.</p> <p>The Panel noted that Connétable Le Maistre would be attending the Advisory Panel meeting to observe on behalf of the Panel on Monday 19<sup>th</sup> April.</p> <p>The Panel noted it had received the costings for the Climate Conversation project as requested and agreed to consider these. The Panel noted it had received the approved records of the Advisory Panel meeting held on the 11<sup>th</sup> and 22<sup>nd</sup> February and 8<sup>th</sup> March.</p> <p>The Panel discussed whether the costing could be shared in confidence with the Public Accounts Committee. The Panel agreed for the Officer to confirm with the department whether that would be appropriate.</p>	<p><b>MM</b></p> <p><b>MM</b></p>
<p><b>6. Possible review into the cannabis industry</b></p> <p>The Panel discussed a potential review in relation to the cannabis industry. It noted the agreed Scope and Terms of Reference for the Economic and International Affairs (EIA) Panel’s review and noted and discussed a letter of response from the Minister for Economic Development, Tourism, Sport and Culture to the EIA Panel’s written questions that had been shared with the Panel.</p> <p>The Panel agreed it would need to further understand the various cultivation processes, the preferred option for cultivation, as well the proposed scale of cultivation, as those factors would determine the potential environmental impact. In addition, it wanted to further consider factors including light and noise pollution, the odours that would be produced, the water usage, runoff, disposal of waste, and the implication of the security measures such as fencing in relation to how that may impact surrounding neighbourhoods. The Panel agreed it should also consider how ecologically friendly solutions could be utilised for the cultivation process.</p> <p>The Panel agreed it would request a briefing with a focus on the above areas which could inform its view on any scrutiny that may be required.</p>	<p><b>NH</b></p>
<p><b>7. Next meeting</b></p> <p>Following the changes to the Government guidance regarding Covid-19, the Panel discussed whether it would be inclined to commence in-person meetings going forward. The Panel agreed that its next meeting would be a virtual meeting, and a view could be taken then regarding the meeting that would follow. The Panel agreed it could</p>	

consider a hybrid option for its Panel meetings if required. The Panel agreed that physical hearings would be the better approach and that, when attendee numbers allowed for it, physical hearings could be scheduled.	
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The Panel noted its next meeting scheduled for 09:30am on 27th April 2021 via Microsoft Teams.	
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# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by electronic mail

Date: 15th April 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair Connétable Sadie Le Sueur-Rennard Deputy Inna Gardiner Deputy Graham Truscott Deputy Steve Luce
Apologies	
Absent	
In attendance	Nikita Hall, Committee and Panel Officer Monique Magalhaes, Research and Project Officer
Agenda Matter	Action
<b>1. Les Quennevais Park Flats: Loan Scheme [P.19/2021]</b>  The Panel approved the publication of a Comments paper in relation to P.19/2021. The Officer advised that the Panel's Comments would be presented to States Members on 16th April 2021.	<b>NH</b>

# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by video conference

Date: 27th April 2021

Present	<p>Connétable Michael Jackson, Chair          Connétable John Le Maistre, Vice-Chair <i>(items 1 - 3 only)</i>          Deputy Inna Gardiner <i>(items 1 and 2 only)</i>          Connétable Sadie Le Sueur-Rennard          Deputy Steve Luce          Deputy Graham Truscott</p>
Apologies	
Absent	
In attendance	<p><b>Item 2</b>          Deputy John Young, Minister for the Environment          Robert Bowditch, Environmental Health Officer, Infrastructure, Housing and Environment Department          Scott Meadows, Assistant Director of Rural Economy and Head of Plant Health, Infrastructure, Housing and Environment Department          Jody Robert, Head of Water Resources, Infrastructure, Housing and Environment Department          Chris Jones, Senior Planner, Head of Major Development, Infrastructure, Housing and Environment Department          Ben Markwell – Sales, Private Secretary to the Minister for the Environment</p> <p><b>Item 3</b>          Triston Dodd, Head of Transport, Highways and Infrastructure, Infrastructure, Housing and Environment Department          Terry Renouf, Assistant Manager Parking Control, Infrastructure, Housing and Environment Department          Christopher Rondel, Private Secretary to the Minister for Infrastructure</p> <p><b>Item 4</b>          Chris Clarke, Chief Executive Officer, Prosperity 24/7          Piers Tharme, Assistant Manager, Driver and Vehicle Standards, Infrastructure, Housing and Environment Department          Gordon Forrest, Head of Driver and Vehicle Standards, Infrastructure, Housing and Environment Department          Christopher Rondel, Private Secretary to the Minister for Infrastructure</p> <p>Nikita Hall, Committee and Panel Officer          Monique Magalhaes, Research and Project Officer</p>
Agenda Matter	Action
<b>1. Record of Meetings</b>	

<p>The Panel noted and approved the records of the meetings held on 30th March, 13th and 15th April.</p>	
<p><b>2. Briefing: Cultivation of medicinal cannabis</b></p> <p>The Panel received the Minister for the Environment and Officers at 10.30am for a briefing on medicinal cannabis production and its environmental impact. The record of this meeting was classified as exempt in accordance with the Freedom of Information (Jersey) Law 2011 (as amended) under Qualified Exemption Article 35.</p>	
<p><b>3. Briefing: Decriminalisation of parking enforcement – P37/2021</b></p> <p>The Panel received Officers for a briefing on <a href="#">P.37/2021</a>, Draft Road Traffic (No.67) (Jersey) Regulations 202- at 11.30 that morning. The background and rationale for the changes were explained as outlined in the proposition. It was noted that P.37/2021 would decriminalise parking enforcement. The Panel was provided with a Microsoft PowerPoint presentation.</p> <p>It was explained that P.37/2021 aimed to provide a solution to ease the current burden on the Honorary Police of each Parish who currently had to hold a Parish Hall Enquiry for each unpaid parking infraction. If adopted by the States Assembly, parking offences would change to a civil enforcement process. Changes to the regime would include:</p> <ul style="list-style-type: none"> <li>• a formal appeal process, the appointment of an adjudicator for each enforcement authority to consider appeals, the reasons for which an appeal could be upheld,</li> <li>• a maximum fine level which was set by the Minister by Order, the responsibility for a parking penalty would lie with the registered owner of the vehicle concerned and would set out the process for the Petty Debts Court to handle cases and the reasons for upholding these in favour of the enforcement authority.</li> </ul> <p>It was explained that the application of fines collected would remain unchanged. It was highlighted that to deal with the backlog of cases due to Covid-19 restrictions, the new Regulations would be applied retrospectively to all unpaid parking infractions which had not received a summons to the Magistrates' Court.</p> <p>The Panel asked who would be responsible for appointing the adjudicator and who the adjudicator would be. It was noted that this would be left up to the authority to decide and that the Centenier could continue to be the adjudicator.</p> <p>The Panel raised concern regarding whether the Petty Debts Court would be adequately resourced for the new regime. It was noted that the courts had been consulted on the change and that they were satisfied that they had the capacity and resources necessary. It was anticipated that people would aim to resolve any issues outside of the Petty Debts Court and therefore cases reaching the court system would be reduced.</p> <p>The Panel questioned why it was anticipated that the new regime would result in fewer appeals. It was explained that currently, people tended to ignore the fines and the court process, and all issues were directed to the Viscounts Department to resolve. It was hoped that by removing the Magistrates Court from the process and replacing it with the Petty Debts system that people would be more inclined to resolve the issues as a petty debt would remain with them.</p> <p>It was noted that each Parish would need to decide upon its own method for the debt collection process.</p>	

<p>The Panel questioned who would be responsible for the payment of the court costs. It was explained that as the Petty Debts system would be used, the person who would incur the charge would be responsible for settling it.</p> <p>The Panel asked how the appeals process would work. It was explained that the appeals process would be left to each Parish to decide. Each Parish would be required to decide who would adjudicate and that the legislation and the Order would allow the Parish to handle the process how it believed was appropriate.</p> <p>It was noted regarding the Car Parks system that an adjudicator process was in place whereby an individual would utilise provided policy guidelines to consider a matter, in the first instance, and if the individual required further assistance the case would be passed on to the manager for consideration. The Panel questioned whether the guidance that had been developed by Car Parks could be shared with them as that would be beneficial for the Parishes to base their guidelines upon. The Panel noted that consistency across the Parishes regarding the approach would be advantageous.</p> <p>The Panel questioned whether the Department for Infrastructure, Housing and Environment would be able to develop the appeals system to provide the consistent guidelines for the Parishes to use. It was noted that a meeting was scheduled with the Parish secretaries for the 11th May 2021 and that option could be presented to them.</p> <p>The Panel raised concern that an appeals mechanism was not currently available and questioned which body an individual would be required to appeal to. The Panel noted the importance of ensuring a working appeals process existed and raised concern that the Parish Hall would be burdened with that process, should an effective appeals mechanism not be in place.</p>	
<p><b>4. Briefing: Periodic Technical Inspection (PTI) Options Appraisal</b></p> <p>The Panel received Officers from Driver and Vehicle Standards and Chris Clarke, CEO Prosperity 24/7, at 12.30pm for a briefing on the Periodic Technical Inspection Options Appraisal. The record of this meeting was classified as exempt in accordance with the Freedom of Information (Jersey) Law 2011 (as amended) under Qualified Exemption Article 35.</p>	
<p><b>5. Climate Conversation – Citizens’ Assembly</b></p> <p>The Panel discussed the Citizens’ Assembly process to date and agreed it would attend the final block of sessions to see how it would progress. The Panel agreed which Panel members would attend the block four Citizens’ Assembly sessions scheduled for 8th, 12th and 13th May. Constable Le Maistre agreed to attend the Advisory Panel meeting scheduled for 17th May.</p> <p>The Panel noted and discussed the costings shared with it regarding the Citizens’ Assembly process and discussed the possibility of investigating the outcomes of the process to determine whether the desired objectives for the process had been met.</p> <p>The Panel noted Deputy Luce’s apologies for not being able to attend and observe the Citizens’ Assembly session on Wednesday 21st April. It was noted that the Officer had attended that session.</p> <p>The Panel noted that Constable Le Maistre had attended the Advisory Panel meeting on 19th April. He informed the Panel that the process for the establishment of the Citizens’ Assembly’s recommendations had been discussed as well as how they would be reported. He anticipated that the process remained a work in progress. He noted</p>	<p><b>MM</b></p> <p><b>MM</b></p>

<p>that consideration was being given to the steps that would follow once the Citizens' Assembly sessions had ended. Constable Le Maistre was satisfied to see that the Advisory Panel had presented themselves in an independent manner during the meeting.</p>	
<p><b>6. Possible review into the cannabis industry</b></p> <p>The Panel agreed to discuss this agenda item at its next Panel meeting on Tuesday 4th May 2021.</p>	
<p><b>7. Possible review into the supply of affordable housing</b></p> <p>The Panel noted and discussed the Scoping Document and Terms of Reference for its review into Affordable Housing Supply and Delivery. The Panel agreed minor changes to its Terms of Reference.</p> <p>The Panel discussed and agreed the list of targeted stakeholders to request comments and views from regarding its review.</p> <p>The Panel discussed whether any adviser should be contracted to assist with the review and agreed that a shortlist of potential advisers should be compiled for its consideration.</p> <p>The Panel agreed for the Scoping Document and Terms of Reference to be sent to the Scrutiny Liaison Committee for its approval.</p>	<p>NH</p> <p>NH</p>
<p><b>8. Draft Island Plan</b></p> <p>The Panel discussed how it could approach the consultation and amendment process regarding the draft Bridging Island Plan. The Panel considered whether it would be appropriate to hold a public hearing with the Minister for the Environment to help inform its work and to help the Panel to identify possible amendments it could bring during the consultation period of the Plan. The Panel considered whether it could inform its questioning through engagement with the Public and States Members.</p> <p>The Panel requested that a briefing note be prepared to identify a potential process. It agreed it would discuss this further at its next Panel meeting on 4th May.</p> <p>The Panel noted that if it did decide to go ahead with the hearing that it would need to be undertaken virtually via Microsoft Teams.</p>	<p>NH</p> <p>NH</p>
<p><b>9. States Assembly Business</b></p> <p>The Panel discussed the following propositions that had been lodged in the States and scheduled for debate on 8th June:</p> <p><i>Draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 202- [P.33/2021]</i></p> <p>The Panel agreed for a briefing note to be prepared which would consider and compare the recommendations it had made within its report S.R.1/2020, Minimum Standards for Rented Dwellings: Licensing Regulation, with P.33/2021. The Panel agreed to discuss this further and to potentially present a Comments Paper prior to the debate of the proposition. In addition, the Panel considered the possibility of requesting views from the Jersey Landlords' Association and Tenants' Forum, to further inform its Comments on P.33/2021.</p>	<p>NH</p>



<p><i>Draft Road Traffic (No. 67) (Jersey) Regulations 202- [P.37/2021] (Decriminalisation of parking enforcement)</i></p> <p>The Panel noted and discussed the proposition and anticipated that further discussion regarding P.37/2021 would take place at a Parish level.</p> <p><i>Draft Road Traffic (No. 68) (Jersey) Regulations 202- [P.39/2021]</i></p> <p>The Panel noted and discussed the proposition and highlighted that the intention of P.39/2021 was to provide additional protection for cats.</p>	
<p><b>10. Quarterly Hearing with the Minister for Housing and Communities</b></p> <p>The Panel noted its next public quarterly hearing was scheduled for 4th May 2021. Considering that it had recently had a hearing with the Minister for Housing and Communities the Panel agreed to defer the hearing and requested that the hearing be arranged for 15th June, if possible.</p>	<p><b>NH</b></p>
<p><b>11. Next meeting</b></p> <p>The Panel noted its next meeting was scheduled for 09:30am on 4th May 2021 via Microsoft Teams.</p>	

# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by video conference

Date: 18th May 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair Deputy Inna Gardiner ( <i>items 2, 3 only</i> ) Deputy Steve Luce Deputy Graham Truscott	
Apologies	Connétable Sadie Le Sueur-Rennard	
Absent		
In attendance	<p><b>Item 2</b></p> <p>Chris Ambler, Chief Executive, Jersey Electricity Company</p> <p><b>Item 3</b></p> <p>Deputy John Young, Minister for the Environment                  Greg Morel, Head of Marine Resources and Management                  Paul Chambers, Marine and Coastal Manager                  Deputy David Johnson, Chair, Brexit Review Panel                  Ben Markwell-Sales, Private Secretary to the Minister for the Environment</p> <p>Nikita Hall, Committee and Panel Officer                  Monique Magalhaes, Research and Project Officer</p>	
Agenda Matter		Action
<b>1. Records of Meetings</b>		
The Panel noted and approved the records of the meeting held on 27 <sup>th</sup> April 2021.		
<b>2. Informal meeting with Chris Ambler CEO of Jersey Electricity</b>		
The Panel met with Chris Ambler, Chief Executive of Jersey Electricity (JE), for an informal meeting to discuss carbon neutrality for Jersey. The record of this meeting was classified as exempt in accordance with the Freedom of Information (Jersey) Law 2011 (as amended) under Qualified Exemption Article 26.		
<b>3. Briefing: Update on Fishing Vessel Licensing Conditions</b>		
The Panel received the Minister for the Environment and Officers for an update on the vessel licensing conditions. The record of this meeting was classified as exempt in accordance with the Freedom of Information (Jersey) Law 2011 (as amended) under Qualified Exemption Article 35.		
<b>4. Possible Review into the Cannabis Industry</b>		
The Panel recalled that the Economic and International Affairs (EIA) Scrutiny Panel was undertaking a review of the licensing aspects of the industry, in the main, and noted that as a consequence would be considering areas including Environmental		

<p>Impact Assessments and planning regulations which would normally fall within the Environment, Housing and Infrastructure (EHI) Panel's remit.</p> <p>The Panel noted that significant crossover between the two Panel's remits existed regarding this piece of work and concern was noted that, should EHI consider a review of the industry at the same time as the EIA Panel's review into the topic, this may cause confusion with stakeholders and members of the public. Therefore, the Panel agreed it would avoid undertaking a review while the EIA Panel was in the mid-review process.</p> <p>The Panel noted that the EIA Panel was well positioned to consider many of the issues that had been highlighted by the Panel and agreed that it would support the EIA Panel, should it request the Panel's support, and would consider potentially reviewing the topic once the EIA Panel had concluded its review and presented its findings and recommendations, should it be necessary.</p> <p>The Panel agreed that it would be content with the EIA Panel investigating areas that were within the Panel's remit and requested that this be relayed to the Officer of the EIA Panel. It was agreed that this would prevent any duplication of work and would provide clarity regarding the scope of work that the EIA Panel would be able to address as part of its review.</p> <p>The Panel noted that concern had been raised regarding the cannabis industry by the Constable of St Lawrence and requested that be relayed to the EIA Panel.</p> <p>Noting its upcoming Quarterly Hearing with the Minister for the Environment, the Panel requested that the Officer liaise with the Officer of the EIA Panel to determine whether the EIA Panel would find it beneficial to contribute questions regarding the cannabis industry for the Panel's upcoming hearing with the Minister.</p>	<p>NH</p> <p>NH</p> <p>NH</p>
<p><b>5. Affordable Housing: Supply and Delivery</b></p> <p>The Panel noted and discussed the initial list of potential advisors for the review and agreed that the engagement brief should be sent to all of the potential advisors to request their expressions of interest. It was noted that the list of advisors had included academics as well as housing consultant agencies and therefore each would be able to offer a different approach to the Panel's review. The Panel agreed that the day rate provided by the advisors would also be a determining factor regarding who the Panel would contract for the advisor role.</p> <p>The Panel agreed that it would be important for the advisor to have knowledge of the local housing conditions. The Panel discussed whether the advisor would consider the political aspects involved such as the affordability model that was utilised by affordable housing providers.</p> <p>The Panel noted that the review should include the aspects of capacity and resourcing in regard to the construction industry and the impact of that on the delivery and cost of housing. It was noted that aspect would fall under the Terms of Reference that covered the barriers to affordable housing, supply and delivery.</p>	<p>NH</p>

<p><b>6. Citizens' Assembly – Climate Change</b></p> <p>The Panel discussed its observational role of the Climate Change Citizens' Assembly process and noted that the final Citizens' Assembly session had taken place on Thursday 13th May 2021 which the Chair had attended. It was noted that no member had attended the session that had been held on the 12th May, however, the Officer had attended that session to observe.</p> <p>The Panel noted the next steps would involve the compiling and presenting of the Citizens' Assembly Report in relation to their recommendations, after which the Panel would commence its work on producing its report regarding its observational role. It agreed that it would work towards a timeline of producing its report by the middle of July 2021.</p> <p>The Panel noted that the Advisory Panel meeting had taken place on Monday 17th May and that the Officer had attended to observe that meeting.</p> <p>As rapporteur for the Panel at the Advisory Panel meetings, it was Constable Le Maistre's view that the Advisory Panel had encompassed an adequate and well-balanced selection of members and that the Panel had navigated their role with an appropriate degree of independence. It was noted that concern had been raised regarding whether it was appropriate for the Advisory Panel to provide presentations to the Citizens' Assembly as part of the Citizens' Assembly deliberation process, considering their advisory role.</p> <p>The Panel discussed the cost implications of the process and whether the Citizens' Assembly process represented value for money. It noted that this would also depend on whether the Citizens' Assembly's recommendations would be carried forward by the States Assembly.</p> <p>The Panel discussed whether the Citizens' Assembly process would be more beneficial to larger jurisdictions, such as the UK. The Panel explained that Jersey was a small jurisdiction where the community had close relationships with the political system and that aspect could impact the success of the process.</p>	
<p><b>7. Draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 202 – P.33/2021</b></p> <p>The Panel discussed a briefing paper which had been prepared by the Officer in relation to P.33/2021. The briefing paper explored the cross-referencing of the recommendations made in the Panel's previous report S.R. 1/2021 on P.106/2019. The Officer explained that the paper had been prepared with the aim of providing the Panel with an overview of whether the Panel's recommendations had been addressed in P.33/2021.</p> <p>The Panel discussed the potential challenges that a licensing scheme would pose to landlords, tenants and the Government and agreed it should present a Comments Paper prior to the debate of P.33/2021 which was scheduled for 8th June 2021. The Officer was requested to prepare a Comments paper for the Panel to consider at its next meeting on 1st June 2021.</p>	<b>MM</b>
<p><b>8. Work Programme</b></p> <p>The Panel noted and discussed its upcoming work programme.</p>	
<p><b>9. Draft Island Plan</b></p>	

