

# STATES OF JERSEY

## OFFICIAL REPORT

TUESDAY, 2nd MAY 2023

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[9:30]

**The Roll was called and the Dean led the Assembly in Prayer.**

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

**The Bailiff:**

### **1.1 Welcome to His Excellency the Lieutenant Governor**

I would like, on behalf of Members, to welcome His Excellency the Lieutenant Governor to the Chamber this morning. **[Approbation]**

## **APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS**

### **2. Nomination of Connétable R.D. Johnson of St. Mary to the Environment, Housing and Infrastructure Scrutiny Panel**

**The Bailiff:**

We come to F, Appointment of Ministers, and there is a nomination for the Connétable of St. Mary as a member of the Environment, Housing and Infrastructure Scrutiny Panel.

#### **2.1 Deputy S.G. Luce of Grouville and St. Martin (Chair, Environment, Housing and Infrastructure Scrutiny Panel):**

It gives me great pleasure to inform the Assembly of the nomination of the Constable of St. Mary to the Scrutiny Panel for Environment, Housing and Infrastructure.

**The Bailiff:**

Is the nomination seconded? **[Seconded]** Are there any other nominations? If there are no other nominations then I accordingly declare that the Connétable of St. Mary has been appointed as a member of the Environment, Housing and Infrastructure Scrutiny Panel. **[Approbation]**

**Connétable M.K. Jackson of St. Brelade:**

Before proceeding further, if I may, do we have a Consolidated Order Paper yet?

**The Bailiff:**

It has been circulated by Teams. I have one, which I suppose is fairly important. But I am not sure if everyone else has ... Greffier, could we arrange for some hard copies to come into the Chamber? We will arrange for that.

## **QUESTIONS**

### **3. Written Questions**

#### **3.1 Deputy M.R. Scott of St. Brelade of the Chair of the Employment Board regarding Government employees (WQ.157/2023)**

**Question**

Of the total headcount of 7894 Government employees to which [Written Question 116/2023](#) refers, will the Minister advise –

- (a) what percentage of staff have had performance appraisals over the last year;
- (b) how many are on a capability process; and
- (c) what percentage are required to complete and submit time sheets and, if any, the number so required and in which departments they work?

## Answer

- a) Please find below a table outlining the percentage of applicable staff who have undertaken the My Conversation My Goals (MCMG) performance appraisals during 2022.

	People in scope	Objectives agreed	Mid-Year Review completed	End of Year Review Completed
Chief Operating Office	316	90.2%	87.7%	82.3%
Children, Young People, Edu & Skills	493	44.2%	26.6%	19.9%
Customer and Local Services	311	76.2%	71.7%	68.8%
Department for the Economy	45	93.3%	88.9%	86.7%
Department of External Relations	14	64.3%	57.1%	64.3%
Health and Community Services	2,170	25.0%	11.5%	7.1%
Infrastructure, Housing & Environment	579	45.9%	38.5%	34.5%
Justice and Home Affairs	516	66.5%	55.2%	40.9%
Office of the Chief Executive	72	72.2%	58.3%	55.6%
Strategic Policy, Planning and Perf	181	72.4%	60.2%	56.4%
Treasury and Exchequer	335	90.4%	87.2%	79.1%
Total	5,032	48.3%	37.3%	31.6%

NB. The following employee groups have been excluded in the MCMG data;

- Anyone who started in the last 3 months (based on continuous service date)
- Non-executive and Legislature Departments
- Data Protection Directorate
- All schools
- Pay Group which are:
  - Doctors and Consultants JY, Doctors and Consultants UK,
  - Manual Workers
  - Non Payroll, Non-States Workers,
  - Police Superintendent Chief Inspector, Police – Chief Officer, Police – Deputy Chief Officer, Police – Constable, Police – Sergeant,
  - Teaching – Heads & Deputies, Teaching – Highlands College Lecturers, Teaching – Teachers, Teaching Assistants.
- Employee Post Position Status which is Nil Hours, Variable, Contractor / Consultant, Volunteer Worker

In addition, there are employees who have agreed objectives, had mid-year and year end performance reviews, but have not recorded them.

- b) As at the end of March 2023 there were 3 employees being formally managed by the Case Management team under the Capability policy. There are also 2 individuals undergoing a formal Capability process through the Medical Staffing team with a further 3 individuals in a pre-formal process with the Medical Staffing team.



We only record centrally those on a formal process, all other information is managed at a local level.

- c) It is not possible to determine the percentage of employees who submit timesheets as this varies month on month. There are about 1,300 timesheets processed per month, although this may include more than one time sheet per individual.

### **3.2 Deputy M.R. Scott of St. Brelade of the Chair of the Employment Board regarding recruitment of senior managers (WQ.158/2023)**

#### **Question**

With regard to senior managers in the organisation, will the Chair explain -

- (a) the recruitment model and process, including qualifications generally sought with respect to management or administration;
- (b) how this differs from the recruitment of senior technicians i.e. staff with technical qualifications as opposed to solely public administration qualifications; and
- (c) what measures, if any, are being taken to improve accountability and both technical and management knowledge of senior managers in the organisation?

#### **Answer**

- (a) Each role for senior managers is considered individually depending on the need for specialist technical knowledge as well as senior management experience. Where an industry standard qualification is required, for example by regulation, then this is included. Otherwise, professional qualification or equivalent experience are desirable.
- (b) There is no difference in the approach. All senior roles are considered individually, including the requirement for technical qualifications or equivalent experience.
- (c) For general management (administration) a new development framework is being rolled out to start with aspirational / future managers through to certifications and chartered memberships of professional bodies. For technical roles, we are developing in-house and on-Island development routes and sponsored development through apprenticeships, professional qualification, sponsorship, graduate and intern programmes, professional development centres (in education and health) and the development of technical job families (for example, policy, human resources, finance and accounting professions). Alongside this professional development, the roll out of the Connect People module for performance management should enable professions to be mapped and a tracking of investment in employees, and their progress within the organisation.

### **3.3 Deputy M.R. Scott of St. Brelade of the Chair of the Employment Board regarding the independent advisor to the States Employment Board (WQ.159/2023)**

#### **Question**

With respect to the independent adviser to the States Employment Board (SEB) who has been in post since 2015, will the Chair advise his/her remuneration together with the number of hours worked and whether the adviser was consulted, during the absence on holiday of the Group Director for People and Corporate Services, regarding the CEO's (Chief Executive Officer) resignation?