<p>The Panel discussed the amendment process and noted the deadline for amendments was the 12th July 2021. The Officer advised that further information and clarity on the amendment process would be provided by the Members' Resources team.</p> <p>The Panel discussed and agreed areas of questioning regarding the Draft Island Plan to be included in its upcoming Quarterly Hearing with the Minister for the Environment.</p>	<p><b>NH</b></p>
<p><b>10. Future meeting</b></p> <p>The Panel noted that the next Panel meeting would take place at 9.30am on 1st June 2021.</p>	

# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by video conference

Date: 1st June 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair Deputy Steve Luce Deputy Graham Truscott
Apologies	Connétable Sadie Le Sueur-Rennard Deputy Inna Gardiner
Absent	
In attendance	<p><b>Item 1</b></p> <p>Deputy Russell Labey, Minister for Housing and Communities Sue Duhamel, Director, Strategic Policy, Planning and Performance Marie Claire Hannigan, Private Secretary to the Minister for Housing and Communities</p> <p><b>Item 2</b></p> <p>Deputy John Young, Minister for the Environment Deputy Gregory Guida, Assistant Minister for the Environment William Peggie, Acting Director Group Regulation, Infrastructure, Housing and Environment Department Louise Magris, Head of Sustainability and Foresight, Strategic Policy, Planning and Performance Department Kevin Pilley, Head of Place and Spatial Planning, Infrastructure, Housing and Environment Department Paul Chambers, Marine and Coastal Manager, Marine Resources, Infrastructure, Housing and Environment Department Tim du Feu, Director, Environmental Protection, Infrastructure, Housing and Environment Department Ben Markwell-Sales, Private Secretary to the Minister for the Environment</p> <p>Nikita Hall, Committee and Panel Officer Edward Le Gallais, Communications Officer <i>[items 2-8 only]</i></p>
Agenda Matter	Action
<b>1. Briefing: Housing Action Plan</b>	
The Panel received the Minister for Housing and Communities and officers for a private briefing on the proposed Housing Action Plan. The record of this meeting was classified as exempt in accordance with the Freedom of Information (Jersey) Law 2011 (as amended) under Qualified Exemption Article 35.	
<b>2. Quarterly Public Hearing with the Minister for the Environment</b>	

<p>The Panel received Deputy John Young, the Minister for the Environment, Deputy Gregory Guida, the Assistant Minister for the Environment and Officers for a quarterly public hearing. The proceedings were streamed live to the public and a recording was taken so that a written transcript could be produced.</p>	
<p><b>3. Affordable housing: supply and delivery scrutiny review</b></p> <p>The Panel received an update from the officer on the current status of the review. It was noted that circa 40 submissions had been received to date. The deadline for submissions was Monday 7th June, after which time a document would be prepared summarising key themes arising from the submissions.</p> <p>The Panel noted that four expressions of interest had been received from prospective advisors to the review. It was agreed the Panel would request full proposals from all four candidates in order to determine which would be best suited for the role.</p>	<p>NH</p> <p>NH</p>
<p><b>4. Draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 202- [P.33/2021]</b></p> <p>The Panel discussed the upcoming debate on P.33/2021 and noted and agreed a draft Comments paper with one minor addition to the concluding paragraph.</p> <p>The Panel requested that the officer proceed with the presentation of the Comments prior to the upcoming debate on 8th June 2021.</p> <p>It was noted that the Jersey Landlords' Association was seeking to amend the Draft Regulations, although it was noted that advice from the Legislative Drafting Office had determined that this was not feasible and instead a proposition would need to be brought to the States requesting the Minister for the Environment bring an amendment to the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 to specify that a registration scheme (not a licensing scheme) should be brought forward by the Minister.</p> <p>The Panel agreed to consider any possible next steps after the debate on P.33/2021 had concluded.</p>	<p>NH</p>
<p><b>5. Draft Island Plan</b></p> <p>The Panel discussed the amendment process and noted the deadline for States Members' amendments and initial representations from members of the public was 12th July 2021.</p> <p>The Panel noted that areas of questioning regarding the Draft Island Plan had been included in the question plan for the upcoming Quarterly Hearing with the Minister for the Environment.</p>	
<p><b>6. Quarterly Hearing with the Minister for the Environment – Question Plan</b></p> <p>The Panel discussed and agreed its question plan and prepared for the upcoming hearing.</p>	
<p><b>7. New Communications Officer – Introductions</b></p> <p>The Panel was introduced to Edward Le Gallais who had recently joined the States Greffe as a Communications Officer. The Officer explained his role and how he could assist the Panel with various communications going forward.</p>	
<p><b>8. Future meeting</b></p>	

The Panel noted that the next Panel meeting would take place at 9.30am on 15th June 2021.	
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# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by video conference

Date: 15th June 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair Deputy Steve Luce Deputy Graham Truscott Connétable Sadie Le Sueur-Rennard Deputy Inna Gardiner
Apologies	
Absent	
In attendance	<b>Item 2</b>  Deputy Russell Labey, Minister for Housing and Communities Sue Duhamel, Director, Strategic Policy, Planning and Performance Tim Daniels, Director, Jersey Property Holdings Timothy Millar, Senior Policy Officer, Strategic Policy, Planning and Performance Department Steve Skelton, Director, Strategy and Innovation Marie Claire Hannigan, Private Secretary to the Minister for Housing and Communities  <b>Item 3</b>  Louise Magris, Head of Sustainability and Foresight, Strategic Policy, Planning and Performance Department Emma Richardson-Calladine, Recycling Manager, Infrastructure, Housing and Environment Christopher Rondel, Private Secretary to the Minister for Infrastructure  Nikita Hall, Committee and Panel Officer Monique Magalhaes, Research and Project Officer Edward Le Gallais, Communications Officer, Digital and Public Engagement
Agenda Matter	Action
<b>1. Minutes</b>  The Panel noted and approved the records of the meetings held on 18th May and 1st June 2021.	
<b>2. Public Quarterly Hearing with the Minister for Housing and Communities</b>  The Panel received Deputy Russell Labey, the Minister for Housing and Communities, and Officers for a quarterly public hearing. The proceedings were streamed live to the public and a recording was taken so that a written transcript could be produced.	

15.06.2021

### **3. Briefing: P.61/2021, Single - Use Plastics etc. (Restrictions) (Jersey) Law 202-**

The Panel received Officers for a briefing on the Single-Use Plastics etc. (Restrictions) (Jersey) Law 202- (hereafter the 'draft Law'). The Panel was provided with a Microsoft PowerPoint presentation.

It was noted that the States Assembly had supported the proposition P.64/2020 in June 2020 which had aimed to reduce waste, increase reuse and support Jersey's Carbon Neutral Strategy by removing single use bags and setting a minimum price for 'bags for life'. Subsequently, it was explained that the draft Law had aimed to encourage a 'bring your own bag' culture and to change behaviour away from single use consumption and disposal. It was noted that would support Jersey on its path to being a more sustainable place to live and work.

It was explained that the draft Law would set a starting point from which the use of other single use items could be reduced and that it would align to the sustainable behaviour change that was required to achieve Jersey's Carbon Neutral Strategy.

It was clarified that the draft Law had been informed by consultation with local traders and by collaborative working across a number of Government departments.

It was explained that three categories of bags would be banned should the draft Law be adopted including lightweight plastic carrier bags (between 15 to 50 microns in thickness), very lightweight plastic carrier bags (less than 15 microns in thickness and if not meeting the compostable standard) and paper carrier bags (with a weight of 50gsm – 170 gsm). It was emphasised that paper carrier bags had been included to ensure that they would not become an alternative to plastic carrier bags.

The Panel was informed that the specified minimum price of 70p had been decided upon as a result of the outcomes from the consultations with traders and in addition the price point had aligned with the outcomes of the research that had been undertaken by Greenpeace which had demonstrated that 70p was the price point that would encourage a shift in behaviour.

It was explained that during the consultation process with industries that numerous industries had raised specific concerns regarding the ban of certain plastic bags. As a result, those concerns had been explored with Environmental Health, Customs and the States Vet and certain industry exemptions had been applied. It was noted that exemptions would be applied to bags that would be used to contain uncooked fish and fish products, prescription medicine and appliance, live fish or other aquatic creatures as well as goods in transport (at an airport, on a plane or ship, for example).

It was highlighted that clear guidance would need to be followed regarding gift bags which would have the sole purpose of gift wrapping.

Regarding the impact of the draft Law on traders, should it be adopted, the Panel was informed that traders would be required to ensure compliance within six months of the adoption of the Law. It was explained that shoppers would no longer be provided with free single use plastic carrier bags and paper carrier bags and that shoppers would be charged the minimum price of 70p for purchasing a bag for life.

It was noted that a communications plan would be undertaken to support traders and shoppers with the process and to facilitate familiarity with the changes in advance of the Law coming into effect. It was noted that there would be an implementation period of six months before the Law would come into force. The communications plan was

outlined to the Panel which would include media releases as well as communications which would be specifically directed at traders and shoppers.

The Panel was informed that enforcement of the Law would primarily be carried out by Officers from Customs and Immigration and Environmental and Consumer Protection. It was explained that the enforcement would be pragmatic, and that support would be provided to traders through clear technical guidance. It was noted that Officers would be able to issue a Notice as required which could result in a Level 2 fine of £1000 being charged for non-compliance.

It was explained that the resource and cost implication during the first year of the Law coming into effect would be the highest and that the higher cost would primarily be due to the additional resourcing for the implementation and communications that would be required in the first year. The cost in the second year would be approximately half of that of the first year and was to cover the additional resource that would be required within the Environmental and Consumer and Protection Team. It was noted that the funds for the first year would be funded through the Contingency Fund through the Treasury Department and that any subsequent funding would be allocated within the next Government Plan.

It was explained that consideration had been given to how the performance could be managed in order to monitor the success of the Law. It was noted that traders, in the main, had suggested that they would not want to share their data for the purpose of monitoring the Laws performance. It was highlighted that it would therefore be difficult to quantitatively report on the success of the withdrawal of single use bags and the introduction of minimum set priced bags. It was noted that in the absence of empirical data that the success could be measured through the behaviour change of shoppers.

It was explained that the intention was to extend the legislation to other single use items and that during the consultation, in the main, traders had been supportive of that. It was noted that the draft Law had been drafted to allow for other items to be included in the future as banned items.

Although supportive of the potential inclusion of further items in the future, the Panel raised concern that the necessary infrastructure was not in place to receive items for composting. The Panel highlighted that it had been made evident during the lockdown period that had resulted from the Covid-19 pandemic that the infrastructure was not available to handle the increased packaging that had accumulated from takeaways including paper cups.

The Panel questioned whether the set minimum price of 70p was changeable and raised concern that it would need to be adaptable to respond to changes in inflation. It was noted that the price could be updated as required.

The Panel raised concern that through stipulating the retail price for carrier bags that the cost price of the carrier bags would rise to align with the retail price to make it more profitable for the supplier. It was explained that the Government would not be able to control or influence the cost price of the carrier bags. It was noted that local wholesalers did not solely supply to the local market and although they would be free to alter the price of the bags that they sold, they would want to remain competitive within the market. It was highlighted that aspect could mitigate the risk that the Panel had raised.

The Panel asked if the wholesalers were content with the draft Law. It was explained that they were supportive of it and that some wholesalers were considering a take back service for traders as well.

The Panel referred to P.64/2020 and noted that the original proposition had called for the profits from the bags for life to be given to charitable causes and asked if that would still be the case. It was explained that aspect had been withdrawn by the Council of Ministers as it was their view that the retailer should have the freedom to choose.

The Panel noted that the fine for non-compliance was not high for a trader and questioned whether it may be too low. It was explained that if the fine was not adequate it would have been picked up by the Law Officers' Department, so it was believed to be suitable according to their scale of penalties.

The Panel asked if the Law would allow for excessive packaging to be banned to either reduce or eliminate packaging where it was not required. It was explained that the legislation would allow for other items to be added to the banned list, however, that a balance would need to be achieved. It was explained that some aspects would be achievable through changes that would be made to global standards, like excessive packaging, rather than locally. It was noted that paper cups could be addressed locally.

***Deputy Steve Luce joined at this point in the meeting at 12.01pm***

The Panel asked why dog waste bags were not required to be compostable. It was explained that if the bag was compostable, the bag would be composted with its contents and that dog waste was not suitable for composting.

The Panel asked why paper bags could not be used instead of plastic bags noting that they would be compostable. It was highlighted that paper bags had a larger environmental footprint than plastic bags and that by banning paper bags that sustainable choices were being embedded in society. It was explained that if the switch was made to paper bags that Jersey would be open to environmental criticism as it would not promote a positive change. It was emphasised that the intention was to encourage a behavioural change so that people would bring their own bags and that the approach had been mirrored in the UK. It was highlighted that the aim was not to swap out one type of packaging for another but to promote a behavioural change and to reduce the negative impact on the environment.

The Panel questioned what would inhibit retailers from increasing the value of items by the 70p and then providing the bag for free to encourage sales. It was explained that legislation required retailers to make a charge for the item that they sold. It was noted that there would be ways in which retailers could use tools to encourage the sale, however, noted that the legislation would require the retailer to demand the money for the bag that they supplied to the shopper.

The Panel noted that the community should be encouraged to purchase local produce and to provide their own packaging to reduce the requirement for packaging locally. Noting that supermarkets would be required to abide by strict packaging requirements for health and safety purposes, the Panel emphasised that supporting local suppliers in that manner could be a positive approach for reducing the requirement for packaging at a local level.

The Panel noted that the six-month implementation period would be important to ensure that the appropriate messaging was supplied to traders and shoppers and highlighted that the messaging should be simple.

<p>The Panel noted that bags for life could increase in value going forward depending on the branding that they encompassed and highlighted that aspect as a potential opportunity.</p> <p>The Panel asked whether a price point of £1 had been considered for the bag for life. It was explained that it had and that only a few retailers had opted for that price point during the consultation process. It was explained that the 70p price point had been decided upon as it had aligned with the research that had been undertaken by Greenpeace. It was noted that the optimum price had also matched the outcome from the consultation process. It was emphasised that the price could be raised as was required.</p> <p>The Panel questioned what the status regarding single use plastic bags was in the UK. It was explained that in May 2021 a 10p charge had come into effect on single use carriers in the UK. Regarding Wales, it was noted that legislation similar to Jersey's had been adopted regarding single use plastic and paper bags in 2011. It was explained that France had introduced legislation in 2016 and that Alderney was in a similar position to Jersey. Regarding Guernsey's status, it was unknown. It was explained that Greenpeace had sought to align all cost points to a minimum price set to ensure that a level playing field for all could be achieved.</p> <p>The Panel noted that work had been underway for 18 months regarding P.64/2020 and highlighted its support, in principle, for the primary legislation.</p> <p>The briefing ended and the Panel thanked the Officers for their time.</p>	
<p><b>4. Affordable Housing: Supply and Delivery Scrutiny Review</b></p> <p>The Panel noted that the call for evidence had come to a close, however, that some stakeholders had requested an extension to submit their views. It was noted that several submissions were expected later that week.</p> <p>The Panel noted that provisional hearing dates with the relevant Ministers had been scheduled during July.</p> <p>The Panel agreed that hearings should be arranged with representatives from Andium Homes and Jersey Development Company to request their views.</p> <p>The Panel noted that the Comité de Connétables had decided not to send in a submission, however, that the Connétables may wish to send through their comments in an individual capacity. The Panel requested that the Connétables be reminded of the extended deadline of 18<sup>th</sup> June 2021 for any submissions.</p> <p>The Panel noted that a community group had highlighted its intention to provide a submission. Noting that the deadline for submissions had passed, the Panel agreed that it would accept the group's submission if it was received by Friday 18<sup>th</sup> June 2021.</p> <p>It was noted that the Panel would be interviewing the prospective advisors to the review the following week.</p> <p>The Panel noted the Housing Action Plan that had been published.</p>	<p><b>NH</b></p> <p><b>MM</b></p>

<p><b>5. Climate Conversation – Citizens’ Assembly</b></p> <p>The Panel noted that the Citizens’ Assembly’s report on its recommendations had been published on 1<sup>st</sup> June 2021.</p> <p>The Panel discussed the preparation of its report to review the Panel’s observation of the process. The Panel noted that its report would consider the transparency and independence of the sortition process, the Citizens’ Assembly process and the Advisory Panel meetings in line with the Panel’s <a href="#">amendment</a> to the Carbon Neutral Strategy. The Panel discussed its observations of the sortition process to establish the Citizens’ Assembly, as well as the Citizens’ Assembly Sessions and Advisory Panel meetings, which Members had attended.</p> <p>Noting that the Citizens’ Assembly’s report had recommended that Scrutiny of the Government of Jersey’s response to the recommendations be undertaken, the Panel agreed that any further observations which would fall outside of the scope of the Panel’s review on its observation of the process may be considered in a subsequent review.</p> <p>The Panel noted that the draft report would be prepared and shared with the Panel for consideration ahead of its next meeting on 6<sup>th</sup> July 2021.</p>	<b>MM</b>
<p><b>6. P.33/2021, Draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 202-</b></p> <p>The Panel noted that the debate on P.33/2021 had been postponed until 20<sup>th</sup> July 2021.</p> <p>The Panel noted and discussed the submission it had received from the Jersey Tenants’ Forum regarding the Panel’s Comments presented on the proposition. The Panel noted that the submission had been received after the Panel had presented its Comments. The Panel discussed the make-up and representation of the Jersey Tenants’ Forum and noted that the Forum had a presence on Facebook, in the main.</p> <p>The Panel agreed it would request a meeting with the Jersey Landlords’ Association and the Jersey Tenants’ Forum to discuss their views regarding P.20/2021. The Panel agreed that subsequently it would request to meet with the Minister for the Environment and his Officers if required. The Panel noted that it would be important to understand the views of all parties in order for a satisfactory outcome to be reached. The Panel noted that a simple mechanism was required and considered whether a register could be created as an alternative to a licensing scheme.</p>	<b>MM</b>
<p><b>7. Draft Island Plan</b></p> <p>The Panel noted and discussed the responses it had received from the Minister for the Environment to the Panel’s written questions. The Panel agreed that it would consider the Minister’s responses and would communicate any further comments via email.</p> <p>The Panel discussed the allocation of land within parishes for rezoning to enable the development of affordable homes and agreed that, where land had been allocated for affordable housing, it would be important that adequate community facilities would be available to support the families that the homes would house.</p> <p>The Panel discussed how it could approach the amendment process of the draft Island Plan and noted that it would be able to bring amendments to amendments at a later stage on issues raised within the Inspectors Report, by other States Members or members of the public.</p>	

<p>The Panel noted that members of the public would be required to use the online portal to make a representation and that the formal process for States Members to make a representation would be through the amendments process.</p>	
<p><b>8. P.39/2021, Draft Road Traffic (No.68) (Jersey) Regulations 202-</b></p> <p>The Panel noted that it had P.39/2021 referred to Scrutiny under Standing Order 72 at the States sitting on 8<sup>th</sup> June 2021. Noting that the proposition had related to the provision of additional protection for cats when involved in road traffic accidents, the Panel discussed concerns that had been raised regarding the practicality of policing the Law should it be approved by States Members.</p> <p>The Panel agreed it would request views and comments from the Comité des Chefs de Police and the Equal Rights for Cats Action Group regarding P.39/2021.</p> <p>The Panel agreed it would present a Comments paper ahead of debate of the proposition scheduled for 5<sup>th</sup> October 2021.</p>	<p><b>NH</b></p>
<p><b>8. P.61/2021, Single - Use Plastics etc. (Restrictions) (Jersey) Law 202-</b></p> <p>The Panel discussed the briefing it had received that morning on the draft Law.</p> <p>The Panel discussed the cost of the bags and raised concern regarding how retailers, especially smaller retailers, may manage that cost. In addition, whether it would impact the wholesale price of the long-life bags that would be sold to retailers through wholesalers choosing to align their wholesale price with the agreed retail price of 70p. The Panel noted that wholesalers' profits may be reduced as they would be required to sell less bags in the form of long – life bags rather than multiple single use bags to retailers.</p> <p>The Panel also considered how the draft Law would be enforced, if it were to be adopted by the States Assembly.</p> <p>The Panel highlighted its surprise, having been informed that paper bags had a more negative environmental impact than plastic bags, and noted that a behavioural shift would be vital for beneficial change.</p> <p>The Panel agreed that further consideration should be given to how any profits from the sale of long-life bags could be redirected to charities at a later stage.</p> <p>The Panel discussed the launch costs for the draft Law, should it be adopted, and anticipated that it was unlikely that extra funding would be required by the third year of implementation as it would likely be embedded in society at that time. The Panel noted that the achievable benefits from the law would out way the costs.</p> <p>The Panel noted that the first year's funding would be made available from the Contingency Fund and considered whether it should be retrieved from the Climate Emergency Fund.</p> <p>The Panel agreed it would request views from the Jersey Hospitality Association, the Jersey Retail Association and the Jersey Chamber of Commerce regarding the draft Law with the intention to present a Comments paper ahead of the debate on the draft Law.</p> <p>Deputy Gardiner advised the Panel that as she had brought the proposition [P.64/2020] to request the Minister draft the Law, she would excuse herself from the Panel's review of the draft Law.</p>	<p><b>NH</b></p>

<b>9. Future meeting</b>	
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The Panel noted that it would meet on 22 <sup>nd</sup> June 2021 to hold advisor interviews and that the next regular Panel meeting would take place at 9.30am on 6th July 2021.	
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# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by video conference

Date: 22nd June 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair Deputy Inna Gardiner
Apologies	Deputy Graham Truscott
Absent	Connétable Sadie Le Sueur-Rennard Deputy Steve Luce
In attendance	Nikita Hall, Committee and Panel Officer
Agenda Matter	Action
<b>1. Affordable housing: supply and delivery scrutiny review - appointment of expert advisor</b>	
Following virtual interviews with three prospective advisors, the Panel met to discuss and agree the appointment of the expert advisor to its review. It was agreed to appoint ARK Consultancy Limited on the basis of their broad range of expertise and competitive bid which, in the Panel's view, clearly demonstrated good value for money.	
The Officer was requested to inform the other members of the Panel, who had been unable to attend, of the agreed appointment and to seek their views, if any. In addition, to seek approval from the Scrutiny Liaison Committee for the increase of £14,700 to the review's budget.	NH
Following a satisfactory outcome of both of the above, the Officer was requested to proceed with arrangements to provide ARK Consultancy Limited with a draft contract for their signature.	NH

# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by video conference

Date: 6th July 2021

Present	<p>Connétable Michael Jackson, Chair                  Deputy Steve Luce (<i>Items 1 – 3 and 5 -10 only</i>)                  Deputy Graham Truscott                  Connétable Sadie Le Sueur-Rennard (<i>1 – 3 and 5 -10 only</i>)                  Deputy Inna Gardiner (<i>Items 1, 2 and 4 -10 only</i>)</p>
Apologies	Connétable John Le Maistre, Vice-Chair
Absent	
In attendance	<p><b>Item 2</b>                  Kelly Whitehead, Head of Regulatory Improvement                  Tim du Feu, Director, Environmental Protection, Infrastructure, Housing and Environment Department                  Deputy John Young, Minister for the Environment                  Ben Markwell-Sales, Private Secretary to the Minister for the Environment</p> <p><b>Item 3</b>                  Deputy Kevin Lewis, Minister for Infrastructure                  E Littlechild, Group Director, Operations and Transport, Infrastructure, Housing and Environment                  Louise Magris, Head of Sustainability and Foresight, Strategic Policy, Planning and Performance                  Tristin Dodd, Director of Transport, Infrastructure, Housing and Environment                  Liz Walsh, Legislative Drafter, Legislative Drafting Office, States Greffe                  Tim Daniels, Director-Property, Jersey Property Holdings                  Infrastructure, Housing and Environment                  Gordon Forrest, Head of Driver and Vehicle Standards, Infrastructure, Housing and Environment                  Andy Scate, Director General, Infrastructure, Housing and Environment</p> <p><b>Item 4</b>                  Dr. Amy Hall, local Ecologist</p> <p>Nikita Hall, Committee and Panel Officer                  Monique Magalhaes, Research and Project Officer (<i>items 1-3 and 5-10 only</i>)                  Ben Holmes (work experience student)</p>
Agenda Matter	Action
<b>1. Records of Meetings</b>	

<p>The Panel noted and approved the records of the meetings held on 15<sup>th</sup> and 22<sup>nd</sup> June 2021.</p>	
<p><b>2. Briefing: Tree Protection Strategy</b></p> <p>The Panel received the Minister for the Environment and Officers for a private briefing on the Tree Protection Strategy. The record of this meeting was classified as exempt in accordance with the Freedom of Information (Jersey) Law 2011 (as amended) under Qualified Exemption Article 35.</p>	
<p><b>3. Quarterly Public Hearing with the Minister for Infrastructure</b></p> <p>The Panel received Deputy Kevin Lewis, the Minister for Infrastructure and Officers for a quarterly public hearing. The proceedings were streamed live to the public and a recording was taken so that a written transcript could be produced.</p>	
<p><b>4. Briefing: Dr. Amy Hall (Local Ecologist)</b></p> <p>The Panel received Dr. Amy Hall a local ecologist for a briefing presentation. The record of this meeting was classified as exempt in accordance with the Freedom of Information (Jersey) Law 2011 (as amended) under Qualified Exemption Article 26.</p>	
<p><b>5. Affordable Housing: Supply and Delivery Review</b></p> <p>The Panel noted that the Officer had met with the Adviser and that the Adviser was in the process of analysing the review submissions that had been received. The Panel noted that it was the Adviser's intention to produce a briefing paper on the themes identified throughout the submissions received.</p> <p>The Panel noted that a question plan had been drafted with the Adviser's input for the public hearing with Jersey Development Company (JDC) scheduled for 13<sup>th</sup> July 2021. The Panel agreed that the Advisor would take part in the public hearing.</p> <p>It was agreed that a request for a hearing with the Jersey Construction Council would be pursued. Alternatively, if a hearing was not possible, that follow up questions regarding their submission would be sent for a written response.</p>	<p><b>NH</b></p>
<p><b>6. Climate Change – Citizens' Assembly</b></p> <p>The Panel noted and approved the draft report except for the executive summary and requested the fact checking process to commence.</p>	
<p><b>7. Draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 202- [P.33/2021]</b></p> <p>The Panel noted its in-person meetings scheduled with the Jersey Landlords' Association and the Jersey Tenants' Forum on Wednesday 7<sup>th</sup> July that week.</p>	
<p><b>8. Draft Road Traffic (No.68) (Jersey) (Regulations) Law 202- [P.39/2021]</b></p> <p>The Panel discussed P.39/2021 and noted its in-person meeting with the Comité des Chefs de Police scheduled for Wednesday 7<sup>th</sup> July that week to understand the Comité's view and position regarding the draft regulations.</p> <p>The Panel agreed it would incorporate the views of the Comité des Chefs de Police in a Comments paper for presentation prior to the debate of the proposition scheduled for 5<sup>th</sup> October 2021.</p>	
<p><b>9. Draft Single-use Plastics etc. (Restrictions) (Jersey) Law 202- [P.61/2021]</b></p>	

<p>The Panel noted it had been made aware of the Minister for Infrastructure’s intention to lodge an amendment to P.61/2021 to extend the time lead in time of the proposed Law from six to twelve months. The Panel noted that several retailers had commented that the period of six months provided within the draft Law would not be sufficient for them to use up the non-conforming bags. The Panel noted that the potential extension would result in the enforcement of the Law to occur during the next Government term.</p>	
<p><b>10. Future meeting</b></p> <p>The Panel noted its next Panel meeting would take place at 9.30am on 27th July 2021.</p>	

# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by video conference

Date: 7th July 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair Deputy Steve Luce Deputy Inna Gardiner
Apologies	Deputy Graham Truscott Connétable Sadie Le Sueur-Rennard
Absent	
In attendance	<p><b>Item 1</b> Peter Lucas, Chairman, Jersey Landlords' Association Guy Morris, Vice-Chairman, Jersey Landlords' Association Emma Paul, Committee Member, Jersey Landlords' Association Mark Cummins, Honorary Treasurer, Jersey Landlords' Association Sharon Campbell, Landlord</p> <p><b>Item 2</b> Stuart Langhorn, representative, Jersey Tenants' Forum</p> <p><b>Item 3</b> Centenier Bougeard, Vice-chairman, Comité des Chefs de Police</p> <p>Nikita Hall, Committee and Panel Officer Monique Magalhaes, Research and Project Officer Ben Holmes (Student)</p>
Agenda Matter	Action
<p><b>1. Meeting: Jersey Landlords' Association (P.20/2021 and P.33/2021)</b></p> <p>The Panel met with representatives from Jersey Landlords' Association (JLA) to discuss the adoption of P.20/2021 which had proposed changes to the Draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 202-[P.33/2021] and to seek the JLA's views on these changes.</p> <p>The JLA informed the Panel that its membership constituted 240 members. The Panel noted it would also be meeting with the Jersey Tenants' Forum later that day regarding the revised proposition.</p> <p>The JLA informed the Panel, that in the main, its view regarding the licensing scheme had not changed since its last meeting with the Panel 18 months prior. The JLA noted that the same concerns persisted, and it had highlighted these within its recent submission to the Panel. Regarding the Rent Safe Scheme, the JLA believed that the scheme had addressed many requirements needed for the Government to enforce its powers regarding substandard properties being rented out.</p> <p>The JLA commented that the licensing conditions within the proposition were not appropriate and noted the scheme was inflationary. It was the JLA's view that the</p>	

proposed licencing conditions would impact negatively upon the taxpayer and would require significant continual resourcing to maintain. The JLA explained that it was concerned regarding the licensing conditions that had been proposed in the scheme in respect of their wording and the ability for the conditions to be altered going forward. In addition, the JLA did not agree with the criteria that was provided for the licensing scheme.

It was the view of the JLA that a register would be a better approach than a licensing scheme. The JLA noted that a licensing scheme was implemented for HMO's (house in multiple occupation), in the main, in the UK within some parts of council areas. However, it was noted that such licensing schemes were limited to a five-year period after which it would require renewal. The JLA explained that it would only be renewed by Central Government if the problems which it was set out to address still persisted. The JLA noted that the UK licensing scheme was implemented to address social problems. In addition, the scheme in the UK addressed concerns regarding housing for multiple occupancy. It was the JLA's view that the UK scheme was very different to the scheme that was being proposed for Jersey and had a different purpose. It was used for parameters including overcrowding in poorer areas and was not for licensing of new builds.

The Panel asked why the UK Government would choose to not approve a council to implement a scheme. It was noted that the licensing scheme in the UK was only implemented by councils when a specific targeted outcome was needed within a specific area. It was noted that the UK struggled to enforce licences as it lacked the necessary resources.

The Panel noted that to fund the administrative costs for a licensing scheme that those monies would need to be derived from the licensing and the cost would impact upon the landlord. The JLA explained that the scheme was not appropriately targeted at those landlords that were providing substandard rental accommodation and was concerned that the cost would ultimately impact upon the taxpayer as a result.

The Panel noted that renting out a property was a business for many landlords and explained that like any other business, some sort of business license or registration would be required by that business. The Panel highlighted that any business would need to abide by certain conditions and asked how a licensing or registration scheme might be workable in the JLA's view.

The JLA explained that a registration scheme would be workable and that landlords may be more content to update a register on an annual basis. The JLA compared the process to that of a manpower licence, where people would update any changes to their properties. The JLA explained that self-declaration backed up with the requirement to provide information would be a workable position. The JLA highlighted that the process would provide insight to the accommodation as well as the electrical certificates, for example, and all the information would be repeatedly provided on an annual basis to maintain its accuracy.

The JLA emphasised that random targeted inspections of properties could be undertaken on consideration of the detail that the landlords provided annually and also resultant of complaints that were received. It was noted that existing laws allowed officers from Environmental Health to inspect properties as required.

The JLA raised concern that a licensing scheme would provide too much ministerial power by Order. In addition, it involved excessive bureaucracy and was administrative heavy. The JLA noted that fire certificates were already required by landlords for

lodging houses and HMO's in host circumstances and that only the fire service could issue them on provision of the commercial information provided by the landlord. It was noted that the fire certificate was valid for three years and cost £410. The JLA highlighted that the cost of a fire certificate had increased significantly in the last three years from £80 to £410. The JLA noted that landlords were already subjected to several layers of cost. In addition, that weekly checks were undertaken on fire doors and fire alarms. The JLA explained that the testing regime involved multiple layers.

The Panel asked whether the fire service checked the landlord's testing regime. It was noted that the information was available for them to check and that a Fire Inspection logbook was required to be kept on the premises.

The JLA raised concern that a licensing scheme would allow licences to be granted and removed.

The JLA highlighted, should there be an issue regarding tenants coming forward with complaints to exercise their existing legal rights, that research should be undertaken to determine a process which would encourage tenants to raise complaints.

The Panel raised concern that tenants should not be forced to live in substandard properties as a result of not complaining and highlighted that the issue needed to be addressed. The Panel noted that if the issue was not addressed that other departments would be stressed as a result. The Panel explained that if a family was living in a property with mould, that could potentially place strain on the health system.

The Panel questioned how these issues could be addressed if the tenants were not coming forward to complain and raise issues. The JLA emphasised that tenants needed to be educated on their rights and that an advice service should be accessible to them. In addition, leases should be made more user friendly. The JLA highlighted that if tenants felt that they were protected then they would come forward to complain.

The Panel explained that the education aspect should not fall to landlords, however, that poor quality housing was an issue for the landlords to address. The JLA explained that some tenants did not have a choice to move on from a bad situation as the housing supply was not sufficient.

The JLA informed the Panel that statistics had demonstrated that landlords were selling up and that 171 units within the registered market had been lost within 12 months. The JLA explained that those units would accommodate 454 people. The JLA raised concern that the properties would be converted and sold on as separate units to the local market and that would deplete the accommodation available to the rented market. The JLA noted that on occasion 10 units would be converted to a single house, or three bedsits to a single one bedroom flat.

The JLA highlighted that since January 2020 sales from estate agents had demonstrated that 42% of landlords were selling properties and only 7% were buying. It was explained that this provided a net loss of 700 to the rental market. The JLA noted that those units had gone from the rental market to owner occupied properties. The JLA raised concern that people would be required to rent when it was not viable for them to buy.

The Panel noted that private landlords did not provide social housing and questioned whether that caused a challenge. The JLA explained that as there was a housing shortage, people who could not find housing would come to private landlords looking for accommodation. The JLA highlighted that new investment in housing was required.

The JLA noted that there were some problematic landlords and that aspect needed to be addressed in a cost-effective way to landlords and the taxpayer. The JLA emphasised that the system needed to be acceptable to all parties involved.

The Panel noted that the JLA had seemed accepting of a register and questioned how a licensing scheme would be any different from a register. It was the Panel's view that the risk of licence removal would only impact those landlords offering substandard accommodation and other landlords would not be impacted.

The JLA explained that its concern regarding the licensing scheme was regarding the ability for a licence to be revoked. The JLA highlighted that it would appreciate to communicate its concerns with the Minister for the Environment to achieve a middle ground that could be suitable for all parties involved.

The JLA highlighted that the licensing scheme included additional conditions and raised concern regarding the aspect where one tenant may interfere with another's quiet enjoyment of the property and how that would be handled by the landlord. The JLA raised concern that a pressure would be placed on landlords to evict one of the tenants under such circumstances as it would be an offence under the law which would apply a £10,000 penalty.

The Panel suggested that the details of the licensing scheme should be resolved, and that guidance be provided. The JLA explained that if a register were to be implemented instead of a licensing scheme that licenses could not be granted or revoked, however, the powers would still be accessible to officers to investigate any complaints and inspect properties. The JLA raised concern that the proposed scheme would allow the Minister for the Environment to include further licensing conditions as required which provided a level of uncertainty for landlords.

The JLA noted that it had not been invited to discuss its issues or concerns regarding the proposed licensing scheme and highlighted that it would welcome those discussions with the Minister for the Environment and Government officials.

The Panel questioned whether the JLA had met at all with the Minister for the Environment. The JLA explained that it had met with the Minister via Zoom, however, that it was challenging as there were so many issues to discuss that it was not possible, at that time, to cover all the details involved. The JLA compared that meeting to a meet and greet type meeting. The JLA noted that the Minister for the Environment had spoken at a JLA event and that the JLA had invited the Minister to attend its Annual General Meeting (AGM). It was noted that the invite to the AGM was not accepted by the Minister.

The JLA suggested to address the issues of landlords providing substandard properties, tenants needed education and protection which would enable them to complain. In addition, limited random inspections of properties could be undertaken using existing legislation and that would inhibit revenge type evictions and would ensure that landlords maintained their properties at the accepted standard. The JLA noted that the register would enable the Government to keep updated regarding the location of properties being rented to tenants by private landlords. The JLA highlighted that the scheme should promote good standards, while being cost effective and delivered in the least disruptive way.

The JLA raised concern that the proposition would not help tenants and it would result in tenants being left with less choice regarding accommodation and rents would increase. In addition, it was the view of the JLA that the proposed scheme would be



intrusive on tenants as it would involve more agencies requiring access to rented accommodation to fulfil the requirements of the scheme.

The Panel thanked the JLA for their time and meeting ended.

## **2. Meeting: Jersey Tenants' Forum (P.20/2021 and P.33/2021)**

The Panel met with the Mr Langhorn, representative of the Jersey Tenants' Forum (JTF) at 11am that morning to discuss the adoption of P.20/2021 and the proposed changes to the Draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 202- [P.33/2021].

Mr Langhorn advised that JTF had sent a response to all States Members regarding the Panel's recent Comments paper on P.33/2021 which had concluded as not in support of the currently proposed licensing scheme. Mr Langhorn further advised JTF's response had included a number of evidence sources, including: Safe and Decent Homes: Solutions for the Private Sector – Shelter, A Roof Over My Head – Crisis, Our Life in Numbers – Jersey Children's Commissioner, Selective Licensing of Landlords House of Commons Briefing Paper 2019, Jersey Scrutiny – Retention and Recruitment of Teachers 2019.

Mr Langhorn explained that he had created the JTF in response to the lack of a voice for tenants. He explained that he had relocated to Jersey three and half years prior and had rented three properties on the island. All three of which had failed to meet minimum standards. Mr Langhorn noted that he had held lead roles; Leader of the Council and Chair of Scrutiny at Lancaster City Council, a district council and housing authority in Lancaster in the United Kingdom.

The Panel asked whether Lancaster City Council had implemented a licensing scheme. Mr Langhorn explained that the 2018 Licensing scheme was introduced by the Conservative Government as a reaction to the failures of previous schemes. These were targeted at areas where there had been historically poor housing and associated social problems. Mr Langhorn advised that their success had been evidenced in the Briefing Note to UK MPs which could be found in the House of Commons Reference Library.

The Panel asked Mr Langhorn about HMOs (Houses of Multiple Occupancy). It was explained that there were social issues regarding the behaviour of tenants and the licensing scheme was implemented to resolve those issues. Mr Langhorn noted that it was a different scheme to the one that was being proposed for Jersey. It was explained that the UK scheme was implemented as a result of problems and was targeted to certain councils to address specific problems with HMO's where wages were low, and the buildings were often used by social security and the property standards were low. Therefore, it was an inspection regime for those properties.<sup>1</sup>

The Panel asked whether the scheme could be invoked and whether approval would be required from the UK Government to invoke the scheme. Mr Langhorn was uncertain whether Government approval was required to invoke the scheme although it may be invoked by a housing authority as a by-law. The Panel questioned how the improved standards of the properties (as a result of the scheme) were maintained once the licensing scheme was removed.