## **Answer**

The independent adviser provides advice on matters of policy and governance for the Board.

The Chair and Vice Chair met with the adviser where the Chief Executive's resignation was discussed briefly.

The hours worked for the current Board are 14 days on a day rate (pro rata) of £1,250.

### **3.4 Deputy L.V. Feltham of St. Helier Central of the Minister for Infrastructure regarding the refurbishment of Westaway Court into keyworker accommodation (WQ.160/2023)**

#### **Question**

Will the Minister advise the following, in relation to the refurbishment of Westaway Court into keyworker accommodation –

- (a) what the floor plans are for each type of keyworker accommodation, including measurements;
- (b) what building standards have been met, exceeded, or not met, through the refurbishment;
- (c) how long the units of accommodation are intended to remain fit-for-purpose as keyworker accommodation;
- (d) whether there are any structural deficiencies that have been identified in the buildings;
- (e) whether any structural risks or issues exist within the buildings, and if so, how they are being managed; and
- (f) what ongoing building maintenance is planned to keep the buildings safe for occupants?

#### **Answer**

- a) The low-rise ground floor has 7 studios and four 1-bedroom units.
  - The low-rise first, second and third floors have 11 studios and a single 1-bedroom unit on each.
  - The high-rise block is 9 floors with a 2-bedroom unit on each floor.
  - Each studio comprises a bedroom/sitting room, plus a kitchen and a bathroom = 270 sq/ft (25m<sup>2</sup>)
  - Each 1-bed unit comprises a bedroom, a living room, a kitchen and a bathroom = 516 sq/ft (48m<sup>2</sup>)
  - Each 2-bed unit comprises two bedrooms, a dining room living room, a kitchen and a bathroom = 968 sq/ft (90m<sup>2</sup>)
- b) Westaway Court meets Building Control standards in line with Building Byelaws (Jersey) 2007. It also complies with the current Fire Code and escape corridor compartmentation. Doors all satisfy the standards and have been improved, and an updated fire alarm system has been installed throughout to meet current standards.
- c) The works are intended to allow Westaway Court to be used safely until the New Healthcare Facilities programme determines if the site is required as part of that project. This is expected to enable use for accommodation for a period of 24 months.
- d) No structural deficiencies have been identified in the building.
- e) No structural risks exist within the building.

- f) There is a maintenance agreement with JMEC Ltd (the contractor used by Andium) in place to provide the required statutory maintenance on the building. They also provide a reactive capability for issues raised by tenants.
- g) The statement of requirement for accommodation came from CYPES and HCS, the departments that employ the key workers.

### **3.5 Deputy L.V. Feltham of St. Helier Central of the Minister for Health and Social Services regarding the refurbishment of Westaway Court into keyworker accommodation (WQ.161/2023)**

#### **Question**

Will the Minister advise the following in relation to the refurbishment of Westaway Court as keyworker accommodation –

- (a) how many people can be accommodated within each type of unit;
- (b) how long is it anticipated that a keyworker would live in these units of accommodation;
- (c) what terms will be included within a standard tenancy agreement;
- (d) what will be the monthly rental and any other associated costs to be met by the tenant for each type of unit;
- (e) how long is the building intended to remain as keyworker accommodation;
- (f) what ongoing maintenance is planned by Government to ensure that the accommodation is maintained to a suitable standard; and
- (g) what consultation, if any, was undertaken with keyworkers, prior to the refurbishment, to ensure that the accommodation meets their needs?

#### **Answer**

- a) The low-rise ground floor has 7 studio units and 4 one-bedroom units. The low-rise first, second and third floors have 11 studios each, and a single one-bedroom unit on each. The high-rise block is 9 floors, with a 2-bedroom unit on each floor.
- b) This is dependent on the type of contract and requirement of the operating departments. It is understood however, that this can vary between temporary accommodation of a matter of weeks for locum staff, touchdown accommodation to allow a longer contract holder to find their own accommodation, or a longer period of months e.g. while waiting completion of permanent accommodation.
- c) Currently HCS operate the tenancy agreements for both HCS and CYPES staff however this will be reviewed as the Health and Community Services department itself should not be operating as a landlord. Standard licence agreements are issued to each tenant to ensure the tenant keeps the unit in an acceptable condition, causes no damage to the property and pays all charges in a timely manner etc., and this agreement also ensures the current landlord keeps the property maintained. Tenants are required to give the Accommodation team access to the property, for example to carry out checks, with a minimum of 48 hours' notice being given. The agreements reflect those used for keyworkers in Andium provided and managed premises.
- d) The exact values are applied by HCS can vary dependent on the individual's contract for employment. The rates are based on social housing rental levels in keeping with the accommodation

provided by Andium to other keyworkers of approximately £600 per month for a studio flat, £880 for a 1-bedroom flat, and £1200 per month for a 2-bedroom flat.

e) The accommodation will be available until the New Healthcare Facilities programme determines if the site is required as part of that project.

f) There is a maintenance agreement with JMEC Ltd (the contractor used by Andium) in place to provide the required statutory maintenance on the building. JMEC LTD also provide a reactive capability for issues raised by tenants.

g) The statement of requirement for accommodation came from CYPES and HCS, the departments that employ the key workers.

### **3.6 Deputy L.V. Feltham of St. Helier Central of the Minister for Social Security regarding the Terms of Reference for the high-level review of existing benefit areas (WQ.162/2023)**

#### **Question**

Will the Minister provide a copy of the Terms of Reference for the high-level review of existing benefit areas as outlined in Action MSS P5.1 of the Ministerial Delivery Plans; will she further provide any update on this review, and if not, why not?

#### **Answer**

Further to answers previously provided on this subject - WQ.75/2023, OQ.30/2023, QWON.21/3/23 and WQ.152/2023 – I can confirm that the high-level review was an internal review. Formal terms of reference were not required and were not prepared. The review has now been completed.

As noted in WQ 152/2023:

“As a consequence of the review, we have identified the need for further detailed work in respect of:

- The impact of relevant quarter rules on local residents with short gaps in contribution record.
- The impact of relevant quarter rules on parents seeking to claim parental benefit for a second child.
- Provision of death grant for still born babies.
- Home carers allowance rules for parent with more than one child with a long-term health condition.
- Income Support rules in respect of critical skills courses and part time work requirements; asset limits across all benefits.
- The level of special payments for funeral costs.

Further areas for detailed review may be added.”

Further areas have now been confirmed as:

- Means tested pensioner benefits – asset and income tests; overall application process.
- Gluten free vouchers – future eligibility criteria.
- Jersey Dental Fitness Scheme – value of benefit.
- Overall cost of proposed changes.

The review does not include areas that are already the subject of separate work, such as the Long-Term Care Scheme and our incapacity benefits.

### **3.7 Deputy R.J. Ward of St. Helier Central of the Minister for Social Security regarding people repaying Social Security over payments (WQ.163/2023)**

#### **Question**

Will the Minister provide the current number of people repaying Social Security over payments?

#### **Answer**

There are currently approximately 42,000 open Social Security benefit claims; of these there are approximately 1250 which are repaying overpayments. There are also 1600 claims which have previously closed and which are repaying overpaid benefits by instalment agreements.

### **3.8 Deputy R.J. Ward of St. Helier Central of the Minister for Infrastructure regarding the projected payment in subsidy to the new bus company (WQ.164/2023)**

#### **Question**

Will the Minister provide details of the projected payment in subsidy to the new bus company in 2023, 2024, and 2025, with the figures for each year detailed separately?

#### **Answer**

Jersey's bus services continue to be provided by CT Plus Jersey Ltd (LibertyBus) who have been a subsidiary company of Kelsian UK Ltd since September 2022 having been wholly owned by HCT Group prior to then.

The Government is now in a pre-tender process and currently seeking Expressions of Interest from operators. At this stage, putting the Government subsidy amount, predicted or otherwise, into the public domain is likely to be detrimental to the Government's position and the public interest in any negotiations with tenderers in the future.

While there is a need for transparency and to provide information to States Members, the information requested is currently commercially sensitive.

### **3.9 Deputy R.J. Ward of St. Helier Central of the Minister for the Environment regarding electric car charges (WQ.165/2023)**

#### **Question**

With regards to electric car chargers, will the Minister advise how many are directly available to the public, and of these, how many require a yearly subscription card for simple access, and how many can be used with contactless card payment?

#### **Answer**

There are currently 109 publicly available electric vehicle (EV) charging points on the Jersey Electricity (JE) Evolve platform. These do not include charging points made available to the public on privately owned land.

Of the 109 publicly available charging points, all are available by using a free web-app, or a free non-subscription guest feature, or the option of a contactless card costing £20 per annum. Four have the additional option of contactless card payment.

This summer, JE will start a significant infrastructure upgrade to Jersey's public EV charging network which will bring increased flexibility and benefits for local EV drivers such as more payment options. Whilst JE is not under contract to provide a public EV charging provision, JE's EV charging network is part of its commitment to futureproof the network as local demand for low-carbon transportation grows.

JE's current public charging rates are 11 pence per kWh (night rate) and 21 pence per kWh (day rate). JE has advised that its Evolve charging prices are substantially cheaper than the UK – and in some cases less than half of typical UK rates. JE has also advised that there are currently twice as many EV chargers per capita in Jersey compared with the UK.

### **3.10 Deputy G.P. Southern of St. Helier Central of the Minister for Social Security regarding the use of sanctions in the Jersey Income Support system (WQ.166/2023)**

#### **Question**

Given the evidence from the recently published report on work undertaken in 2020 by the UK Department for Work and Pensions ("[The Impact of Benefit Sanctions on Employment Outcomes](#)") , which shows that the use of sanctions in the benefit system is ineffective in getting people into work, will the Minister provide any figures she has regarding the use of sanctions in the Jersey Income Support system, and advise what measures, if any, she has under consideration in response to these figures?

#### **Answer**

In line with many other international examples, the Jersey Income Support scheme includes rules around work conditionality as part of the eligibility test for receiving weekly Income Support payments. There is no direct relationship between the UK system and the Jersey system.

The report referenced in the question is a draft report prepared in 2020 and was published as a draft following a number of FOI request to the UK government. The UK government has also published a [note](#) to explain the context of the draft report and its publication. This should be read alongside the draft report itself.

A financial sanction on jobseekers in Jersey's Income Support system is only used as a last resort. A financial sanction (temporary reduction in benefit level) is only applied if the jobseeker has already received a written warning for failing to do enough to look for work. This could be because they've failed to turn up for a meeting or job interview without a good reason, or because they are away from the Island when they should be looking for work. It is reasonable that there is the risk of a penalty if a jobseeker fails to take reasonable steps to find employment.

Most jobseekers in Jersey will have a relationship with a dedicated employment advisor, who they will meet and speak with regularly. Their search for employment is tailored to their abilities, with training and support where appropriate. Employment advisors will carefully consider any barriers that a person has in looking for work. Actively Seeking Work numbers are now at 610 (Q1 2023) – this is the lowest level since records began in 2011 and represents a continued fall in the number of people registered as looking for work. The figures for this quarter are 110 lower than they were a year ago.

In the Income Support system, the number of financial sanctions is low, and the number of jobseekers who successfully find employment is high. Overall, there were nearly 1800 people actively seeking work throughout 2022. Within this number there were just 70 breaches resulting in a financial penalty. In addition, 87 warnings were issued that did not result in a financial sanction. Those numbers will include some individuals who have received more than one warning/ breach. For example, each jobseeker who receives a breach 1 sanction will also previously have received a written warning.

Most people want to work and take up help from the Back to Work Team without the need for a financial penalty. This has been proven to be effective at getting people into work in Jersey. For the very small minority of jobseekers who don't do enough to look for work (without good reason) it is appropriate and fair that they will risk a financial penalty for ignoring the rules of a benefit system funded by the taxpayer.

I have no plans to review the jobseeker rules under Income Support at present.

**3.11 Deputy S.Y. Mézec of St. Helier South of the Chair of the States Employment Board regarding the resignation letters of the previous Chief Officer of Health and Community Services and the Chief Nurse (WQ.167/2023)**

**Question**

Will the Chair agree to publish the resignation letters from the previous Chief Officer of Health and Community Services and the Chief Nurse, and if not, why not?

**Answer**

We do not, as a matter of course, publish private employment details of individuals or where individuals can be identified.

An exception was made for the resignation letter of the Chief Executive Officer, as Head of the Public Service, which was done with her agreement and express consent.