Mr Langhorn highlighted that many Jersey hotels had been converted to shared housing and these had substandard living conditions for tenants based on the Public

<sup>1</sup> Clarification - The Morecambe situation was a regeneration project where the council was working with the North West Development Agency to buy properties and redevelop HMOs into family homes.

Health and Safety (Rented Dwellings) (Jersey) Law 2018. He said that States Members were aware of examples of accommodation that did not meet the minimum standards and had not reported these, even though this was a safeguarding issue. The Panel asked whether that could be resultant of being an interim solution until the hotel owner determined how to exploit their asset.

Mr Langhorn raised concern that he had also experienced a situation whereby he was required to find a replacement tenant in order to exit a two-year fixed contract. He highlighted that legislation was in place to provide tenants' rights in relation to notice on tenancies, however there was a loophole whereby a two-year fixed contract did not give tenants the same rights. As a result, tenants were finding themselves unable to exit the two-year fixed contract or suffer the threat of legal action. Mr Langhorn advised that this was a common experience reported on the Jersey Tenant's Forum.

The Panel enquired regarding the membership and constitution of the JTF. It was explained that the JTF had no membership and that it had been set up as a platform for people to raise issues. It was noted that it provided a sounding board for tenants and that the JTF would seek advice on behalf of people through States Members, Environmental Health and Citizens' Advice Jersey.

The Panel asked whether the JTF had discussions with the Jersey Landlords' Association (JLA). It was noted that it had not. Mr Langhorn said that he would be happy to meet with the JLA. Mr Langhorn said that he had met with Ministers and Environmental Health officers.

Mr Langhorn raised concern that tenants feared raising complaints about rental properties and landlords. This was because they feared eviction and were in a position that could be exploited.

The Panel asked how many people accessed the forum. It was noted that up to 2500 people would access the forum at any time dependant on the content that was posted on the site. Mr Langhorn said that the platform used was Facebook.

Noting that it was the JLA's view that the scheme would reduce the number of rental properties available, the Panel asked for the JTF's view in that regard. It was the view of Mr Langhorn that the proposed licensing scheme would not result in a reduced number of rental properties or further substandard properties.

The Panel noted that it was aware that statistics had shown a potential net loss of rental accommodation and emphasised that it would be important to not encourage that. Nevertheless, the Panel agreed that satisfactory management of rental accommodation was required.

It was noted that one of the reasons people rented in the Jersey housing market was due to the Island's transient population. It was Mr Langhorn's view that people rent for three main reasons: they may not intend to stay in Jersey for long; they cannot afford to own their house; they may not want to own a property in Jersey. It was noted that different categories of renters might have different attitudes to landlords.

Mr Langhorn requested that those members of the Panel present for the meeting declare whether they were currently a landlord of a rental property. Constable Le Maistre and Deputy Luce declared an interest as landlords, advising that this was already public information.

The Panel asked Mr Langhorn for his views on whether private landlords and social housing providers should be considered differently under the proposed licensing scheme. Mr Langhorn explained that affordability was linked to substandard property. He said that it had been reported that people on low incomes lived in poor housing conditions. In addition, that the Children's Commissioner had reported that Jersey could not evidence where children were living in poorer accommodation as the data was not available. (Our Life in Numbers – Jersey Children's Commissioner). He explained that during the Covid-19 pandemic those living within poorer accommodation had suffered the worst and many did not have outside space to enjoy. Mr Langhorn said that communities needed to be considered jointly with housing so that health and well-being of people were considered. This was best practice learned from regeneration projects in the North West of England. He noted that the UK had the statistics regarding that data, however, that Jersey did not. Reference to Shelter's Safe Decent Homes in the Private Sector was provided as a useful document. He highlighted the view that the Government of Jersey had let down children that were living in the poorest conditions and that was why the Children's Commissioner had supported the proposed licensing scheme.

It was noted that States Members had voted to keep children in school during the pandemic as they believed it was best for their wellbeing. Mr Langhorn said that decision was a result of not knowing the conditions that children were living in and whether they would be safe in their homes. Mr Langhorn advised that a number of children continued attending school for safeguarding reasons.

Mr Langhorn raised concern that landlords did not require 24 hours' notice to gain access to the accommodation that they rented to a tenant and that landlords could access the property without giving any notice to the tenant. Mr Langhorn expressed his disappointment at the Panel for not being in support of the proposed licensing scheme, one aspect of which had made provision to protect tenants from the entry of landlords into their homes without notice.

The Panel asked Mr Langhorn's view on the difference between a licensing scheme and a registration scheme. Mr Langhorn explained that a registration scheme had not been approved by the States Assembly, the Government or Citizens' Advice Jersey and noted that a register was a list. He emphasised that tenants needed protection and that the aim of the proposition was to protect citizens. He noted that currently no standard contract existed for tenants and that tenants were on different contracts. He explained that as a result the responsibilities of tenants for rented accommodation varied.

Regarding a register, the Panel asked whether combining a list of criteria to which a landlord would need to comply as well as random inspections of properties would suffice. The Panel noted that the location of the property would be known, and it could also be inspected. Mr Langhorn emphasised that the aim of the proposition was to ensure the safety of tenants and to remove rogue landlords from the system. He noted that the proposed scheme would impose no cost on landlords and the worst offenders would be targeted. It was Mr Langhorn's view that a licensing scheme would provide the enforcement powers required to address the problem.

The Panel asked for Mr Langhorn's view on how the objective of providing protection for the tenant could be achieved. It was Mr Langhorn's view that the proposed licensing scheme would achieve that.

The Panel thanked Mr Langhorn for his time and the meeting ended.

### **3. Meeting: Comité des Chefs de Police in relation to P.39/2021**

The Panel met with Centenier Bougeard, Vice-chairman of the Comité des Chefs de Police for a meeting to discuss [P.39/2021](#), Draft Road Traffic (No.68) (Jersey) (Regulations) 202 -. (hereafter referred to as the draft Regulations).

It was explained that the current legislation provided an obligation and licensing for certain animals, however, no obligation to keep a cat under control was legally provided for within legislation. The impossibility to control cats was emphasised, considering that cats were able to roam freely.

The Panel questioned what the process would involve, under the proposed draft Regulations, should a cat be hit by a motor vehicle. It was explained that if a cat was hit by a motor vehicle and it was identified that the incident had not been reported to the Jersey Society for the Prevention of Cruelty to Animals (JSPCA) and, the person responsible had driven off, the case would involve a Parish Hall Inquiry.

However, it was highlighted that reasonable grounds would need to be identified to establish that the driver was aware that they had hit the cat as the Centenier would need to certify that an actual breach of the Law had occurred. It was emphasised that it could be argued that the driver did not know that they had hit the cat and as a result did not stop or report the incident. As a consequence, it may be difficult to prove the driver was aware they had hit the cat and therefore prosecute the driver accordingly under the Law. It was noted that the draft Regulations only provided for incidents between a cat and a motor vehicle and consideration for push bikes had not been made under the draft Regulations.

The Panel asked what the process would entail should a Centenier find that pursuing the case was warranted and questioned whether guidelines had been provided as to whether the case would be dealt with at a Parish Hall level or through the Magistrates' Court system. It was explained that guidelines were not available. However, it was assumed that a warranted case would go to the Magistrates Court as the expected fines issued at a Parish Hall level would likely not exceed £200. It was highlighted that a fine of £10,000 (outlined as the maximum penalty under the draft Regulations) was totally disproportionate and not likely to be issued by a Court.

It was noted that, if the individual suspected of hitting the cat did not agree with the case being brought against them, the case would not be dealt with through the Parish Hall system and would be dealt with by the Magistrates' Court. It was noted that, whilst at the Parish Hall the required evidence was less, were a guilty plea to be given. If a guilty plea was not forthcoming and the matter went to Court, detailed irrefutable evidence would be required to prove the case to the Magistrates' Court. Centenier Bougeard noted that all the Centeniers he had discussed the draft Regulations with, believed that the draft Law was inappropriate and could not be adequately policed.

The Panel asked who would be responsible for initiating the investigative process when an individual hit a cat with a motor vehicle. It was explained that for an investigation to commence, it would first need to be decided whether it was proportionate to carry out the investigation and to gather evidence to prove the case.

The Panel emphasised that, in the main, it would be expected that the vast majority of individuals would report hitting a cat if they were aware of the incident and it was the Panel's view that the draft Regulations was endeavouring to encourage people to report incidents so that the owners of the cats could be made aware of the potential location of their cat. The present situation appeared to be that when cats were hit by

motor vehicles many owners were not aware that was the case and did not know their cat's whereabouts.

The Panel questioned whether a balance could be achieved so that people would be encouraged to communicate incidents with the JSPCA. It was the Panel's view that if the draft Regulations were not able to be suitably policed then it might not achieve its intended purpose.

The Panel questioned what implication the draft Law would have on the JSPCA and asked whether the JSPCA would be involved in the prosecution process. It was anticipated that the JSPCA would not choose to be involved in the prosecution.

It was the general view of the Comité des Chefs de Police that the draft Regulations contained loopholes, in particular, regarding the reporting of an incident to the JSPCA, as the person would not be required to provide their full details. In addition, the process was questionable as the person reporting the incident would not be able to prove that they had reported the incident in accordance with the Law.

The Panel questioned further what potential policing challenges the draft Regulations might cause. It was explained that the process to obtain evidence would require a lot of time and resourcing. In addition, it was anticipated that the process would not go the full length as it would be challenging to obtain the necessary evidence that would be needed to warrant a case.

The Panel asked for clarity regarding the investigative process. It was explained that when someone reported an incident that involved a motor vehicle hitting a cat that a statement would be taken. It was highlighted that an Officer from the States of Jersey Police would be tasked with interviewing the suspected individual as Officers at the Parish Hall level would not be trained to undertake the interview process. Once the Officer from the SoJP was satisfied that the case warranted further action, it would be transferred to the Criminal Justice Unit and a Parish inquiry would be arranged.

It was highlighted that a more sensible approach would be a public awareness campaign to raise awareness around such incidents and to encourage people to report them. It was emphasised that a behaviour change was necessary so that people reported incidents. It was felt by the Comité that the draft Law was excessive.

The Panel questioned whether making it mandatory to register cats would be a better approach as the JSPCA would then be able to locate the cat's owners. It was emphasised that it would be beneficial to require cats to be microchipped as the cat would then be identifiable and that would satisfy the owners of the cat.

***Deputy Gardiner left the meeting at this point***

It was discussed that the issue regarding cats being hit by motor vehicles was a challenging and emotive issue to solve. It was noted that owners wanted a means to locate their cats and to know what had happened to them. It was emphasised that the adoption of potentially unworkable legislation would not necessarily solve the issue. It was highlighted that the draft Regulations created uncertainty as it would be deemed a criminal offence if a person reported an incident incorrectly. In addition, the draft Regulations would leave areas open to interpretation, including for the notification process when reporting an incident to the JSPCA. It was explained that the draft Regulations required the person to notify the person who was responsible for caring for the cat or the JSPCA when it was 'safe and reasonably practical' to do so. It was noted, therefore, that the main challenge would be in relation to obtaining the required

evidence to prove a case beyond reasonable doubt and that the onus for doing that would be with the SoJP.

The Panel asked what the process involved for reporting a dog that had been hit by a motor vehicle and asked how such an incident was proven. It was explained that the owner of the dog had responsibility under Law for keeping their dog under control. It was highlighted that if the owner of a dog was not able to maintain control of their dog, they would be liable for its actions. In addition, it was easier to identify a dog, as dogs required licensing by Law. Centenier Bougeard noted that he had not been in a situation where a dog had been hit and the incident was not reported.

The Panel considered whether a middle ground could potentially be achieved by bringing legislation forward that would require cats to be microchipped, as owners of cats had little control over their cats and if cats when missing or where hit by motor vehicles they could then be found and identified. However, the Panel highlighted that Jersey had many feral cats as well and that would need to be considered further. Centenier Bougeard highlighted that microchips which were registered outside of Jersey were often not readable in Jersey and therefore those cats would not be identifiable.

The Panel questioned whether a person could issue an insurance claim against a cat owner if the cat were to cause damage to their motor vehicle. It was thought that they would not be able to claim damages as a result of such an incident as legislation did not exist to provide a duty on cat owners to maintain control of their cats (as was provided for dogs and certain other animals).

The Panel thanked Centenier Bougeard for his time and the meeting ended.

# Environment, Housing and Infrastructure Panel

## Record of Meeting

Date: 13th July 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair Deputy Inna Gardiner
Apologies	Deputy Graham Truscott Connétable Sadie Le Sueur-Rennard Deputy Steve Luce
Absent	
In attendance	Jane Alderman, Adviser, Affordable Housing: Supply and Delivery Review ( <i>Item 3 and 4 only</i> )  Lee Henry, Managing Director, Jersey Development Company ( <i>item 4 only</i> )  Nikita Hall, Committee and Panel Officer Monique Magalhaes, Research and Project Officer
Agenda Matter	Action
<b>1. Draft Single-use Plastics etc. (Restrictions) (Jersey) Law 202- [P.61/2021]</b>	
The Panel noted and approved the Comments on P.61/2021. The Panel agreed to present the Comments ahead of the States debate of the proposition scheduled for 20 <sup>th</sup> July 2021.	<b>MM</b>
<b>2. Draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 202- [P.33/2021]</b>	
The Panel noted and discussed the Minister for the Environment's amendment to P.33/2021 and requested that a letter be sent to the Minister for the Environment to request the debate on P.33/2021, scheduled for 20 <sup>th</sup> July 2021, to be deferred.	<b>NH</b>
<b>3. Pre-hearing meeting with the adviser for the Panel's review on Affordable Housing: Supply and Delivery</b>	
The Panel received Jane Alderman from ARK Consultancy for a meeting to discuss the question plan prior to the hearing with Jersey Development Company.	
<b>4. Affordable Housing: Supply and Delivery Review Hearing - Jersey Development Company</b>	
The Panel received Lee Henry, Managing Director, Jersey Development Company, for a public review hearing. The proceedings were streamed live to the public and a recording was taken so that a written transcript could be produced.	

# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by electronic mail

Date: 16th July 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair Deputy Steve Luce Deputy Inna Gardiner Deputy Graham Truscott Connétable Sadie Le Sueur-Rennard
Apologies	
Absent	
In attendance	Nikita Hall, Committee and Panel Officer Monique Magalhaes, Research and Project Officer
Agenda Matter	Action
<b>1. Citizens' Assembly Process Report on Climate Change Citizens' Assembly</b>  The Panel approved its report on the Citizens' Assembly Process and agreed for the report to be circulated to States Members and the media that day under embargo until Monday 19 <sup>th</sup> July 2021.	<b>MM</b>



# Environment, Housing and Infrastructure Panel

## Record of Meeting

Meeting held via electronic mail

Date: 21st July 2021

Present	Connétable Michael Jackson, Chair Deputy Steve Luce Deputy Inna Gardiner
Apologies	Connétable John Le Maistre, Vice-Chair Deputy Graham Truscott Connétable Sadie Le Sueur-Rennard
Absent	
In attendance	Monique Magalhaes, Research and Project Officer
Agenda Matter	Action
<b>Records of Meetings</b>	
The Panel approved the record of the meeting held on 7 <sup>th</sup> July 2021 with the Comité des Chefs de Police.	<b>MM</b>

# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by video conference

Date: 27th July 2021

Present	<p>Connétable Michael Jackson, Chair <i>[items 1-2,5 only]</i>                  Connétable John Le Maistre, Vice-Chair                  Connétable Sadie Le Sueur-Rennard                  Deputy Steve Luce                  Deputy Graham Truscott                  Deputy Inna Gardiner <i>[items 1,3-5 only]</i></p>
Apologies	
Absent	
In attendance	<p><b>Item 1</b>                  Deputy John Young, Minister for the Environment                  Deputy Gregory Guida, Assistant Minister for the Environment                  Kevin Pilley, Head of Place and Spatial Planning, Infrastructure, Housing and Environment Department                  Ben Markwell-Sales, Private Secretary to the Minister for the Environment</p> <p><b>Item 2</b>                  Deputy Russell Labey, Minister for Housing and Communities                  Sue Duhamel, Director, Strategic Policy, Planning and Performance                  Timothy Millar, Senior Policy Officer, Strategic Policy, Planning and Performance Department                  Steve Skelton, Director, Strategy and Innovation, Strategic Policy, Planning and Performance Department                  Ralph Bucholz, Principal Planner, Infrastructure, Housing and Environment Department                  Marie Claire Hannigan, Private Secretary to the Minister for Housing and Communities</p> <p>Nikita Hall, Committee and Panel Officer                  Katherine De Carteret, Committee and Panel Officer                  Ben Walker, Research and Project Officer <i>[item 1 only]</i>                  Monique Magalhaes, Research and Project Officer <i>[item 2 only]</i>                  Edward Le Gallais, Communications Officer, Digital and Public Engagement</p> <p>John Paterson, ARK Consultancy, Panel Advisor <i>[items 1-2 only]</i>                  Jane Alderman, ARK Consultancy, Panel Advisor <i>[items 1-2 only]</i></p>
Agenda Matter	Action
<p><b>1. Public Review Hearing with the Minister for the Environment</b></p> <p>The Panel received Deputy John Young, the Minister for the Environment, and Officers for a public hearing in relation to the Affordable Housing: Supply and Delivery Scrutiny</p>	

Review. The proceedings were streamed live to the public and a recording was taken so that a written transcript could be produced.	
<p><b>2. Public Review Hearing with the Minister for Housing and Communities</b></p> <p>The Panel received Deputy Russell Labey, the Minister for Housing and Communities, and Officers for a public hearing in relation to the Affordable Housing: Supply and Delivery Scrutiny Review. The proceedings were streamed live to the public and a recording was taken so that a written transcript could be produced.</p>	
<p><b>3. Affordable Housing: Supply and Delivery Scrutiny Review</b></p> <p>The Panel noted a briefing paper which had been prepared by ARK consultancy and discussed and agreed draft question plans which had been prepared by ARK and the Panel's Officer.</p> <p>The Officer was requested to make a couple of minor additions to the question plans for both the public hearings with the Minister for the Environment and the Minister for Housing and Communities.</p>	<b>NH</b>
<p><b>4. Climate Conversation – Citizens' Assembly</b></p> <p>The Panel noted that its scrutiny report [S.R.10/2021] was presented to the States Assembly on 19<sup>th</sup> July 2021 and that a Ministerial Response from the Minister for the Environment was expected by 30<sup>th</sup> August 2021.</p>	
<p><b>5. P.33/2021, Draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 202-</b></p> <p>The Panel noted that P.33/2021 had been rejected by the States Assembly at the previous States sitting held on 20<sup>th</sup> July 2021 and had therefore been withdrawn.</p> <p>It was agreed that the Panel would write to the Minister for the Environment to request that he outline his intended next steps. The Officer was requested to draft a letter for approval by the Chair.</p>	<b>NH</b>
<p><b>6. P.39/2021, Draft Road Traffic (No.68) (Jersey) Regulations 202-</b></p> <p>It was noted that a meeting had been scheduled with the Equal Rights for Cats Action Group and Deputy Jeremy Maçon on 28<sup>th</sup> July 2021 in relation to P.39/2021 and to listen to their views on the proposed draft regulations.</p>	
<p><b>7. Future meeting</b></p> <p>The Panel noted that its next meeting was due to take place at 10:30am on 28<sup>th</sup> July 2021 and would take place virtually, via Microsoft Teams.</p>	

# Environment, Housing and Infrastructure Panel

## Record of Meeting

Date: 28th July 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair Deputy Graham Truscott ( <i>Items 1-3 only</i> ) Deputy Inna Gardiner ( <i>Items 1-3 only</i> ) Connétable Sadie Le Sueur-Rennard Deputy Steve Luce ( <i>Item 4 only</i> )	
Apologies		
Absent		
In attendance	Carl Mavity, Executive Lead, Digital and Strategy, Andium Homes ( <i>Item 2 only</i> ) Ian Gallichan, Chief Executive Officer, Andium Homes ( <i>Item 2 only</i> )  Jane Alderman, ARK Consultancy, Panel Advisor ( <i>Items 1-3 only</i> ) John Paterson, ARK Consultancy, Panel Advisor ( <i>Items 1-3 only</i> )  <b>Item 4</b> Deputy Jeremy Maçon Caroline Holmes, Equal Rights for Cats Action Group Christine Jackson, Equal Rights for Cats Action Group Athena Kallias, Equal Rights for Cats Action Group Sue Campbell Bisson, Equal Rights for Cats Action Group  Nikita Hall, Committee and Panel Officer Monique Magalhaes, Research and Project Officer	
Agenda Matter		Action
<b>1. Pre-hearing meeting with the advisors for the Panel's review on Affordable Housing: Supply and Delivery</b>  The Panel received Jane Alderman and John Paterson from ARK Consultancy for a meeting to discuss the question plan prior to the public hearing with Andium Homes.  The Panel agreed to consult with Jersey's Customs and Immigration Department to understand the tariffs that would apply on building supplies imported from Europe as a result of Brexit.  The Panel discussed seeking the views of medium sized building companies regarding modern methods of construction practices in Jersey.		NH  NH
<b>2. Affordable Housing: Supply and Delivery Review Hearing – Andium Homes</b>  The Panel received Carl Mavity, Executive Lead, Digital and Strategy, Andium Homes and Ian Gallichan, Chief Executive Officer, Andium Homes for a public review hearing. The proceedings were streamed live to the public and a recording was taken so that a written transcript could be produced.		