**3.12 Deputy S.G. Luce of Grouville and St. Martin of the Minister for Infrastructure regarding the delay to the completion of the refurbishment of sports facilities at Springfield Sports Stadium (WQ.168/2023)**

**Question**

Given the delay to the completion of the refurbishment of sports facilities at Springfield Sports Stadium and the deferral of the development of new sports facilities at Oakfield Sports Centre, will the Minister –

- (a) delay, as a matter of urgency, the closure of the gym and associated sports facilities at Fort Regent, scheduled for May, until both the aforementioned developments are complete, and if not, why not;
- (b) provide a date for completion of the refurbishment of Springfield Sports Stadium;
- (c) confirm a date when the development of new sports facilities at Oakfield will commence; and
- (d) confirm that the Inspiring Active Places Strategy for the Island's future sports facilities needs remains this Government's strategy for sports infrastructure, and that over £100 million will be invested in facilities over the next 10 years, and, if not, why not?

## **Answer**

- (a) As previously stated, the gym and fitness facilities at Fort Regent will remain open until the new replacement facilities at Springfield are complete. The sports activities will remain at Fort Regent until replacement facilities planned as an extension of Oakfield Sports Centre are complete.
- (b) The refurbishment of Springfield to create the fitness facilities will be complete and handed over to Sports Division by the end of April 2023. The date for opening is 15<sup>th</sup> May, subject to building control approval.
- (c) The contract to construct the extension of Oakfield Sport Centre has been significantly delayed due to the liquidation of Camerons. Senior officers are currently reviewing the alternative options for project delivery. The project is not likely to start construction until late Q3 or Q4 2023.
- (d) The Inspiring Active Places Strategy remains at the forefront of delivering improvements and new facilities for the Island. Currently, some of the projects within the strategy are being reviewed in light of changes to the economic and political landscape. The officer team are preparing bids for the Government Plan, the outcome of which will dictate the level of investment and which projects move to delivery.

### **3.13 Deputy R.S. Kovacs of St. Saviour of the Minister for Treasury and Resources regarding Ministerial Decision ‘JT Group Ltd Borrowing Consent’ (MD-TR-2023-33) (WQ.169/2023)**

#### **Question**

With reference to Ministerial Decision ‘JT Group Ltd: Borrowing Consent’ ([MD-TR-2023-33](#)), made on 24th February 2023, will the Minister provide in relation to the ‘States of Jersey Investments Limited’ –

- (a) the Memorandum and Articles of Association; and
- (b) the annual accounts for the years 2020, 2021, and 2022?

#### **Answer**

States of Jersey Investments Limited is a nominee company that holds shares in certain States-owned entities as nominee for the States of Jersey.

Attached are the requested Memorandum and Articles of Association and the annual accounts for the calendar years 2022 and 2021, the latter of which includes financial information for 2020.

### **3.14 Deputy T.A. Coles of St. Helier South of the Minister for Health and Social Security regarding current estimated waiting times (WQ.170/2023)**

#### **Question**

Will the Minister provide the current estimated waiting times to be seen within each of the departments of the health service?



## **Answer**

Information on hospital waiting lists, which can be broken down by department/specialty, are found [here](#);

[Inpatient Waiting Lists](#)

[Outpatient Waiting Lists](#)

[Waiting Lists: Diagnostics](#)

This information has been made available to the public since August 2018 with Diagnostics separately reported since 2022. This data is updated on the 20th working day of each month, following the reported month end.

Mental Health waiting times have been included as new indicators in the HCS Quality & Performance Report from 2023. The month 3 report will be published [here](#) in due course.

### **3.15 Deputy M.R. Scott of St. Brelade of the Minister for the Environment regarding the St. Brelade's Bay Improvement Plan (WQ.171/2023)**

#### **Question**

With reference to Written Question [220/2022](#), will the Minister advise –

- (a) what progress, if any, has been made in scoping the workstream, and defining the resources required, for the St. Brelade's Bay Improvement Plan;
- (b) what process will be followed, and what level of consultation there will be, during this scoping; and
- (c) whether the Improvement Plan is on track for completion by the end of December 2023?

#### **Answer**

- (a) Work to scope the workstream to deliver the improvement plan is underway. The resources required will be dependent upon the scope of the work.
- (b) The Minister for the Environment will consult with the Connétable and parish deputies about the proposed scope for this workstream.
- (c) As previously stated, it is anticipated that the scope of the workstream to deliver the improvement plan will be defined, together with the resources required to deliver it, during the first half of 2023, to enable the workstream to be completed by the end of the year.

### **3.16 Deputy L.V. Feltham of St. Helier Central of the Chair of the Employment Board regarding States of Jersey employees leaving the organisation (WQ.172/2023)**

#### **Question**

Further to [Written Question 159/2022](#), will the Chair advise how many States of Jersey employees have left the organisation, and the reasons they have provided for leaving, categorised by department and directorate, in each of –

- (a) 2022 Quarter 3;
- (b) 2022 Quarter 4; and
- (c) 2023 Quarter 1?

## **Answer**

A detailed leavers analysis is included at Appendix A.

Care has been taken to minimise the risk of disclosure of sensitive personal information, whilst maximising the utility of that data. The more detailed the breakdowns within a table, the greater the disclosure risk. Accordingly:

- The answer shows values of 1, 2, and 3 as < 3
- Reasons for leaving with a total below a threshold of 20 in any period have been aggregated into a column entitled “other” (while showing for each other category the total across government)

This presentation accounts for the protection of personal data by minimising the ability to impute an individual's identity, and the requirements of the Code of Practice for Statistics [Code of Practice for Statistics 2019.pdf \(gov.je\)](#) which includes “T6.4 Organisations should be transparent and accountable about the procedures used to protect personal data when preparing the statistics and data, including the choices made in balancing competing interests. Appropriate disclosure control methods should be applied before releasing statistics and data.”

Please note that this data may differ with other leaver reporting provided in previous information requests as a result of ongoing data cleanse work being carried out by the organisation.

[LINK TO APPENDIX A ON ASSEMBLY WEBSITE TO FOLLOW]

### **3.17 Deputy R.J. Ward of St. Helier Central of the Minister for Treasury and Resources regarding tenant loans in Andium Homes for carpets (WQ.173/2023)**

#### **Question**

Will the Minister advise how many tenants in Andium Homes rental properties are currently repaying loans to Andium Homes for carpets?