**3. Post-hearing meeting with the advisors for the Panel’s review on Affordable Housing: Supply and Delivery**

The Panel received Jane Alderman and John Paterson from ARK Consultancy for a follow up meeting after the public hearing with Andium Homes to discuss the responses received.

**4. Meeting: Equal Rights for Cats Action Group – Draft Road Traffic (No.68) (Jersey) (Regulations) 202- [P.39/2021]**

The Panel met with Deputy Maçon and representatives from the Equal Rights for Cats Action Group (hereafter ‘the group’) to discuss P.39/2021. Deputy Maçon and the members of the group introduced themselves. Deputy Maçon noted that he was attending in the capacity of a supportive States Member to the group.

Christine Jackson, a member of the group, provided a brief summary on the group’s background. She informed the Panel that Sandra Jasmins, founder of the group, was unable to attend the meeting, however, had requested the group to represent her during the meeting. It was explained that the group’s members were unanimous in their commitment to the group’s campaign and its purpose. Christine noted that Sandra had founded the campaign six years prior after an unidentified person had knocked over her cat. It was explained that as a result her cat was badly injured and needed significant treatment resulting in her losing an eye and needing repair work to her jaw.

Christine provided an outline of the group’s campaign and platforms. The Panel was informed that the group operated a Facebook group (Equal R4 Cats). In addition, had undertaken campaigning initiatives, including through physical campaigns in St. Helier as well as through social media, television, radio, newspapers, interviews and through the sale of merchandise (t-shirts).

Christine informed the Panel that the group had set up a written and online petition which had gained in excess of 3000 and 5000 signatures respectively. It was noted, as a result, that the States Assembly had voted unanimously in favour of the draft Law.

Christine noted that the provision in respect of Jersey’s Highway Code was inadequate even with the 2018 changes that had been made. It was the view of the group that the changes had not improved the situation for cats.

Christine highlighted that the draft Law’s purpose was not to impart blame on drivers for road traffic accidents (RTAs) involving cats, but for failing to report RTAs and thereby depriving cats of urgent medical attention and families of closure. It was emphasised that the priority was the animal’s welfare. She explained, should the draft Law be approved by the States Assembly, that cats would be provided rights and the welfare of cats would no longer depend on people’s better nature. She noted that incidents had occurred where people had taken it upon themselves to end a cat’s life instead of calling for help and noted that should not be allowed to happen.

Christine informed the Panel that the group had not noticed an increase in drivers reporting RTAs, however, had noticed success in the treatment of cats in cases where RTAs had been reported. The group provided the Panel with a couple of examples regarding the above.

Sue Campbell Bisson, member of the group, informed the Panel that she was responsible for the missing cats album which had been in place for the past 6 years. She highlighted that since the start of 2021 to date that 13 cats had been killed in RTAs

and had gone unreported. She noted that it was a common occurrence and that the group were not made aware of all the incidences.

Athena Kallias, member of the group, informed the Panel that her cat had been a victim of an RTA that was not reported, and that the incident had affected her significantly. She explained that her cat was a part of her family and she was devastated when her cat was killed. She highlighted that she required medical treatment for three days to help her during that traumatic time. She emphasised that was the reason she was passionate about helping owners to find their cats.

Caroline Holmes, member of the group, introduced herself and noted that although she was now retired from the legal profession, she had decades of experience in the field. She informed the Panel that she would be making her comments in her personal capacity but with her experience of the law. Caroline provided her views on the comments made by the Comité Des Chefs De Police and on Centenier Wright's submission regarding the draft Law. Caroline Holmes highlighted her own comments and views as follows:

- *The starting point for considering both the comments of Centenier Bougeard and Centenier Wright would be that the States had unanimously approved Proposition P.30/2019, and then had unanimously approved the principles of the draft regulations after debate on 9th June 2021. Accordingly, it was and is the unanimous position of the members of the States that, in principle, the law should be changed to make statutory provision for what should occur in the event of a road traffic accident involving a cat.*
- *It was pertinent to note that the regulations were drafted after consultation with the States of Jersey Police (SoJP), the Jersey Society for the Prevention of Cruelty to Animals (JSPCA), and the States vet. In the minutes of the Quarterly Public Hearing before the Scrutiny Panel on 6th July 2021 it was stated by the Director of Transport, Infrastructure, Housing and Environment that: **“we spoke to the police, the States Vet and the Jersey Society of the Prevention of Cruelty to Animals and we drafted the legislation in conjunction with them. They indicated to us that they were satisfied.”***
- *There was a suggestion in the minutes of the meeting with Centenier Bougeard that the Comité des Chefs de Police had felt that the draft law was excessive, and that a more sensible approach would be a public awareness campaign to raise awareness around such incidents and to encourage people to report them. As was highlighted in both the Report to the Draft Regulations and in the minutes of the Quarterly Public Hearing, the draft followed and developed the voluntary or advisory procedure already set out in the Highway Code. It was clear from the unanimous votes of the States that the members were of the view that voluntary/advisory procedure was insufficient. There had and continued to be many instances of drivers hitting cats and driving off without informing the JSPCA.*
- *The nub of Centenier Bougeard's concerns seemed to be that the draft regulations would be unpoliceable. He said that the process to obtain evidence would require a lot of time and resourcing, and it was anticipated that the process would not go the full length as it would be challenging to obtain the necessary evidence that would be needed to warrant a case. However, when questioned further he clarified that when someone reported an incident of a motor vehicle hitting a cat a statement would be taken. He said that an officer*

of the SoJP would interview the suspected individual (i.e. not an honorary officer) and it would be for that officer to be satisfied, or otherwise, that a case warranted further action (i.e. not an honorary officer.) If he was so satisfied, then the matter would be transferred to the Criminal Justice Unit (i.e. not the honoraries) and a Parish Hall inquiry would be arranged. As the minutes later stated: **'it was noted, therefore, that the main challenge would be in relation to obtaining the required evidence to prove a case beyond reasonable doubt and that the onus for doing that would be with the SoJP.'** The fact was that from the Report to the draft regulations and the evidence from the Quarterly Public Hearing, the SoJP were consulted and were satisfied with the draft regulations. Since they would have most of the responsibility of obtaining evidence and policing etc. then their views would be more relevant and pertinent.

- It was also of interest to note the evidence of the Director of Transport, Infrastructure, Housing and Environment at the Quarterly Meeting where he said: **"The issue that arises, you are right, is how it is enforced. It is enforced where someone sees a vehicle hitting a cat and that driver does not stop or it came to light that driver has not stopped to report the incident. That is when the law comes into effect."**
- As to Centenier Wright's submission, she was wrong in certain respects. The starting point would be that the law draftsman had an understanding of the law, as did the SoJP, and the regulations were drafted in conjunction with them and they were satisfied with them.
- Centenier Wright made much of the difficulty in ascertaining what would constitute reasonable belief and reasonable excuse. However, these terms were frequently used in both criminal law and civil law and were terms which lawyers and the SoJP would be well used to. Indeed, Article 29 of the Road Traffic (Jersey) Law 1956 (i.e. the same law which these regulations related to and which related to breath tests) referred to 'reasonable cause to suspect', 'reasonable cause to believe' and 'without reasonable excuse'. Reasonable cause would impart an objective test, which was a test which would be well understood by the SoJP. In any event, as Centenier Bougeard highlighted, the lead in dealing with any investigation would be the SoJP.
- Centenier Wright stated: **"A52(4) continues: 'the cat has been struck owing to the presence of the vehicle on a road' So, the cat does not have to have been struck by the driver of this vehicle. It might have caused another to swerve, it might have been going slowly or giving right of way, and another overtook, it might have been stopped and another (even potentially not a motor vehicle) passed it and hit the cat, but it could be deemed that the driver is somehow at fault."** That was a misinterpretation of the regulation. The reference to the presence of the vehicle on the road would refer back to the beginning of that subparagraph where it said, 'if a driver of a motor vehicle.' 'If a driver of a motor vehicle reasonably believes that a cat has been struck owing to the presence of the vehicle on the road.....' So, it was one and the same motor vehicle.
- Centenier Wright stated: **"a) Stop the vehicle as soon as it is safe or reasonably practical to do so' As soon as safe is easy to define. But 'Or reasonably practical?- is that when the businessman gets to town? The mother has done the school run? The driver is safely home? Who is to**

***decide what is reasonably practical? What is the test to be- remember that a principal of law is that it should be clear!*** Once again, reasonableness was a concept well known in law, and would import an objective test. There was no need to get into the head of the accused. One would look at all the facts and the surrounding evidence.

- Centenier Wright stated: ***“Finally, A52 is one which cannot be dealt with at the Parish Hall summarily, despite what it says in the Report para 8.”*** Regulation 3 amends Schedule 3 of the 1956 law: that schedule sets out those offences in respect of which there was no power to levy fines summarily (i.e. at Parish Hall level.) At the moment the entirety of Article 52 was included in that list. The draft regulations would amend it so that only Article 52 (1) and (3) would be listed, meaning that an offence under Article 52 (4) could be dealt with summarily; at Parish Hall level.

The Panel asked for the group’s collective view on whether cats should be microchipped by mandate. It was the group’s unanimous view that cats should be microchipped for identification purposes, however, the group emphasised that microchipping and the requirement to report an RTA were two separate issues. The group highlighted that the purpose of the draft law was to protect the welfare of the cat and it should not depend on whether a cat had been microchipped or not.

The Panel noted that if a cat was not microchipped it would be more challenging to identify the cat’s owner.

The group explained that the purpose of the draft law was to provide immediate medical care for a cat that required it and that the identification of the cat could take place later down the line. It was emphasised that the identification process would not be required at the point of medical assistance and that the reporting of the incident would enable the medical care to be provided.

The Panel emphasised its understanding of the trauma in respect of losing a pet to an RTA. The Panel questioned whether it would be possible for a driver to not be aware that they had hit a cat and as a result had not reported the incident. It was the group’s view that such a situation would be highly unlikely. It was Deputy Maçon’s view that such a situation could not be discarded; that is why there was a reasonability test in the law.

Deputy Maçon suggested the Panel could consider the available statistics for RTAs through the JSPCA and Parish Halls.

The group emphasised that the draft law should not be derailed through the suggestion of mandating for the microchipping of cats.

The Panel questioned whether the draft law may be too draconian in respect of the person that hit the cat. It was the view of the group that the offence was not in respect of the driver hitting the cat but for not reporting the incident. It was emphasised that the crime was reasonably knowing that a cat was hit and not reporting it.

Noting that the JSPCA would be the recipient of the report of an RTA, the Panel asked whether the JSPCA had sufficient resources to deal with its role as proposed within the regulations. It was the group’s view that the JSPCA had the required resources and within their budget. Deputy Maçon noted that the JSPCA was the primary contact, however, that an alternative reporting option could be used, including reporting the incident to a vet or the SoJP.



Regarding microchipping, the group questioned whether dogs were required by law to be microchipped. It was the Panel's assumption that they were not, however, that responsible owners would choose to have their dogs microchipped.

Noting that it was the responsibility of a dog owner to keep a dog indoors at night and under the owner's control, the Panel asked for the group's view on whether cats should be kept indoors at night. The Panel asked whether there should be some responsibility on the owner of a cat to keep the cat in a way that would mitigate the cat from being hit by a vehicle. The group highlighted that cats were roaming creatures and that owners would be aware of the risk of allowing their cats outdoors. However, that some cats would be stressed if they were kept indoors. The group emphasised that an owner's responsibilities for a dog or a cat would be different, and cats and dogs would need to be distinguished from one another in law. The Panel noted that other animals including sheep and horses were placed within the same brackets as dogs according to the Law.

The Panel highlighted that cats could not be controlled in the same way as the other animals. Caroline Holmes explained that for that reason a distinction had been made for cats in the legislation and that cats had not been included within article 52 (1) of the legislation.

The Panel asked whether statistics had demonstrated any hotspots for RTAs involving cats in Jersey. It was noted that Rouge Bouillon and the main roads, in particular, had higher incidences of RTAs. The group explained that in the centre of town RTAs appeared to be less as motor vehicles would drive more slowly in that area.

The Panel highlighted that the Comité Des Chefs De Police had informed the Panel that a prosecution in respect of an unreported RTA involving a dog was not heard of and, therefore, questioned whether the regulations would provide the results that the group was hoping it would achieve. The group explained that the regulations would ensure that the incidents involving cats would be taken seriously as they were in respect of dogs.

The Panel asked the group where it had obtained its statistical data from regarding RTAs involving cats. It was noted that the statistics had been obtained from the group's social media communications.

The group noted that similar legislation was being considered in other jurisdictions, as well as in the UK. Christine was asked to send through her research into the law/absence of law in other jurisdictions.

The Panel thanked Deputy Maçon and the members of the Equal Rights for Cat Action Group for their time, and the meeting ended.

# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by video conference

Date: 29th July 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair Deputy Graham Truscott Deputy Steve Luce
Apologies	Connétable Sadie Le Sueur-Rennard Deputy Inna Gardiner
Absent	
In attendance	<b>Item 1</b> Steve Skelton, Director of Strategy and Innovation, Strategic Policy, Planning and Performance Louise Magris, Head of Sustainability and Foresight, Strategic Policy, Planning and Performance Fiona Glover, Assistant Director, Strategic Policy, Planning and Performance  Nikita Hall, Committee and Panel Officer
Agenda Matter	Action
<b>1. Carbon Neutral Roadmap briefing</b>  The Panel received Officers from the Department of Strategic Policy, Planning and Performance for a briefing on the policy development process of the Carbon Neutral Roadmap. The record of this meeting was classified as exempt in accordance with the Freedom of Information (Jersey) Law 2011 (as amended) under Qualified Exemption Article 35.	
<b>2. Planning and Building (Amendment No.8) (Jersey) Law 202-</b>  The Panel discussed recent email correspondence and documentation sent on behalf of the Minister for the Environment noting it was his intention to lodge the draft Law imminently for debate on 14 <sup>th</sup> September 2021.  In consideration of the content of the proposed draft legislation, the Panel agreed that this timeframe would not provide sufficient time to scrutinise the proposition.  It was agreed that the Chair would speak to the Minister to request he defer the debate to a later States sitting date. The Officer was also requested to liaise with the Minister's private secretary to ascertain whether there were any additional forthcoming propositions which would likely impact on the Panel's work programme.	<b>NH</b>

# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by video conference

Date: 7th September 2021

Present	Connétable Michael Jackson, Chair Connétable Sadie Le Sueur-Rennard <i>[items 1-11 and 13 only]</i> Deputy Steve Luce Deputy Graham Truscott <i>[items 1-11 and 13 only]</i> Deputy Inna Gardiner <i>[items 1-11 and 13 only]</i>
Apologies	Connétable John Le Maistre, Vice-Chair
Absent	
In attendance	<b>Item 2</b> Deputy John Young, Minister for the Environment Kevin Pilley, Head of Place and Spatial Planning, Infrastructure, Housing and Environment Department Greg Morel, Head of Marine Resources and Fisheries, Infrastructure, Housing and Environment Department Tim du Feu, Head of Land Resource Management, Infrastructure, Housing and Environment Department Louise Magris, Head of Sustainability and Foresight, Strategic Policy, Planning and Performance Department Kelly Whitehead, Head of Regulatory Improvement Alison de Bourcier, Head of Environmental and Consumer Protection William Peggie, Director for Natural Environment/Acting Director for Regulation, Infrastructure, Housing and Environment Department Stewart Petrie, Environmental Health Consultant Ben Markwell-Sales, Private Secretary to the Minister for the Environment  Andy Harris, Principal Committee and Panel Officer <i>[item 2 only]</i> Monique Magalhaes, Research and Project Officer Edward Le Gallais, Communications Officer, Digital and Public Engagement
Agenda Matter	Action
<b>1. Records of Meetings</b>	
The Panel noted and approved the records of the meetings held on 15th and 22nd June, 6th, 7th, 13th, 16th, 21st, 27th, 28th and 29th July 2021.	
The Panel discussed the minutes in respect of the 7th of July and requested the Officer to make the agreed changes.	<b>MM</b>
<b>2. Public Quarterly Hearing with the Minister for the Environment</b>	
The Panel discussed the question plan for the upcoming hearing with the Minister for the Environment scheduled for that morning.	