#### **Answer**

There are no tenants in Andium Homes rental properties that are currently repaying loans to Andium Homes for carpets.

Qualifying Tenants who need assistance with the payment for carpets or any other costs associated with their home are able to avail themselves of the Income Support Special Payments provision, managed by Customer and Local Services - Special payments: help with emergency costs (gov.je).

### **3.18 Deputy M.B. Andrews of St. Helier North of the Minister for Treasury and Resources regarding the States of Jersey pensions (WQ.174/2023)**

#### **Question**

Will the Minister state the number of people who are in receipt of their States of Jersey pension and who are liable for personal income tax?

## **Answer**

Personal income tax is charged on taxpayers. A 'taxpayer' may be:

- An individual
- A married couple or civil partnership
- The separately assessed individuals of a married couple or civil partnership.

For the year of assessment 2021, there were c.9,330 taxpayers who declared an amount of Jersey Social Security Old Age Pension / Survivors Pension and had a positive income tax liability.

The income tax exemption thresholds exceed the current full rate of the Social Security pension. Those receiving the full rate of Social Security pension who have a positive tax liability will most likely have another source of income such as a private pension, an occupational pension or investment income.

## **4. Oral Questions**

### **4.1 Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter of the Minister for Treasury and Resources regarding tax paying couples (OQ.76/2023)**

Will the Minister state how many tax-paying married couples and civil partnerships have voluntarily elected for independent taxation from the year of assessment 2023 and what percentage of all tax-paying couples this represents?

**Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter (The Minister for Treasury and Resources):**

I wonder if I could ask Deputy Millar to answer this question as she is bringing forward this legislation.

**Deputy E. Millar of St. John, St. Lawrence and Trinity (Assistant Minister for Treasury and Resources - rapporteur):**

For the pilot group in the year of assessment 2022, 121 couples elected to be taxed independently. Eligibility to make the selection is restricted to a small pool of couples who had already elected to be separately assessed. For the year of assessment 2023, a further 282 couples made the election. The deadline for electing the year of assessment 2024, which may still be made on a voluntary basis, has not yet passed but 60 elections from couples have been received to date. It is important to remember that in addition to these volunteer couples, since 1st January 2022 independent taxation has been mandatory for all couples who have married since then, some 405, and all married couples who have arrived in Jersey as married couples, which are 98. In total, therefore there are 966 couples taxed independently, representing around 5 per cent of married couples in the tax system.

#### **4.1.1 Deputy L.J. Farnham:**

Can I thank the Assistant Minister for her answer and ask if she knows why such a low number of married couples and civil partnership couples have elected voluntarily to go on to independent taxation? The States approved the principle some time ago and it has been broadly advertised. I wonder if she would have any idea as to why there is such a low take up.

**Deputy E. Millar:**

I am afraid I do not know why the numbers are as they are. We have promoted it and if people do not come forward they do not come forward.

#### **4.1.2 Deputy S.Y. Mézec of St. Helier South:**

Given the Minister's answer to those questions just now, can she advise the Assembly what lessons she has taken from the efforts that they have made so far to encourage people to voluntarily elect for independent taxation and for low take up that she has revealed that there is, and how she will be using that experience to inform her strategy for moving for compulsory independent taxation in the coming years?

#### **Deputy E. Millar:**

I think we have to accept that there will always be a degree of inertia. People are used to doing things in a certain way and if they are asked to choose to do something differently they may not rush forward to make that election, even though for some women it is an entirely appropriate thing to do. There may be many reasons why people have remained with the current system of taxation for married couples which is, again, possibly due to inertia. We have a very full programme of communication planned as we move forward. We are still in the first half. In fact we are only just in the second quarter of 2023. The tax year 2024, will also be independently taxed on a voluntary basis, so we do have some 18 months to work on our planning and our communications. We will be considering that very carefully to make sure that when independent taxation does become compulsory that people have a full understanding of what will be expected of them.

#### **4.1.3 Deputy S.Y. Mézec:**

When the Corporate Services Scrutiny Panel canvassed the public to hear from them their concerns over the move from voluntary independent taxation to compulsory we encountered a great deal of confusion over what that will specifically mean for households and a great deal of anxiety. What is the Minister doing now to communicate with those people - those who we spoke to were just those with access to the internet, many may not have that - to reassure them about the impacts that the move from voluntary to compulsory will have on their household tax liability? And at what point she will be able to say that she has confidence that our community fully understands this and will not suffer any negative consequences because of any misunderstandings on it.

#### **Deputy E. Millar:**

I would remind the Assembly that I believe the move to independent taxation has been approved by the Assembly. As I say, we have some 18 months to continue our communications programme. In fact, I only had some emails with one of my officers yesterday asking if it was permissible to ask the Scrutiny Panel if it would release the input it had received from members of the public to help inform our communication programme. I hope that the chair will be willing to give that material to us to help. Everything that is relevant will be taken into account.

[9:45]

I can assure the Assembly we understand that some people may be worse off through the system of independent taxation but we have planned a compensatory allowance which will manage that and make sure that no one is worse off. That compensatory allowance will be in place for some 10 years. But we will take every step to make sure that people understand the implications. Where people need support in filling a tax return, which they have not done previously, that support will be provided. The department, Revenue Jersey, already deals with people who are filing a tax return for the first time in old age. We will be making sure that people understand the compensatory allowance and how that is applied.

#### **Deputy M.R. Scott of St. Brelade:**

Could I please for the défaut to be lifted from Constable Honeycombe who is in fact attending by Teams and can hear the Chamber, but for some technical reason his response to the appel was not heard.

**The Bailiff:**

Very well, that seems to be entirely reasonable. Thank you very much.

**4.1.4 Deputy M. Tadier of St. Brelade:**

Would the Minister agree that it might be a reasonable assumption that those who have elected for independent taxation, those couples, might be ones who would benefit financially from independent taxation as opposed to joint taxation? Does she have any statistics about the financial situation of those couples, who have elected, to share with us?

**Deputy E. Millar:**

No, I do not have any statistics to hand, and I am not sure if my officers have those statistics. There may be many reasons why people have elected for independent taxation. It may be because the married woman wishes to be treated as an independent person and not to have her income treated as that of her husband. There may be all sorts of reasons but I cannot explain that at present, no.