<p>The Panel received Deputy John Young, the Minister for the Environment, and Officers for a public quarterly hearing. The proceedings were streamed live to the public and a recording was taken so that a written transcript could be produced.</p>	
<p><b>3. Public Quarterly Hearing with the Minister for Housing and Communities</b></p> <p>The Panel noted that the public quarterly hearing with the Minister for Housing and Communities scheduled for that afternoon had been postponed until the 21st September 2021.</p>	
<p><b>4. Affordable Housing: Supply and Delivery</b></p> <p>The Panel noted ARK Consultancy’s advisor report. The Panel agreed it would revert to discussing the report in due course.</p> <p>The Panel noted and discussed a draft Heads of Report. The Panel approved the Heads of Report at a high level and discussed various key findings from the review to date. It was agreed these should be incorporated into the various sections of the report.</p> <p>The Panel discussed the Zed Pod scheme in respect of housing. Deputy Truscott agreed to share further detail regarding the scheme with the Panel.</p>	<p><b>NH</b></p> <p><b>GT</b></p>
<p><b>5. Climate Conversation – Citizens’ Assembly</b></p> <p>The Panel noted the Ministerial Response received from the Minister for the Environment regarding its scrutiny report [S.R.10/2021] and that all the recommendations made by the Panel had been accepted by the Minister.</p> <p>The Officer updated the Panel regarding the next steps to complete the review with a final report. The Officer explained that a final report was planned for presentation later that year to address considerations that were not included in the Panel’s interim report, S.R.10/2021.</p> <p>The Officer informed the Panel that a briefing document to propose the scope and evidence that the Panel would need to gather for the final report would be drafted and shared with the Panel for its next meeting on 21st September 2021. It was noted that a formal scoping document and Terms of Reference would not be required as the final report would follow on from the Panel’s interim report, S.R.10/2021.</p>	<p><b>MM</b></p>
<p><b>6. P.33/2021, Draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 202-</b></p> <p>The Panel noted and discussed the response received from the Minister for the Environment to the Panel’s letter regarding P.33/2021.</p>	
<p><b>7. P.39/2021, Draft Road Traffic (No.68) (Jersey) Regulations 202-</b></p> <p>The Panel noted and discussed the submission received from the Jersey Society for the Prevention of Cruelty to Animals (JSPCA) and legal advice it received.</p> <p>The Panel noted that Comments were being drafted based on the evidence gathered by the Panel. The Officer informed the Panel that the draft Comments would be shared with the Panel for discussion ahead of the Panel’s next meeting on 21st September 2021.</p> <p>The Panel agreed it would not be proposing any Amendments to the proposition.</p>	<p><b>MM</b></p>
<p><b>8. Draft Planning and Building (Amendment No. 8) (Jersey) Law 202- [P.76/2021]</b></p>	

<p>The Panel discussed P.76/2021 and requested that a briefing be arranged, in the first instance, to gain a clearer understanding of the proposition and its potential implications. The Panel agreed it would discuss any potential scrutiny work once the briefing had been received.</p> <p>The Panel noted it anticipated receiving a submission from the Jersey Construction Council in respect of the consultation process regarding P.76/2021. However, at the time of the meeting, the submission had not yet been received.</p>	<b>NH</b>
<p><b>9. Government Plan 2022-25</b></p> <p>The Panel noted that the Government Plan 2022 was due to be lodged on 21st September and that a generic scoping document and Terms of Reference were being prepared. It was noted that Officers were in the process of identifying any new additional revenue programmes and capital programmes which would be allocated to the Panel if they were under the Panel's remit.</p>	
<p><b>10. Foreshore Policy Report – Ministerial Response</b></p> <p>The Panel noted that the Ministerial Response to the Panel's report S.R.1/2021 was still outstanding.</p>	
<p><b>11. Work programme update</b></p> <p>The Panel noted and discussed its upcoming work programme. The Panel noted the months through to December would be particularly busy in respect of scrutiny work under the Panel's remit. The Panel noted several propositions were anticipated, however, had not yet been lodged and considered the potential impact they might have on the Panel's work programme going forward. The Panel emphasised that consideration would need to be given to what scrutiny work could be reasonably produced during the remainder of the Government term.</p> <p>The Panel discussed the potential scrutiny work regarding the vessel licensing scheme and noted the outcome of this was not yet clear. Regarding any scrutiny work in respect of medicinal cannabis, the Panel noted that the Economic and International Affairs (EIA) Panel was continuing to undertake its review in that area and discussed the possibility of undertaking its own review once the EIA Panel's report including key findings and recommendations was published.</p> <p>The Panel discussed the work being undertaken by Government regarding the Vienna Convention and motor vehicle testing and agreed it would follow up to understand any progress in that regard. The Panel agreed an area of questioning could be included for the next public quarterly hearing with the Minister for Infrastructure, in the first instance.</p>	<b>NH</b>
<p><b>12. Panel debrief following the public hearing with the Minister for Environment</b></p> <p>The Panel discussed the hearing held with the Minister for the Environment that morning.</p> <p>The Panel discussed areas for social media content to be sent out as a follow up to the hearing. The Panel noted the social media posts would be drafted and shared with the Panel for approval later that day.</p> <p>The Panel agreed to send any questions that were not asked during the hearing due to time constraints to the Minister for the Environment for a response in writing.</p> <p>The Panel agreed to follow up whether any further information was available regarding the progress of the Carbon Neutral Strategy.</p>	<b>EG</b>       <b>MM</b>       <b>MM</b>

The Panel discussed the issues in relation to the Island's water storage capacity and requested arrangements be made to meet with Jersey Water to hear their views in respect of a new reservoir facility.	<b>NH</b>
<b>13. Future meeting</b>  The Panel noted that its next meeting was due to take place at 9:30am on 21st September 2021.	

# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by video conference

Date: 13th September 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair Connétable Sadie Le Sueur-Rennard Deputy Graham Truscott
Apologies	Deputy Steve Luce Deputy Inna Gardiner
Absent	
In attendance	John Paterson, ARK Consultancy  Nikita Hall, Committee and Panel Officer Monique Magalhaes, Research and Project Officer
Agenda Matter	Action
<b>1. Meeting: ARK Consultancy</b>  The Panel met with John Paterson from ARK Consultancy to discuss the advisor's report regarding the Panel's review into Affordable Housing. The record of this meeting was classified as exempt in accordance with the Freedom of Information (Jersey) Law 2011 (as amended) under Qualified Exemption Article 35.	

# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by video conference

Date: 23rd September 2021

Present	Connétable John Le Maistre, Vice-Chair Connétable Sadie Le Sueur-Rennard Deputy Graham Truscott Deputy Steve Luce
Apologies	Connétable Michael Jackson, Chair Deputy Inna Gardiner
Absent	
In attendance	Martin Holmes, Chairman, Jersey Construction Council Simon Matthews, Director, Jersey Construction Council  Nikita Hall, Committee and Panel Officer
Agenda Matter	Action
<b>1. Meeting with the Jersey Construction Council in relation to the Draft Planning and Building (Amendment No.8) (Jersey) Law 202- [P.76/2021]</b>	
The Panel received Mr. Martin Holmes (Chairman) and Mr. Simon Matthews (Director) of the Jersey Construction Council (JeCC) to discuss their views and concerns in relation to P.76/2021 which had been lodged by the Minister for the Environment on 2nd August 2021 and was due for States debate on 5th October 2021. The record of this meeting was classified as exempt in accordance with the Freedom of Information (Jersey) Law 2011 (as amended) under Qualified Exemption Article 26.	



# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by electronic mail

Date: 24th September 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair Deputy Steve Luce Deputy Graham Truscott Deputy Inna Gardiner Connétable Sadie Le Sueur-Rennard
Apologies	
Absent	
In attendance	Nikita Hall, Committee and Panel Officer Monique Magalhaes, Research and Project Officer
Agenda Matter	Action
<b>1. Draft Road Traffic (No.68) (Jersey) (Regulations)202- [P.39/2021]</b>  The Panel approved its Comments on P.39/2021 via electronic mail and requested that the Comments be presented prior to the debate of the proposition on 4 <sup>th</sup> October 2021.	<b>MM</b>

# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by electronic mail

Date: 4th October 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair Deputy Steve Luce Deputy Graham Truscott
Apologies	Deputy Inna Gardiner Connétable Sadie Le Sueur-Rennard
Absent	
In attendance	Nikita Hall, Committee and Panel Officer Monique Magalhaes, Research and Project Officer
Agenda Matter	Action
<b>1. Government Plan 2022-25 Review</b>	
The Panel approved the Scoping Document, Terms of Reference, and allocated projects for its review of the Government Plan 2022-25 via electronic mail correspondence.	<b>MM</b>

# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by video conference

Date: 12th October 2021

Present	<p>Connétable Michael Jackson, Chair                  Deputy Inna Gardiner <i>[items 2, 3 and 5 only]</i>                  Deputy Graham Truscott                  Connétable Sadie Le Sueur-Rennard <i>[items 1-4, 6-9 and 12 only]</i></p>
Apologies	<p>Connétable John Le Maistre, Vice-Chair                  Deputy Steve Luce</p>
Absent	
In attendance	<p><b>Item 2</b>                  Louise Magris, Head of Sustainability and Foresight, Strategic Policy, Planning and Performance                  Fiona Glover, Principal Sustainability and Foresight Officer, Strategic Policy, Planning and Performance</p> <p><b>Item 3</b>                  Deputy Kevin Lewis, Minister for Infrastructure                  Andrew Scate, Director General, Infrastructure, Housing and Environment                  Ellen Littlechild, Group Director, Operations and Transport, Infrastructure Housing and Environment                  Tim Daniels, Director, Property, Jersey Property Holdings                  Louisa Phillips, Senior Policy Officer, Strategic Policy, Planning and Performance                  Tristen Dodd, Director of Transport, Infrastructure, Housing and Environment                  Piers Tharme, Assistant Manager, Driver and Vehicle Standards, Infrastructure, Housing and Environment                  Gordon Forrest, Head of Driver and Vehicle Standards, Infrastructure, Housing and Environment</p> <p><b>Item 5</b>                  Deputy Russell Labey, Minister for Housing and Communities                  Steve Skelton, Group Director, Strategy and Innovation, Strategic Policy, Planning and Performance                  Sue Duhamel, Head of Policy, Strategic Policy, Planning and Performance                  Timothy Millar, Senior Policy Officer, Strategic Policy, Planning and Performance                  Andy Scate, Director General, Infrastructure, Housing and Environment</p> <p>Christopher Rondel, Private Secretary to the Minister for Infrastructure <i>[items 3 and 5 only]</i></p> <p>Nikita Hall, Committee and Panel Officer</p>

	Monique Magalhaes, Research and Project Officer Edward Le Gallais, Communications Officer, Digital and Public Engagement	
Agenda Matter		Action
<b>1. Records of Meetings</b>		
The Panel noted and approved the records of the meetings held on 7th, 13th, 23rd, 24th September and 4th October 2021.		
<b>2. Briefing: Carbon Neutral Roadmap - Preferred Strategy</b>		
The Panel received Officers and the Minister for the Environment for a briefing on the Carbon Neutral Roadmap – Preferred Strategy at 10:30am that morning. The record of this meeting was classified as exempt in accordance with the Freedom of Information (Jersey) Law 2011 (as amended) under Qualified Exemption Article 35.		
The Panel noted that Government’s response to the Citizens’ Assembly recommendations had not yet been received by the Panel.		
<b>3. Public Quarterly Hearing with the Minister for Infrastructure</b>		
The Panel discussed the question plan for the upcoming hearing with the Minister for Infrastructure scheduled for that morning.		
The Panel received Deputy Kevin Lewis, the Minister for Infrastructure, and Officers for a public quarterly hearing. The proceedings were streamed live to the public and a recording was taken so that a written transcript could be produced.		
<b>4. Briefing: PTI Options Appraisal Update</b>		
The Panel noted that the briefing on the PTI Options Appraisal scheduled for that afternoon had been cancelled on request by the Minister for Infrastructure.		
<b>5. Public Review Hearing with the Minister for Housing and Communities</b>		
The Panel received Deputy Russell Labey, the Minister for Housing and Communities, and Officers for a public review hearing in relation to the Government Plan 2022 Scrutiny Review. The proceedings were streamed live to the public and a recording was taken so that a written transcript could be produced.		
<b>6. Affordable Housing: Supply and Delivery</b>		
The Officer updated the Panel on the progress of the Panel’s report. The Panel noted the intention was for a draft report to be shared with it by the Panel’s next meeting, if possible.		NH
<b>7. Draft Planning and Building (Amendment No. 8) (Jersey) Law 202- [P.76/2021]</b>		
The Panel noted and discussed the outcome of the States Debate on P.76/2021 held on 5 <sup>th</sup> October. Noting that the Panel had requested the proposition be referred for scrutiny, the Panel discussed the next steps for its review and presenting a report prior to the states debate of the proposition in January 2022.		
The Panel discussed the extent of scrutiny work that would be required. It was agreed that the Panel would target key stakeholders to request their views and would use the Panel’s quarterly public hearing with the Minister for the Environment in December to gather further evidence from the Minister. It was agreed that a smaller review would be appropriate. The Panel noted that additional officer resources would be made available for the review of P.76/2021, considering the Panel’s current workload.		

<p>The Panel discussed the aspects of the proposition that would require further investigation. Regarding the Inquiry Panel that would be responsible for planning inquiries, the Panel raised concern regarding potential conflicts of its membership. It was agreed that this would be investigated further as part of the review. In addition, the Panel noted it would investigate the impacts of the proposed regulations on the construction industry and would request comments from the consultants involved in the formation of the tree strategy.</p>	<p>NH</p>
<p><b>8. Government Plan 2022-25</b></p> <p>The Panel noted that its review of the Government Plan 2022-25 had been launched and letters requesting submissions from stakeholders had been sent for a response by 22<sup>nd</sup> October 2021. The Panel noted and discussed the timeline for the review and noted the deadline for lodging amendments of 29<sup>th</sup> November 2021.</p> <p>The Panel noted and discussed the question plan for the upcoming Government Plan 2022-25 review hearing with the Minister for Housing and Communities scheduled for that afternoon.</p>	<p>NH</p>
<p><b>9. Foreshore Policy Report</b></p> <p>The Panel noted and discussed the Ministerial Response received from the Minister for Infrastructure. The Panel noted that the Ministerial Response had not yet been published by the Minister and the importance for the Ministerial Response to be received in the public domain as soon as possible. The Panel agreed this should be followed up with the Minister's Private Secretary.</p>	<p>NH</p>
<p><b>10. Panel debrief following the quarterly hearing with the Minister for Infrastructure</b></p> <p>The Panel debriefed after the hearing with the Minister for Infrastructure.</p> <p>The Panel noted the concerns raised during the Hearing in respect of resourcing and recruitment challenges facing the Infrastructure, Housing and Environment Department and, in particular, the suggested impact on the progress of the Foreshore Encroachment Policy. The Panel raised concern that very little progress had been made regarding the Foreshore Encroachment Policy. The Panel also discussed whether sufficient resourcing would be in place with regard to the Government Plan 2022 workstreams.</p> <p>The Panel discussed areas for social media content to be sent out and a press notice as a follow up to the hearing. The Panel noted the social media posts would be drafted and shared with the Panel for approval.</p>	<p>EG</p>
<p><b>11. Panel debrief following the public hearing with the Minister for Housing and Communities</b></p> <p>The Panel debriefed after the hearing with the Minister for Housing and Communities and agreed that further information should be sought regarding the breakdown of the budget under the Minister's remit for housing. The Panel discussed the membership of the Regeneration Steering Group.</p> <p>The Panel discussed potential areas for social media content to be sent out as a follow up to the hearing.</p>	<p>NH</p> <p>EG</p>

<p><b>12. AOB</b></p> <p>The Panel noted comments that had been made by the Blue Marine Foundation in respect of fishing licensing and the TCA regarding the requirement to ensure sustainability. The Panel agreed to write to the Minister for the Environment to request further information regarding the actions being taken to ensure sustainability and conservation of Jersey's marine life and to request a progress update on implementation of the Panel's recommendations made in S.R.5/2021</p>	<p><b>NH</b></p>
<p><b>13. Future meeting</b></p> <p>The Panel noted that its next meeting was due to take place at 9:30am on 26th October 2021.</p>	

# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by video conference

Date: 26th October 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair Deputy Steve Luce Deputy Graham Truscott
Apologies	Connétable Sadie Le Sueur-Rennard Deputy Inna Gardiner
Absent	
In attendance	<p><b>Item 1</b> Deputy Kevin Lewis, Minister for Infrastructure Ellen Littlechild, Group Director, Operations and Transport, Infrastructure Housing and Environment Tim Daniels, Director, Property, Jersey Property Holdings Tristen Dodd, Director of Transport, Infrastructure, Housing and Environment Louise Magris, Head of Sustainability and Foresight, Strategic Policy, Planning and Performance Christopher Rondel, Private Secretary to the Minister for Infrastructure</p> <p><b>Item 2</b> Deputy John Young, Minister for the Environment Gregory Guida, Assistant Minister for the Environment Tim du Feu, Head of Land Resource Management, Infrastructure, Housing and Environment Department Louise Magris, Head of Sustainability and Foresight, Strategic Policy, Planning and Performance Department William Peggie, Director for Natural Environment/Acting Director for Regulation, Infrastructure, Housing and Environment Department Ginny Duffell, Principal Planner, Infrastructure, Housing and Environment Department Ben Markwell-Sales, Private Secretary to the Minister for the Environment</p> <p>Nikita Hall, Committee and Panel Officer Monique Magalhaes, Research and Project Officer Edward Le Gallais, Communications Officer, Digital and Public Engagement</p>
Agenda Matter	Action
<p><b>1. Public Review Hearing with the Minister for Infrastructure – Government Plan Review 2022</b></p> <p>The Panel discussed the question plan for the upcoming hearing with the Minister for Infrastructure scheduled for that morning.</p>	

26.10.2021

<p>The Panel received Deputy Kevin Lewis, Minister for Infrastructure, and Officers for a public review hearing in relation to the Government Plan 2022. The proceedings were streamed live to the public and a recording was taken so that a written transcript could be produced.</p>	
<p><b>2. Public Review Hearing with the Minister for the Environment – Government Plan Review 2022</b></p> <p>The Panel discussed the question plan for the upcoming hearing with the Minister for the Environment scheduled for that afternoon.</p> <p>The Panel received Deputy John Young, Minister for the Environment, and Officers for a public review hearing in relation to the Government Plan 2022. The proceedings were streamed live to the public and a recording was taken so that a written transcript could be produced.</p>	
<p><b>3. Affordable Housing: Supply and Delivery Review</b></p> <p>The Panel noted and discussed a draft report which had been prepared and distributed prior to the meeting.</p> <p>The Officer explained the structure of the report and it was noted that there were a considerable number of suggested findings and recommendations.</p> <p>It was agreed to forward the main body of the report to the Minister for Housing and Communities, Minister for the Environment, Government Officials and contributing stakeholders for factual accuracy checking. It was further agreed that a separate meeting would be arranged for the following week to discuss any fact checking comments, in addition to approving a final list of key findings and recommendations. The Officer was requested to circulate an outlook calendar invitation accordingly.</p>	<p>NH</p>
<p><b>4. Draft Planning and Building (Amendment No. 8) (Jersey) Law 202- [P.76/2021]</b></p> <p>The Officer updated the Panel on the current status of the review. It was noted that requests for stakeholder submissions had been distributed and the deadline for responses was 10<sup>th</sup> November 2021. The Officer advised that the intention was for any responses to be analysed to inform the questioning for the upcoming public hearing with the Minister for the Environment on 7<sup>th</sup> December 2021.</p> <p>The Officer further advised that initial written questions were in the process of being drafted and would be shared with the Panel later that week for its further input and approval.</p>	<p>NH / FS</p>
<p><b>5. Government Plan 2022-25</b></p> <p>It was noted that several stakeholder submissions had been received to date, as well as responses to written questions from some Ministers. Some responses were still outstanding and would be forwarded to the Panel once made available.</p>	<p>MM</p>
<p><b>6. Climate Conversation – Citizens’ Assembly</b></p> <p>The Officer updated the Panel regarding the current status of the review and the next steps required to complete the review with a final report. The Officer explained that information had been requested from the Department for Strategic Policy, Planning and Performance and would be made available to the Panel once provided.</p> <p>The Officer advised that a survey was being prepared to canvas the views of the Citizens’ Assembly participants, in addition to the members of the Expert Advisory Panel, on the process undertaken for the Citizens’ Assembly. The intention was to</p>	<p>MM</p>



gather views prior to the upcoming public hearing with the Minister for the Environment on the 7th December 2021.	
<p><b>7. Upcoming quarterly public hearing with the Minister for Housing and Communities</b></p> <p>It was noted that the next upcoming quarterly hearing with the Minister for Housing and Communities was currently scheduled for 9<sup>th</sup> November 2021. Noting that the previous quarterly hearing had recently been held on 21<sup>st</sup> September 2021, in addition to the Government Plan Review hearing held on 12<sup>th</sup> October, it was agreed to postpone the next quarterly hearing until later in December 2021 / early January 2022 when it was more probable that further updates on the implementation of the Housing Action Plan would be available. It was further noted that this would enable further scope to question the Minister on the Ministerial Response to the Panel's imminent report in relation to the Affordable Housing: Supply and Delivery Scrutiny Review. The Officer was requested to reschedule the public hearing accordingly.</p>	<b>NH</b>
<p><b>8. Panel debrief following the public review hearings with the Minister for Infrastructure and Minister for Environment</b></p> <p>The Panel discussed the hearing held with the Minister for Infrastructure that morning as well as the subsequent hearing held with the Minister for the Environment later that day. Considering the key highlights from the hearing, the Panel discussed the follow up communications to share via social media and a press release. It was agreed that social media posts would be drafted for approval by the Panel as well as a joint press release to cover the key highlights from both hearings held that day.</p>	<b>EG</b>
<p><b>9. Future meeting</b></p> <p>The Panel noted that its next meeting was due to take place at 10:00am on 28<sup>th</sup> October 2021 on site at Simon Sand in St. Peter.</p>	

# Environment, Housing and Infrastructure Panel

## Record of Meeting

Date: 28th October 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair Deputy Graham Truscott
Apologies	Deputy Steve Luce Deputy Inna Gardiner Connétable Sadie Le Sueur-Rennard
Absent	
In attendance	James Simon, Managing Director, Simon Sand and Gravel Limited  Nikita Hall, Committee and Panel Officer Monique Magalhaes, Research and Project Officer
Agenda Matter	Action
<b>1. Meeting with Jason Simon – Onsite at Simon Sand and Gravel Limited</b>	
The Panel met at 10:00am that day onsite at Simon Sand with Jason Simon, Managing Director of Simon Sand and Gravel Limited, at his request. The record of this meeting was classified as exempt in accordance with the Freedom of Information (Jersey) Law 2011 (as amended) under Qualified Exemption Article 26.	