**4.1.5 Deputy M. Tadier:**

I am quite surprised to hear that piece of work or even that consideration was not thought about before embarking on this experimental period because, not least, there may be financial consequences for the Treasury. It does seem reasonable that whatever one's moral objections to women having to rely on their husbands that if you are going to be worse off for a few years you are probably not going to elect for independent taxation. Could the Minister seek to provide that information about the breakdown of demographics to share; if not with the Assembly certainly I would have thought Scrutiny would be interested in it?

**Deputy E. Millar:**

I can ask if the officers have that data but, as I said, I do not know if it exists at present. As I say, there may be many reasons why people have chosen to be taxed independently. I would imagine going to 9,000 couples to ask for their reasons may be a piece of work that is more administratively burdensome than it is useful.

**4.1.6 Deputy L.J. Farnham:**

I am sure the majority of Members are fully supportive of independent taxation. It is quite right that all new taxpayers move on to that basis. But it is clear from work that has been done that the majority of existing tax-paying couples do not like the retrospective nature of having paid joint taxation for most of their married lives do not want to be forced into compulsory taxation. Does the Assistant Minister, or could I hear her views or perhaps does she accept that perhaps a low number of tax-paying couples, some 5 per cent of all tax-paying couples, have volunteered to pay independent taxation? Can she not accept that that might be just due to the unpopular nature of the move to force people on to this? Would she consider perhaps rethinking it?

**Deputy E. Millar:**

I do not agree with Deputy Farnham that there is overwhelming or in fact very much evidence at all that people are opposed to this move. It was supported by this Assembly. It is entirely the right thing to do. There may be small groups of people who object to the move, I think particularly the older people who, as I said, will be supported. People who are worse off will be supported by the compensatory allowance. I have to say I am not clear whether people are necessarily better off through moving to independent taxation. I see no reason to now move from the stated intention of this Assembly and to not introduce independent taxation across the board. The reasons for doing that on a mandatory basis was set out in my very recent letter to Scrutiny, and I am sure that letter could be made available to all Members if Scrutiny agreed. I am not sure if it has already been published.

## **4.2 Deputy M. Tadier of the Minister for Social Security regarding parental leave (OQ.85/2023)**

Will the Minister advise whether seasonal workers are able to claim parental leave, including 6 weeks' paid leave and 52 weeks' unpaid leave; and if so, is the Minister aware of this entitlement having ever been claimed?

### **Deputy M. Millar (The Minister for Social Security):**

Entitlement to parental leave is a day one employment right, enjoyed by employees regardless of the type of employment contract they have in Jersey. This will include those seasonal workers who come to the Island on work permits. On the expiry of the work permit and the departure of the employee the rights conferred by the Employment Law inevitably fall away. I am not aware whether this right has been exercised by such an employee as a seasonal worker. There is no reason why an employer would inform the Government about an individual's entitlement to parental leave or whether they decide to exercise that right. That is a matter between the employee and the employer.

### **4.2.1 Deputy M. Tadier:**

I thank the Minister for confirming what I broadly thought was the case. I am slightly intrigued by the word "inevitably", in that the rights inevitably fall away. Could she confirm as, for example ... of course there are different seasonal workers for different contracts, maybe 9 months, maybe a year, maybe 3 years. What would happen if somebody, let us say, 8 months into a seasonal 9-month work permit decided they want to take their 6 weeks pregnancy leave? Would they then be deported at the end of the 4-week period because their work permit had finished? Would the payment, because I know it is a question to Social Security, after 4 weeks simply terminate or would the 6 weeks be paid in absence of the worker not being in Jersey?

### **Deputy E. Millar:**

Employment rights are only enforceable when one is an employee. If the employment contract terminates then the employment rights under that contract terminate. I cannot comment on whether a person may be deported. That is not a matter for Social Security. I would like to think not. The work permit situation and the employment right situation overlap. But where a person has an accrued right then I am sure it will be paid.

### **4.2.2 Deputy G.P. Southern of St. Helier Central:**

It occurs to me that these rights are statutory and cannot be dismissed by just saying that is a matter between the employee and the employer. It is a matter for the Social Security Department surely.

### **Deputy E. Millar:**

I do not believe any employer is required to notify Government when employees take sick leave or maternity leave or parental leave, or any form of employment right, so we have no way of knowing that. I am not aware that this has been raised with us through any forum. Jersey Advisory and Conciliation Service have done a lot of work to make sure people are aware of parental rights. Parental rights and seasonal workers is not something that has been flagged with my department.

### **4.2.3 Deputy G.P. Southern:**

Is the Minister's problem one that we have not defined how long contracts will last; whether it is 9 months, 2 years or 3 years? Therefore these rights must pertain to some of those workers; does she not agree?

**Deputy E. Millar:**

The rights in question, as I have said, apply to all employees from day one of their employment. The length of the contract is irrelevant. If you are in a contract and you require parental leave you are entitled to that leave under our employment law. It is statutory.

**4.2.4 Deputy L.V. Feltham of St. Helier Central:**

Could the Minister inform the Assembly what, if any, measures the department takes to ensure that employers are compliant with the Employment Law?

**Deputy E. Millar:**

I do not think that is a job of the Social Security Department. That is why we have ... the Employment Tribunal, I believe, has the remit to address issues for employers of failing employees and employers can go to the Advisory and Conciliation Service for advice to help deal with such matters. Where issues are flagged with us, we will address them. Where there appears to be serious breaches but nobody has applied to come to ... employees and employers do not come to Social Security if they have issues with the law.

**4.2.5 Deputy L.V. Feltham:**

The Minister mentioned that the tribunal is open to take employment disputes, however in order to go to a tribunal you do need to be aware of what your rights are and also employers need to know what they should be doing for their employees. If the Minister does not consider it her department's role to ensure compliance what has her department done to ensure that both employees and employers understand their rights in accordance with the law?

**Deputy E. Millar:**

As I have just said, the Jersey Advisory and Conciliation Service, which are funded by Government, are there to advise both employers and employees about employee rights. Those are, I believe, well publicised and an employer has a duty to know what his or her or their obligations to an employee are and to be aware with their legal advisers, with their H.R. (human resources) advisers who are professional people, what their obligations are.

**4.2.6 Deputy M. Tadier:**

There will no doubt be other follow-ups offline but can I thank the Minister first of all for those answers? Can I ask her whether she agrees that there is an inherent duty of care on her department and on Government to look after the hundreds, potentially in the thousands, of seasonal workers that we have in the Island, to make sure that we do not simply wait for problems to arise but we know that how these day one rights might work out in reality, so that when they arrive both they and the employer are fully informed? If so, would she look to having a piece of work in her department to explain these rights more clearly to those 2 groups?

**Deputy E. Millar:**

I do not think it is right to say that Government has a duty of care to employees of an employer. The employer has a duty of care and the liability to ensure that their employees' rights are observed. Work already exists to give seasonal workers guidance as to their rights. I think this may have been a subject of a question recently. I believe revised guidance for seasonal workers is in hand. There is already information available on websites. It is available on websites because it can be translated into multiple languages. I think we recently agreed with the Kenyan ambassador that certain of some of that information would be translated into Swahili. Government is doing everything it can to make sure that seasonal workers are aware of their rights and that employee and employers must also play their part in ensuring that those rights are observed.

### **4.3 Deputy C.D. Curtis of St. Helier Central of the Chair of the States Employment Board regarding guidelines for the appointment of senior States employees (OQ.77/2023)**

Will the Chair state how many senior civil servants and appointees, if any, have been appointed within the last year without going through the process as outlined in the Jersey Appointment Commission's *Guidelines for the recruitment of Senior States Employees, appointees and members of independent bodies*; and, if the process has not been followed, will the chair explain why and whether this is considered to be acceptable practice?

#### **Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter (Chair, States Employment Board):**

The appointment process of senior civil servants and appointees is overseen by the Jersey Appointments Commission. The oversight and assurance is clearly described in the guidelines. This includes not only recruitment but succession planning, oversight and the audit of appointments conducted under significant reorganisations such as the implementation of a new target operating model. There has been one role, the recently recruited chief officer of Health and Community Services, which was not overseen by the commission. The needs of regulatory governance and financial accountability continued to be met however.

[10:00]

Both the chief executive and the chief people officer met with the chair of the Appointments Commission to explain the circumstances and the rationale for the urgent appointment to an interim role as an exception. The chair was also informed in writing to regularise the position. The chair of the J.A.C. (Jersey Appointments Commission) welcomed the discussion and assurances of future conduct after the explanations. The need for urgency was an exceptional circumstance that did not follow the guidance on this one occasion. The interim chief officer had recently gone through an open competition to lead the turnaround team that was overseen by the Jersey Appointments Commission.

#### **4.3.1 Deputy C.D. Curtis:**

I do not think that was an answer to my question because I did ask about whether the process has been followed and not overall guidance, but the process which is clearly set out.

#### **Deputy K.L. Moore:**

I believe that I have answered the question quite clearly and talked through the process that occurred in this occasion for what is an interim chief officer role.

#### **4.3.2 Deputy S.Y. Mézec:**

Could I ask the Chief Minister what role Ministers play in the appointment of senior civil servants in the departments for which they are responsible?

#### **Deputy K.L. Moore:**

As the Deputy is I am sure well aware, Ministers do not play a significant role in the appointment of senior civil servants.

#### **4.3.3 Deputy S.Y. Mézec:**

Does that mean, therefore, that senior civil servants can be appointed without appropriate input or approval from Ministers, leading to a risk that Ministers end up forced to work with senior officials who they do not personally have confidence in?

#### **Deputy K.L. Moore:**

I am sure the Deputy is familiar with the Employment of States of Jersey Employees Law, which sets out the process for the Appointments Commission. There is sometimes an informal process with a Minister in that process, which is set out in the law, but it is not something that is set out in the law.



#### **4.3.4 Deputy R.J. Ward of St. Helier Central:**

The appointment that has been spoken about here is an interim appointment. Can we be assured that any permanent employment will go through the full process that is being asked about today?

#### **Deputy K.L. Moore:**

I thank the Deputy for the question. Yes, this is a fixed term interim appointment and of course we will be going out for the substantive appointment very shortly. That, of course, will follow the processes and will be overseen by the Jersey Appointments Commission.

#### **4.3.5 Deputy R.J. Ward:**

Can I ask whether the chair of the S.E.B. (States Employment Board) believes that having had a temporary interim appointment gives an advantage to a particular candidate in any circumstance as we move through it, because we have seen shifts through our leadership in our civil service over the last few years?

#### **Deputy K.L. Moore:**

I would suggest that that will wholly depend upon the circumstances of each role. I can perhaps think of a circumstance that the Deputy might be pointing to but I can only say that if there is any candidate that seems to be in a poll position that would only be because of the level of experience that they bring to the role and the value that they will bring to the organisation and the people of Jersey.

#### **4.3.6 Deputy M.R. Scott:**

Could the chair of the S.E.B. just expand on the distinctions between the circumstances that might lead to the circumvention of the normal procedures to recruit an interim senior officer in this way as opposed to other interim officers, such as the interim chief executive?

#### **Deputy K.L. Moore:**

As I identified in the opening to this question, there had recently been a recruitment process that was overseen by the Jersey Appointments Commission to identify the lead of the turnaround team, which is doing a fantastic piece of work to benefit Health and Community Services. Therefore the decision was taken, given the short timeframe with which we had to replace an accountable officer to this role, that the recruitment process would not be normally followed.

#### **4.3.7 Deputy C.D. Curtis:**

I would ask that my question be answered. The process as set out by the Jersey Appointments Commission *Guidelines for the recruitment of Senior States Employees, appointees and members of independent bodies* has particular guidelines of how this process is carried out. I have heard of numerous instances where this has not been done. I ask the Chief Minister if she could come back with more details on my question and whether she is aware that the public considers this could be down to nepotism in some cases?

#### **Deputy K.L. Moore:**

That is a very strong allegation and I refer the Deputy back to my previous answer, which outlined that a formal process had been conducted for the interim role that was overseen by the Jersey Appointments Commission. Sometimes it can feel that we cannot do right to do wrong. Of course many people in watching events in this Assembly and in the Government wider, often voice their view that it would be good to see the people who have come through the system locally to rise to the top. This is one such occasion when an interim appointment was made. A person who has been in the process locally and contributed widely to the work of government rose to the top. I simply believe that I have answered the question fully and there is a constant process of following the guidelines

and communicating closely with the Jersey Appointments Commission to ensure that their processes are followed.

**Deputy S.Y. Mézec:**

Can I raise a point of order?

**The Deputy Bailiff:**

Yes, of course.