28.10.2021

# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by video conference

Date: 4th November 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair Deputy Inna Gardiner Deputy Graham Truscott Deputy Steve Luce
Apologies	Connétable Sadie Le Sueur-Rennard
Absent	
In attendance	Nikita Hall, Committee and Panel Officer
Agenda Matter	Action
<b>1. Affordable Housing: Supply and Delivery Review – Draft Report</b>	
The Panel met to discuss factual accuracy comments made by Government Officers in relation to the main body of the Panel’s draft report. It was noted that the majority of comments were made in relation to stakeholder comments and views and therefore it was not appropriate to amend this. It was agreed to add further clarity and context using footnotes for some of the points raised by Officers.	<b>NH</b>
The Panel discussed and agreed its final list of key findings and recommendations in the draft report. The Officer advised that an executive summary would be drafted and circulated by email in a final draft prior to the Panel meeting the following week. It was further noted that the Chair would provide a Chair’s Foreword to be incorporated into the final report.	<b>NH</b> <b>MJ</b>
It was noted that the Panel would target Wednesday 10th November 2021 for presentation and publication of the final report.	

# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by video conference

Date: 9th November 2021

Present	<p>Connétable Michael Jackson, Chair                  Connétable John Le Maistre, Vice-Chair                  Deputy Steve Luce <i>[items 2, 3, 7,9 and 10 only]</i>                  Deputy Inna Gardiner                  Deputy Graham Truscott                  Connétable Sadie Le Sueur-Rennard</p>
Apologies	
Absent	
In attendance	<p><b>Item 2</b>                  Deputy John Young, Minister for the Environment                  Ben Markwell-Sales, Private Secretary to the Minister for the Environment                  Alistair Breed, Chief Veterinary Officer, Infrastructure, Housing and Environment Department                  Stewart Petrie, Environmental Health Consultant, Infrastructure, Housing and Environment Department                  Dr Steve Webster, Consultant (Tautenay Ltd)</p> <p><b>Item 3</b>                  Deputy John Young, Minister for the Environment                  Deputy Gregory Guida, Assistant Minister for the Environment                  Peter Le Gresley, Director, Infrastructure, Housing and Environment                  William Peggie, Director, Natural Environment and Acting Group Director – Regulation, Infrastructure, Housing and Environment                  Kevin Pilley, Head of Space and Spatial Planning, Strategic Policy, Planning and Performance</p> <p>Ben Markwell-Sales, Private Secretary to the Minister for the Environment <i>[items 2 and 3 only]</i></p> <p>Nikita Hall, Committee and Panel Officer                  Monique Magalhaes, Research and Project Officer                  Fiona Scott, Research and Project Officer <i>[items 2 only]</i>                  Edward Le Gallais, Communications Officer, Digital and Public Engagement <i>[items 1 and 4-10 only]</i></p>
Agenda Matter	Action
<b>1. Records of Meetings</b>	
The Panel noted and approved the records of the meetings held on 21 <sup>st</sup> September and 12 <sup>th</sup> , 26 <sup>th</sup> and 28 <sup>th</sup> October 2021.	
<b>2. Briefing: Draft Official Controls (Jersey) Regulations 202-</b>	

The Panel received Officers and the Minister for the Environment for a briefing on the Draft Official Controls (Jersey) Regulations 202- (hereafter 'the OCR').

Officers informed the Panel that, prior to the UK's departure from the European Union (EU) ('Brexit'), the import and export of sanitary and phytosanitary (SPS) products in Jersey was set out in Regulation (EU) 2017/625, which was extended to Jersey under Protocol 3 of the UK's 1972 Accession Treaty. Due to the evolving border regime negotiated between the UK and the EU following Brexit, SPS goods arriving in Jersey from the EU would now be treated differently from those arriving from the UK. The Panel learned that the OCR was intended to repeal and replace the existent EU Legislation (Official Controls) (Jersey) Regulations 2020, which had until now allowed Jersey to keep within the EU trading regimes without incurring additional checks.

It was explained that the OCR had been designed to allow for flexibility in how differences in the trading regime with the EU are turned on or off, including allowing for the possibility to turn on checks, certification and notification on SPS goods arriving from the EU (mainly France). The Panel noted that the extent to which some of these checks would need to be implemented is unknown as much depended on the outcome of negotiations with the UK over the extent of Jersey's system of border controls. The Panel heard that the intention behind the OCR was to allow free and unfettered trade with the UK to continue, but at the same time creating minimal impediments to trade with the EU. Officers told the Panel that the OCR would allow for these trading conditions to be defined by Jersey, rather than defined by the UK on Jersey's behalf.

The Panel questioned whether the OCR extended to both plants and animal imports and asked for more information as to whether this included domestic pets. It was explained that the OCR was mainly concerned with controlling the entry of products of animal origin and plants into Jersey's territory. Domestic pets (dogs, cats and ferrets) were not affected, unless in a commercial consignment (for example, a number of stray animals being re-homed from within the EU). However, the veterinary treatment of horses in France would be affected by the OCR.

The Panel noted that the UK had delayed the implementation of its own post-Brexit border controls on agri-food imports with the EU and questioned whether this had implications for Jersey. Officers explained that the UK had twice delayed introducing full controls, with partial controls due to be in place by 1<sup>st</sup> January 2022, and full controls in place by July 2022. It was explained that the UK had decided on a phased introduction of controls to avoid incorrectly certified consignments of SPS goods being turned away at the border and was handling each case individually rather than applying blanket measures. Officers informed the Panel that it would be advantageous if Jersey could demonstrate willingness to follow the UK's example in implementing the OCR on a similar timescale.

The Panel asked the amount of EU goods currently being imported into Jersey. Officers stated that there were currently a relatively small but significant number of traders who import SPS goods from the EU (e.g., diaspora community businesses importing food from Poland, Portugal and France for sale in Jersey). Officers highlighted that the OCR would allow for flexibility should it be necessary to increase the volume of SPS imports from France in future. For example, in the event of the UK-Jersey supply chain being disrupted. Officers informed the Panel that a number of major retailers were currently considering the need to develop stronger trade links with France.

*[The Minister joined the meeting at this point]*

The Panel asked whether the OCR would present additional costs for small businesses importing from the EU. Officers explained that because the OCR provide the Minister with powers to introduce requirements for notification and certification on SPS goods, that there is likely to be a cost that is passed on to importers. Officers cited the requirement to have SPS goods certified by a vet as an example of where additional costs might arise. It was explained that by introducing nuanced regulations that reflect the relatively small volume of EU goods arriving in Jersey (rather than adopting the UK's border control approach wholesale) it was hoped that such costs to importers could be minimised.

The Panel noted that if Jersey were not to act to introduce its own SPS border controls, there was a risk that the UK could apply its own Regulations to goods traded Northbound, effectively re-classifying any SPS goods traded from Jersey to the UK as an export. In this event, goods would be re-directed to a Border Control Post (BCP) in the UK and require pre-notification and pre-certification checks. Officers stated that it would be preferable to tolerate additional costs to the EU trade route rather than impede the Jersey-UK trade route.

The Panel asked about the timeline for implementing the OCR and whether Jersey was up to speed with the UK in terms of the implementation of the revised border controls. Officers explained, should the OCR be significantly delayed, the EU trade route would continue to operate unimpeded, but to allow this to continue would negatively impact Jersey's relations with the UK. Officers acknowledged that seeking to create a more flexible import regime for EU goods arriving in Jersey could be perceived as a challenge to the UK's negotiating position, but confirmed that in negotiations with the UK, the need to introduce proportionate controls for Jersey's size and scale had been upheld. It was explained that, should the UK settle on a position that required all SPS goods arriving from the EU to be directed to a Border Control Post, and this was also applied to Jersey, it would be possible to respond by defining BCPs in a different way to the UK to reflect the smaller scale of importation involved.

The Panel probed how quickly the introduction of a BCP in Jersey could be achieved, should this be required by the UK at short notice. Officers informed the Panel that a delegation from the Department for Environment, Food & Rural Affairs (DEFRA) came to Jersey recently to inspect the potential for a small BCP to be installed at the Harbour, in the form of an extension to the Ferryspeed terminal. If necessary, this could be in place by the time BCP requirements were due to be in place in the UK (July 2022). It was further highlighted that the requirement for live animals (equines) to be processed through a BCP could be avoided in the Jersey context by using an appropriate licensing regime instead. Officers said that the UK's Chief Veterinary Officer had considered both approaches as satisfactory, but ongoing negotiations were taking place with DEFRA policy officers to confirm this.

The Panel questioned what Guernsey's current position was. The Panel was informed that all negotiations with the UK had been undertaken jointly between Jersey and Guernsey, and that both islands were aligned in terms of seeking an approach which allowed for more autonomy from the UK's own controls but was broadly consistent with the UK's position. The Panel heard that Law and Policy Officers from both islands continued to speak weekly to progress work in this area. It was again emphasised that the introduction of the OCR would reassure third party countries (other than the UK and the EU) that Jersey was a trustworthy jurisdiction to deal with in terms of importing and exporting SPS goods.

Officers highlighted the Miscellaneous Provisions of the OCR and explained that these implemented six other EU Regulations which together created the framework for control that underpinned third country listing for exports.

Regulation (EC) No 1830/2003 was highlighted, as it concerned the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms (GMOs). This Regulation also created powers for the Minister to introduce a labelling requirement concerning GMO products in future if required.

The Panel noted that the Faroe Islands were listed as “territory subject to special import arrangements” in the OCR (Regulation 1(a)(ii)) and questioned the implications of enshrining this relationship in the regulations, given the recent concern about the Faroe Island’s fishing activities. Officers explained that as Jersey does not directly import volumes of fish from the Faroe Islands, and was unlikely ever to do so in the future.

The Panel asked about the implications for Jersey should the UK shift position towards accepting GMOs in imported food. Officers informed the Panel that discussions with Law Officers were ongoing in this area, and negotiations with the UK had emphasised Jersey’s stringent desire to retain autonomy on this issue. Officers explained that if the UK did accept GMO foodstuffs and these were introduced via the service sector unsighted, it would be difficult for Jersey to manage and prohibit the goods being imported from entering the supply chain. Officers stated that this could be countered by introducing a requirement to include “means of production” on imported food labelling, so that retailers and outlets would be compelled to inform customers of the presence of GMO in goods on sale. Officers further explained that a move by the UK to de-regulate in terms of allowing GMO imports would present a challenge for Jersey, but that introducing appropriate food labelling controls would allow the greatest opportunity to take a different stance. The Panel were informed that a public consultation would be held to gauge Islander’s concerns with regards to GMO in foodstuffs prior to introducing any labelling requirements.

Officers explained that it was not possible under WTO rules to enforce restrictive food labelling on goods exported from countries that allowed GMOs in food production without also applying this to imports from non-GMO countries, as this would be construed as unfair. However, Officers pointed out that it was in the best of interests of countries with GMO food production to ensure that products destined for non-GMO markets did not accidentally include traces of GMOs, as this would cause significant reputational damage. It was noted that the USA and New Zealand produced hormone free beef and lamb respectively for the EU market, and the means of production was kept entirely separate to ensure international SPS controls were not breached.

The Panel asked how much industry consultation had taken place during the drafting of the Official Controls, given that its introduction was likely to affect the shellfish industry in terms of importing seed pearls from Ireland and France. Officers stated that the needs of the shellfish industry had been taken into account and that the OCR updated the current trading framework to allow trade to carry on as normal, whilst giving the Minister for the Environment flexibility to adjust to Jersey-specific requirements in future. Officers also stated that discussions with businesses importing goods from Poland and France were underway around the need for certification, if and when UK protocols would change.

The Panel asked what implications the OCR had for the continuation of the Le Marchi Nouormand (Norman-French Market). Officers stated that, as drafted, the OCR could

<p>pose as a barrier to the continuation of Le Marchi Nouormand, as each individual product imported for sale would need its own individual certification, and any unsold items would need to be sent back to the EU. Officers explained that in negotiations with the UK there had been concerns raised that Jersey could be used as a 'back door' through which a large volume of goods could be imported from the EU without going through a BCP, but that it had been established this would be highly unlikely due to cost and impracticability.</p> <p>The briefing ended and the Panel thanked the Officers for their time.</p>	
<p><b>3. Meeting with the Minister for the Environment - Simon Sand and Gravel Ltd</b></p> <p>The Panel received the Minister for the Environment, the Assistant Minister for the Environment and Officers for a meeting regarding the closure of Simon Sands and Gravel Ltd at 11:30am that morning. The record of this meeting was classified as exempt in accordance with the Freedom of Information (Jersey) Law 2011 (as amended) under Qualified Exemption Article 35</p>	
<p><b>4. Affordable Housing: Supply and Delivery</b></p> <p>The Panel received an update from the Officer on the progress of the report. It was noted that the final draft of the report had been sent via email to the Panel. The Panel approved the report and agreed for the report to be published as soon as was possible.</p> <p>The Chair agreed to send the Chair's foreword later that afternoon via email.</p> <p>The Panel noted that the Ministerial Response would be due by 22<sup>nd</sup> December 2021 should the report be published the following day. In that regard, the Panel agreed to schedule its Quarterly Hearing with the Minister for Housing and Communities for early January in order to incorporate lines of questioning on the Ministerial Response.</p> <p>The Panel discussed and approved the press notice for the report.</p>	<p>NH</p> <p>MJ</p> <p>NH</p> <p>EG</p>
<p><b>5. Draft Planning and Building (Amendment No. 8) (Jersey) Law 202- [P.76/2021]</b></p> <p>The Panel noted the deadline to receive submissions was the following day. The Panel agreed to extend the deadline in respect of the submission from Jersey Farmers' Union until that Friday, as per their request.</p>	<p>NH</p>
<p><b>6. Government Plan 2022-25</b></p> <p>The Panel received an update from the Officer on the progress of the report. The Panel noted that the report drafting process had commenced, however, that responses to the Panel's written questions were still outstanding in respect of the Minister for Infrastructure and the Minister for the Environment. The Panel noted that the deadline for any amendments to the Government Plan was 30<sup>th</sup> November 2021.</p> <p>The Panel asked for further detail to be shared with it on the Future Fisheries and Marine Resources Management programme, the Housing and Food Licensing Controls programme and the Regulatory Improvement programme for them to consider.</p> <p>The Officer explained that when drafting the report, a proposed RAG status would be included for each programme to identify any areas of concern. It was noted that could be used as a means to identify any potential amendments that the Panel may wish to make to the Government Plan.</p>	<p>MM</p>



<p><b>7. Climate Change – Citizens’ Assembly</b></p> <p>The Panel received an update from the Officer on the progress regarding the follow up review and report. It was noted that the Preferred Strategy was published along with the Minister for the Environment’s response to the Citizens’ Assembly’s recommendations on 2<sup>nd</sup> November 2021 and that had been shared with the Panel via email.</p> <p>The Officer explained that she had been in correspondence with the Department for Strategic Policy, Planning and Performance (SPPP) in respect of the Panel’s proposed approach to their final report and to understand how the department would facilitate the evidence gathering process.</p> <p>The Panel noted that the intention was for the Government of Jersey’s Evaluation Report being undertaken by SPPP to be completed by the end of December 2021, however, that it had been requested for a draft to be shared with the Panel, in confidence, as soon as possible.</p> <p>It was noted that discussions were underway regarding the facilitation of the Panel’s proposed survey as part of its evidence gathering process and that data protection considerations were being discussed. The Officer noted that she would provide further feedback in respect of the approach once received.</p>	
<p><b>8. Simon Sand and Gravel Ltd</b></p> <p>The Panel debriefed following the private meeting held on 28<sup>th</sup> October 2021 with Mr Simon of Simon Sand and Gravel Ltd. The Panel members who had attended the meeting with Mr Simon informed the Panel members who were unable to attend the meeting on the areas discussed during the meeting.</p>	
<p><b>9. Fishing vessel licensing conditions</b></p> <p>The Panel discussed whether any scrutiny work in regard to the ongoing fishing vessel licensing concerns should be pursued and, if so, how it should be approached and when it should be undertaken.</p> <p>The Panel discussed its concerns over the Government’s current approach to evidence gathering to inform the issuing of licenses. It was noted that, should scrutiny work be undertaken, it should be in respect of the Jersey fishing fleet. In addition, consideration should be given to how an on-island processing plant could benefit Jersey. The Panel also discussed whether consideration should be given to the criteria that needed to be met in order to obtain a licence and how that criteria was determined.</p> <p>The Panel agreed, in the first instance, it would explore the area through questioning during the public hearing with the Minister for the Environment. It would then decide on whether further scrutiny of the area would be necessary.</p>	<b>NH</b>
<p><b>10. Future meeting</b></p> <p>The Panel noted that its next meeting was due to take place at 9:30am on 30<sup>th</sup> November 2021.</p>	

# Environment, Housing and Infrastructure Panel

## Record of Meeting

Meeting held via electronic mail

Date: 30th November 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair Deputy Steve Luce Deputy Inna Gardiner
Apologies	Connétable Sadie Le Sueur-Rennard Deputy Graham Truscott
Absent	
In attendance	Nikita Hall, Committee and Panel Officer Monique Magalhaes, Research and Project Officer
Agenda Matter	Action
<b>1. Government Plan 2022-25</b>	
The Panel approved the main body of its Government Plan 2022-25 report over electronic mail and agreed for the report to be sent for fact checking later that afternoon for any comments to be received by Thursday that week.	<b>NH</b>

# Environment, Housing and Infrastructure Panel

## Record of Meeting

### Meeting held by video conference

Date: 7th December 2021

Present	Connétable Michael Jackson, Chair Connétable John Le Maistre, Vice-Chair <i>[items 1-12 and 14 only]</i> Deputy Inna Gardiner <i>[items 2,3,5,6,7,9,10,11,13 only]</i> Connétable Sadie Le Sueur-Rennard <i>[items 1-12 and 14 only]</i>
Apologies	Deputy Graham Truscott Deputy Steve Luce
Absent	
In attendance	<b>Item 2</b> Deputy John Young, Minister for the Environment William Peggie, Director - Natural Environment / Acting Group Director of Regulation, Infrastructure, Housing and Environment Department Kevin Pilley, Head of Place and Spatial Planning, Strategic Policy, Planning and Performance Department Steve Skelton, Director of Strategy and Innovation, Strategic Policy, Planning and Performance Department Louise Magris, Head of Sustainability and Foresight, Strategic Policy, Planning and Performance Department Greg Morel, Assistant Director – Marine Resources, Infrastructure, Housing and Environment Department. Stewart Petrie, Environmental Health Consultant, Infrastructure, Housing and Environment Department. Steve Webster, Consultant, Infrastructure, Housing and Environment Department Tim du Feu, Head of Land and Resource Management, Infrastructure, Housing and Environment Department Alistair Breed, Chief Veterinary Officer, Infrastructure, Housing and Environment Department Kelly Whitehead, Head of Regulatory Improvement, Infrastructure, Housing and Environment Department Ben Markwell-Sales, Private Secretary to the Minister for the Environment  <b>Item 3</b> Deputy Kevin Lewis, Minister for Infrastructure Gordon Forrest, Head of Driver and Vehicle Standards, Infrastructure, Housing and Environment Department Nigel Le Maistre, Traffic Officer, Driver and Vehicle Standards, Infrastructure, Housing and Environment Department Tim Pryor, Head of Communications, Infrastructure, Housing and Environment Department. Liz Walsh, Legislative Drafter - Roads and Transport, Legislative Drafting Office Christopher Rondel, Private Secretary to the Minister for Infrastructure

	Nikita Hall, Committee and Panel Officer Monique Magalhaes, Research and Project Officer Edward Le Gallais, Communications Officer, Digital and Public Engagement, States Greffe <i>[items 1,2 and 4 -14 only]</i>
Agenda Matter	Action
<b>1. Records of Meetings</b>	
The Panel noted and approved the records of the meetings held on 4 <sup>th</sup> , 9 <sup>th</sup> and 30 <sup>th</sup> November 2021.	
<b>2. Quarterly Public Hearing with the Minister for the Environment</b>	
The Panel discussed the question plan for the upcoming hearing with the Minister for the Environment scheduled for that morning.	
The Panel received Deputy John Young, Minister for the Environment, and Officers for a public quarterly hearing. The proceedings were streamed live to the public and a recording was taken so that a written transcript could be produced.	
<b>3. Briefing: Commercial Vehicles (Licensing of Operators) (Jersey) Law 202-</b>	
The Panel received the Minister for Infrastructure and Officers for a briefing on the Commercial Vehicles (Licensing of Operators) (Jersey) Law 202- (hereafter the 'draft Law'). It was noted that the draft Law would make provision for a scheme for the licensing of commercial vehicle operators.	
The policy position was outlined to the Panel. It was explained that the requirement for a Jersey operators licensing scheme had been under consideration for several years and was included within the 2010 Sustainable Transport Policy which had been approved by the States Assembly. Subsequently, the Minister for Infrastructure authorised the drafting of the legislation in 2017. In the interim, since May 2018, the Annual Roadworthiness Inspections commenced for heavy duty vehicles followed by that of medium goods vehicles in May 2019. The Department for Driver and Vehicle Standards (DVS) commenced policy development for the operators licensing scheme during 2019 and 2020 and undertook research in that regard with the United Kingdom Traffic Commissioner and the Isle of Man Road Transport Licensing Committee.	
The Panel was informed of the policy aims of the operators licensing scheme which were as follows:	
<ul style="list-style-type: none"> <li>• To provide improvement and promotion of vehicle road safety in line with best practice</li> <li>• To ensure the maintenance and operation of all commercially operated goods vehicles and trailers to a recognised standard</li> <li>• To provide improvement of the environmental credentials of commercial vehicles in Jersey</li> <li>• To ensure a level playing field within the industry through the implementation of an industry best practice benchmark</li> </ul>	
It was noted that the scheme would cover commercial operators of goods vehicles above 3.5 tonnes.	
The Panel was informed of the primary policy elements as follows:	
<ul style="list-style-type: none"> <li>• All operators in Jersey would be required to obtain a licence to operate vehicles</li> <li>• Each licensed operator would be required to have a designated transport manager</li> </ul>	

- Operators would be required to ensure that all their drivers were adequately trained
- Operators would be required to ensure that all the vehicles operated under their licence were maintained in a safe and roadworthy condition
- Operators, through compliance activity, would be able to demonstrate their activity was compliant under their licence conditions
- Operators would be required to pay a licensing fee under the legislation. The intention was for the fees to recover the costs of the set up and operation of the operators licensing scheme.

As a result of the research undertaken by DVS regarding a operators licensing scheme that would be appropriate for Jersey, the Panel was informed that it had been identified that in order for the scheme to be appropriate, a balance would need to be achieved between the two schemes that DVS had researched in respect of the UK and the Isle of Man. It was the view of DVS that the UK scheme was more consistent with a 'tick-box' regime that would not necessarily offer tangible control or impact on standards for Jersey. Moreover, it was the view of DVS that the scheme implemented within the Isle of Man would be inclined to place an onerous and resource-intensive regime on a small industry. It was the intention of DVS to establish a Jersey framework within which the industry could operate whilst standards were being raised.

As a result of industry feedback and research undertaken by DVS, the Panel was informed that changes had been made to the initial draft scheme. As a result, it was noted that the scheme under the draft Law would:

- Not require a driver to undertake Certificate of Professional Competence (CPC) training
- Not require 'Operator Compliance Risk Scoring'
- Not require obligatory CPC qualifications for internal and external transport managers, however, 'relevant experience within the industry' would be required instead
- Not require an annual audit, however, a risk-based approach for auditing would be utilised instead (as issues arose, they would be addressed accordingly by DVS)
- Not require an assessment of the operating centre, however, the operating centre would be required to comply with domestic legislation such as planning legislation
- Require transitional provision for existing operators which would seek to ensure continuity
- Not require mandatory contracts between operators and repair and maintenance providers (contracts were deemed unnecessary for Jersey).

The Panel was informed that the requirement for CPC training of drivers was removed as it was deemed a very broad requirement that would not benefit Jersey. Regarding 'Operator Compliance Risk Scoring', it was explained that this was a traffic light system that was utilised under the UK scheme, however, it was believed that it would be excessive for Jersey, therefore, not included. It was noted that requiring internal and external transport managers to obtain obligatory CPC qualifications would not be beneficial within the Jersey context. It was noted that the requirement for an assessment of the operating centre was not included within the scheme as this would be too onerous for Jersey and it was DVS's view that it would not be appropriate for how the industry operated in Jersey.

The Panel was informed that engagement had been undertaken with the local industry in November 2019 in order to review the proposals for the scheme. Subsequently, guides regarding the scheme were published on the Government of Jersey website in January 2020. It was explained that, although engagement was disrupted by the Covid-19 pandemic, engagement continued in early 2021. It was noted that an industry survey was undertaken in July 2021 followed by three virtual sessions which explored the outcomes from the survey. The Panel was informed that the actions resultant from the engagement were fed back to the industry.

In respect of the most recent engagement with the industry, the Panel was informed that key issues had come to light. It was noted that concerns regarding the role of the transport manager, the Periodic Safety Inspection periods, and the maintenance arrangements had been raised. In addition, concerns regarding the fee requirement. The Panel was informed that clarifications had been provided in respect of the above. Moreover, the contract between operators and maintenance providers had been removed from the scheme as a result. It was noted that the scheme guidance had been updated on the Government of Jersey website accordingly.

Under the draft Law operators would be required to observe the following key elements:

- A licence would be required by those who operated commercial vehicles on public roads that carry goods connected to trade, profession or business
- The licence would be issued for five years
- Operators and transport managers would be required to be of 'good repute' (it was noted that the industry was supportive of this element)
- Drivers would be required to undertake and record daily vehicle checks
- A pre-planned and recorded Periodic Safety Inspection for all vehicles would be required
- Adequate provisions for the repair and maintenance of the fleet would be required
- Drivers would be required to be appropriately trained (in respect of the role that they are undertaking)
- Annual roadworthiness inspections would be required
- The appropriate record keeping would be required to demonstrate compliance

Highlighting that operators and transport managers would be required to be of 'good repute', the Panel asked for the legal definition for 'good repute'. The Legislative Drafter explained that the term was set out in the schedule to the draft Law and broadly followed the UK's definition. She continued to explain that the term would not reference a single criterion but rather several requirements. For example, the Panel was informed that it would include consideration of convictions in relation to running a commercial business, convictions regarding waste management and convictions in respect of customs and excise. It explained that the requirement was primarily to ensure professional competency was upheld and that the Jersey requirement was a much lighter version of what was required under the UK's scheme.

With regard to the transitional arrangements for existing operators it was explained that the Inspector of Motor Traffic (IoMT) would seek to ensure that existing operators could continue to operate while their application was being considered. It was noted that an initial three-month period would apply for licence applications and that existing operators would be required to apply during that time. It was explained that should any existing operator fail to apply during the three-month period, they would then be regarded as a new operator. It was noted that DVS would be responsible for

determining the applications and that the legislation would not apply until such time as the application was determined. The licence period would commence once the application was determined. The Panel was informed that the application period would be preceded by promotion and industry engagement.

In relation to the compliance requirements, the Panel was informed that DVS would provide support and assistance to the industry in meeting the terms of the licence. It was emphasised that sanctions would always be a last resort and would only be considered when all other avenues of assistance had been exhausted. It was explained that the risk-based approach to compliance would enable DVS to focus efforts on addressing the issues or indications which had demonstrated that the licence conditions were not being appropriately met. It was highlighted that it would be the responsibility of the operator to adhere to the licence conditions. It was noted that DVS would have the ability to audit the operation, if deemed necessary, through requesting and inspecting the operator's records and entering the business premises. It was noted that DVS would engage with operators when concerns arose and that the IoMT would consider any response which could include no action, further investigation or an audit, and the application of sanctions.

The Panel was informed that should action be proposed by the IoMT, the operator would be advised in writing. It was explained that the operator would have 21 days to respond as well as an opportunity to meet with DVS. Subsequently, the IoMT would determine any further action. It was noted that for any serious issues that immediate action would be taken.

In respect of the types of sanctions that could apply, the Panel was informed of the following actions:

- Issue a warning
- Suspend the licence
- Curtail the licence
- Revoke the licence
- Change or add any condition attached to the licence.

The Panel was informed that the IoMT would also be able to disqualify operators or transport managers. It was explained that an appeals process would be available to operators and operators would be required to appeal additional licence conditions or any sanction within 21 days. It was noted that any action taken could be published.

The Panel was informed that an annual fee per vehicle would be introduced in order to recover the costs as a result of the scheme. It was explained that the intention was to pay back the implementation costs over twenty years. It was noted that one Commercial Licensing Officer and one admin resource would be required to resource the function. The Panel was informed that the assumption had been based on the scope of 250 operators with 1,150 vehicles and was noted that the annual running cost of the scheme was estimated at £110,000.

Regarding the fee structure, it was explained that an application fee as well as a subsequent renewal fee would apply. It was anticipated that a non-refundable fee for making the application and the subsequent renewal of the licence after five years would be in the region of £200. It was noted that the annual licence fee per vehicle covered by an operator's licence would be in the region of £90. The Panel was informed that a fees Order would set the fee level and would likely be in place by the end of 2022.

The Panel was informed of the timescale regarding the lodging of the draft Law. It was noted that the draft Law was due to go to the Council of Ministers that day and the intention was for the draft Law to be lodged by 20<sup>th</sup> December 2021 for earliest debate in the States Assembly on 8<sup>th</sup> February 2022. It was noted that considerable work to establish the administration systems, the IT systems, industry guidance and resources would be required and that the target for taking the first applications was quarter four of 2022 as a result.

The Panel sought clarification of how the scheme would link to driving licence categories. It was explained that no specific link existed in relation to driving licence categories.

The Panel questioned whether there was a potential overlap between the scheme and a driving licence and raised concern that a duplication may exist as a result. It was explained that the draft Law was in respect of licensing operators and not competency for the driving of vehicles.

The Panel asked whether the training requirement under the scheme was mirrored in a driving test. It was explained that within the UK, to demonstrate competency to drive a vehicle, additional tests were undertaken to the theory and practical driving tests that were undertaken in Jersey. It was noted that the additional modules that would be undertaken within the UK would allow for the provision of a Drivers Certificate for Competence, however, in Jersey that did not apply. It was noted that as a result it had not been linked to the driving scheme and that the level of training required would reflect appropriate and adequate training dependant on the role. The Panel was informed that it could include aspects such as training for safely securing loads onto trailers and training for ongoing maintenance and inspection of vehicles.

The Panel questioned how a Jersey Police Officer, who had reason to believe that a vehicle was not in compliance with the licence conditions, would be able to prove that was the case when stopping a driver. It was explained that presently drivers of the vehicles would undertake daily inspections before heading out which were logged and that once the scheme was in effect, the record keeping aspect would be obligatory and required to demonstrate compliance with the scheme. Therefore, the records could be inspected and could be used as a tool to appropriately demonstrate compliance as required.

The Panel asked how aspects such as overloading of vehicles would be monitored and whether a driver would be able to refuse to drive an overloaded vehicle. It was explained that the scheme would provide the tools and knowledge required for the driver to identify their responsibilities and when to accept or refuse to transport the load.

The Panel questioned, should an incident be identified, whether the driver of the vehicle or the operator would be held responsible. It was highlighted that the scheme would place the responsibility on the operator and therefore the operator would be required to ensure compliance with the legislation. It was noted that the scheme would enable drivers to be provisioned with the appropriate training.

The Panel asked how ineffective training would be avoided, such as a 'tick-box' approach and whether the training could be provided inhouse or through the DVS. It was noted that DVS would not provide training, however, that an inhouse operator or third-party bespoke training would be acceptable. It was further explained that the draft Law allowed for flexibility regarding the training and only required the training to be adequate in respect of the role in order to provide competency. It was noted that many



<p>reputable operators already provided relevant training for their drivers as required. It was explained that the operator could choose how the training was undertaken.</p> <p>Noting that the fee structure would require £200 and £90 (per vehicle) to be paid as well as any training costs, the Panel raised concern regarding the costs to operators and asked how the fees might impact smaller operators or even self-employed operators (operations involving one person). The Panel also raised concern that because of the increased costs to operators that the cost would be transferred to the consumer and could impact the viability of the operator. It was explained that, in the main, operators had not expressed concern regarding the costs and that many of the operators were already providing training and functioning in an appropriate manner.</p> <p>The Panel asked whether the DVS had a record of the fatal accidents linked to commercial vehicles and whether that could help to justify the draft Law. It was noted that it was in line with the Road Safety Review.</p> <p>It was explained that the industry was very aware of the intention to propose the legislation as it had been under consideration since 2007. Moreover, it was explained, from the perspective of the operator that it had been deemed important to create a fair and level playing field for business and the draft Legislation aimed to achieve that.</p> <p>The Panel asked whether a reduction in the import of commercial vehicles was anticipated as a result of the legislation. It was explained that prior to inspections being undertaken in Jersey, the Island was seen as a dumping ground for commercial vehicles, however, currently people were investing in newer vehicles as a result.</p> <p>In respect of scaffolding contractors, the Panel questioned how their loads would be monitored, noting that the vehicles often seemed to be overloaded. It was explained that the vehicles were, in the main, not overloaded but instead inappropriately loaded. It was further explained that the contractors would often load the vehicles in a manner to suit the function which resulted in a badly or inappropriately loaded vehicle.</p> <p>The Panel thanked the Minister and Officers for their time and the briefing ended.</p> <p>Following its meeting, the Panel debriefed and agreed it would present Comments ahead of the debate of the proposition which was scheduled for January 2022. The Panel discussed the potential impact of the costs of the scheme on the industry and agreed that aspect should be considered within its Comments.</p>	<p>NH</p>
<p><b>4. Affordable Housing: Supply and Delivery</b></p> <p>The Panel noted its report was presented to the States on 10<sup>th</sup> November 2021 and a Ministerial Response was expected by 22<sup>nd</sup> November 2021.</p> <p>The Chair agreed for an email received from Sir Mark Boleat encompassing comments on the Panel's report to be circulated to the Panel.</p> <p>The Panel discussed correspondence that had been shared with States Members on Modern Construction Methods in relation to the Zed-Pod housing scheme.</p>	<p>NH</p>
<p><b>5. Draft Planning and Building (Amendment No. 8) (Jersey) Law 202- [P.76/2021]</b></p> <p>The Panel noted the submissions received to date as well as the response received from the Minister for the Environment.</p> <p>In relation to its review, the Panel discussed suggested questioning targeted at the Minister for the Environment during its public quarterly hearing that day. The Panel</p>	

<p>noted and discussed a written question presented to the States Assembly by Deputy Maçon regarding the proposition and it was noted that questioning on this had been included in the draft question plan.</p> <p>The Panel noted the communication it had received from the Minister for Environment on his decision to defer the debate of the proposition to the last sitting in April. Considering the deferral of the proposition, the Panel discussed delaying the presentation of its Comments from January until prior to the April sitting. It was noted that would allow it to consider the draft Orders which would likely be shared with the Panel in early March 2022. The Panel agreed it would make a decision on whether to delay the presentation of its comments dependant on the outcome of the hearing with the Minister later that day.</p>	<p>NH</p>
<p><b>6. Government Plan 2022-25</b></p> <p>The Panel noted and agreed the fact checking suggestions received and discussed and agreed the findings and recommendations for its report.</p> <p>The Panel discussed the Jersey National Park programme and the Park's concerns regarding its boundaries and legal status. The Panel discussed Piquet House and the potential use cases for it going forward. The Chair requested the previous business case for the Bellozanne Outfall Rehabilitation be shared with him.</p> <p>The Chair agreed to share his Chair's Foreword via email later that day for it to be incorporated into the report prior to presentation.</p> <p>The Panel agreed for the report to be published later that day once the Chair's Foreword had been received and incorporated.</p> <p>The Panel discussed the public media approach regarding the publication of its report and agreed for social media posts to be sent out once the report was ready to be presented. The Officer agreed to seek approval for the social media content via email later that day.</p> <p>The Panel requested that consideration be given to the amendments that had been lodged to the Government Plan 2022-25, to date, to determine whether any had direct links to the Panel's remit in order to provide awareness in that regard. The Officer was requested to circulate notes to the Panel in advance of the States' debate the following week.</p>	<p>NH</p> <p>MJ</p> <p>NH</p> <p>EG</p> <p>NH</p>
<p><b>7. Climate Change – Citizens' Assembly</b></p> <p>The Panel received an update from the Officer on the developments regarding the follow up review and report. The Officer explained that the Public Accounts Committee (PAC) was undertaking a review of Citizens' Assembly processes and would be including consideration for the establishment, administration, costs, meetings and summary recommendations of several Citizens' Assemblies/Juries including that of the Climate Change Citizens' Assembly. The Panel noted that the PAC would be covering the areas that the Panel was also intending to consider in its follow up report and, a result, discussed whether it should amend its approach to avoid duplication of work. The Panel discussed whether it should include its review of the Government's response to the Citizens' Assembly's recommendations on climate change as part of its review of the Carbon Neutral Roadmap which was due to be published in December 2021 for debate in April 2022. That would result in one review and report being worked on instead of potentially two simultaneously by the Panel.</p>	

<p>The Panel noted that an evaluation of Citizens' Assembly processes was being undertaken by the Strategic Policy, Planning and Performance team which was due to be shared in confidence with the Panel and PAC in December 2021. The Panel agreed it would wait to receive the evaluation report before determining its scrutiny approach and would take into consideration the work being undertaken by the PAC and its own scrutiny of the Carbon Neutral Roadmap at that time. The Panel agreed to scope its review in January 2022 as a result.</p>	<p>NH</p>
<p><b>8. Draft Official Control (Regulations) (Jersey) 202-</b></p> <p>The Panel noted that the draft Regulations had not been lodged to date and as a result the emails requesting views and comments from targeted stakeholders had been delayed. It was agreed that would be progressed once the draft Regulations were lodged.</p>	<p>NH</p>
<p><b>9. Fishing vessel licensing conditions</b></p> <p>The Panel noted and discussed the response received from the Minister for the Environment and agreed the questions included in the question plan for the public hearing with the Minister that day.</p> <p>The Panel discussed an email received by the Chair from the president of the Jersey Fishermen's Association and requested for it to be shared with the Panel.</p>	<p>NH  NH</p>
<p><b>10. 2022 Meeting Dates</b></p> <p>The Panel noted and agreed its meeting and quarterly hearing dates for 2022 and agreed for those hearings to be scheduled as required.</p>	<p>NH</p>
<p><b>11. Government Legislative Programme</b></p> <p>The Panel noted and discussed the legislative programme agreed by the Council of Ministers in respect of the proposed legislation within its remit. Considering that some legislation being proposed for lodging between December and early 2022 was within the Panel's remit, the Panel agreed for the Officer to liaise with the relevant Ministers Private Secretaries to further understand the timescales for lodging and for when the Panel would have sight of any draft Legislation.</p>	<p>NH</p>
<p><b>12. Email correspondence from a member of the public</b></p> <p>The Panel noted and discussed the email correspondence received in relation to routes to carbon net-zero. The Panel agreed for approval to be sought from the recipient for the correspondence to be shared with the relevant department for further comment.</p>	<p>NH</p>
<p><b>13. Other Areas of Business</b></p> <p>The Panel noted correspondence received in relation to regulatory concerns regarding self-catering holiday accommodation and Airbnb rentals. The Panel agreed it would request a virtual meeting with the stakeholder to discuss their concerns further. The Panel agreed to request a joint meeting with the Economic and International Affairs Scrutiny Panel, should the meeting be confirmed.</p>	<p>NH</p>
<p><b>14. Future meeting</b></p> <p>The Panel noted that its next meeting was due to take place at 9:30am on 21st December 2021.</p>	