**Deputy S.Y. Mézec:**

Standing Orders of course require that answers that Ministers provide have to be directly related to the question that was asked. Deputy Curtis in her questions has multiple times referred “the process”. The Chief Minister has answered referring to “a process”. They are not necessarily the same thing and Deputy Curtis is very clearly asking about the process and has named it in her questions, and I think that is where the confusion has arisen why Deputy Curtis has followed it up.

**The Deputy Bailiff:**

So what is the ruling you are asking for?

**Deputy S.Y. Mézec:**

Whether her answer was indeed directly related to the question, given that her answers referred to “a process” not “the process”.

**The Deputy Bailiff:**

My interpretation of the chair of S.E.B.’s answers was that it was in the affirmative; the process has, other than a single instance, been followed. But I may have missed the nuance of the difference between “a process” and “the process”. Chief Minister, are you able to clarify whether there is any difference in the distinction? Is it the process that has been followed on all occasions bar one or is it a process?

**Deputy K.L. Moore:**

I do not think I can really help you on that one, although I would point out that in her final question the Deputy did talk about the guideline set out in the process, and I think that perhaps indicates where some of the confusion may be coming from if there is any suggestion of imprecision in my answer.

**The Deputy Bailiff:**

But you intended in your answer to refer to the process, the only process that we are aware of; is that what you intended?

**Deputy K.L. Moore:**

Yes, Sir.

#### **4.4 Deputy M.B. Andrews of St. Helier North of the Minister for Treasury and Resources regarding Jersey’s current “national debt” (OQ.74/2023)**

Will the Minister provide details of Jersey’s current “national debt” as a percentage of gross domestic product?

**Deputy I.J. Gorst (The Minister for Treasury and Resources):**

By “national debt” I have assumed that the Deputy means borrowing by the States. The States have issued 2 public bonds in 2014 and 2022. The former for £250 million has supported our social housing programme and the latter for £500 million has predominantly been used to repay past service pension liabilities. In the Government Plan 2023, this Assembly approved a borrowing limit of just

over £90 million for the year, which will be drawn from the revolving credit facility. At present only £11 million has been drawn. The most recent assessment of our debt to G.D.P. (gross domestic product) was published by the independent rating agency, S.&P., on 13th January this year. Their forecasts, with which I concur, indicate a debt to G.D.P. ratio at the end of 2022 of 13.4 per cent.

#### **4.4.1 Deputy S.Y. Mézec:**

Could the Minister indicate to the Assembly what he believes is the acceptable limit for how much borrowing the States can responsibly sustain?

#### **Deputy I.J. Gorst:**

That is a good question. If we again look to what S.&P. have said, they have said - bearing in mind this was the previous Government - that they expect lending or borrowing to rise to a peak of 22.1 per cent in 2025. They maintain their credit rating based on that level of borrowing. We remind ourselves that borrowing does not just take place at one time; it can be done over a period of time, therefore reducing the overall percentage. It depends on the circumstances at the time of course.

#### **4.4.2 Deputy M.R. Scott:**

Could I please ask the Minister for Treasury and Resources just to explain, when he talked about the peak, to which country was he actually referring? Was he talking about an average? Also whether there are different circumstances such as having countries not being able to issue their own currency as opposed to needing to have reserves to support their borrowing?

#### **Deputy I.J. Gorst:**

The peak was S.&P.'s assessment of what was proposed for Jersey. The Deputy of course is quite right, the mechanisms that Jersey has at its disposal are different to other countries. She highlights the issue of control of currency, so fiscal or monetary policy. We know from reading the S.&P. review that what is critically important in their assessment for us is liquid assets in reserve.

#### **4.4.3 Deputy G.P. Southern:**

The Minister referred to an S.&P. figure of 21 per cent being the relevant rate for us. What is the S.&P. figure for current borrowing now, as we stand?

#### **Deputy I.J. Gorst:**

A little bit disheartening when I have already answered that question in my opening comments, but I will reiterate it. Firstly, the S.&P. peak was 22.1 but now it is 13.4.

#### **4.4.4 Deputy P.M. Bailhache of St. Clement:**

Would the Minister agree that whenever the States borrows money there should always be a reasonable and rationale plan for its repayment?

#### **Deputy I.J. Gorst:**

Absolutely.

#### **4.5 Deputy M.R. Scott of the Minister for Health and Social Services regarding the discharge of patients from hospital and support in the community (OQ.87/2023)**

Will the Minister advise how many hospital beds are currently occupied by patients unable to be discharged due to either a lack of supplies of equipment (such as respirators) for use outside the hospital, or support in the community that would otherwise allow their release; and what measures, if any, are currently being taken to alleviate any such bed-blocking situations?

**Deputy K. Wilson of St. Clement (The Minister for Health and Social Services):**

Currently I can advise the Assembly that there are 29 medically fit for discharge patients waiting for either a domiciliary care package or placement in a residential nursing home. As of last week, of the 29 patients, 9 were waiting for assessments for a domiciliary care package, a specific nursing home or residential placement, 10 have been assessed and accepted for either a domiciliary nursing home or residential care placement and are expected to be discharged from the hospital within the next 7 days; 4 patients are waiting assessment for specialist dementia beds in the community, the 2 nursing homes who provide this specialist care are currently full, which is the reason for the delay, and 6 patients are waiting for reassessment by another provider or are waiting to start their domiciliary care package.

[10:15]

In terms of alleviating delayed transfers of care, the discharge team are in daily contact with care providers to ascertain the availability of both packages of care and residential and nursing home placements. For domiciliary care providers, the delay in accepting patients, is primarily due to their inability to support packages of care because they have insufficient carers to meet demand. For nursing and residential care home managers, the reason is normally because they either have no bed availability or their staffing levels are low. Once patients have been assessed and accepted for domiciliary care or to a residential or care home placement, hospital discharge is normally prompt. No patients are experiencing a delayed hospital discharge due to lack of equipment in the community.

**4.5.1 Deputy M.R. Scott:**

I thank the Minister for her answer. I would just like to point out the final part of my question and ask what measures, if any, are currently being taken to alleviate any such bed-blocking situations? Also, perhaps she could give us an idea of the average time that is being taken to enable these patients to either go into domiciliary care or dementia care?

**Deputy K. Wilson:**

There are a whole range of measures which are involved in trying to help people make the transition from hospital to either home or a nursing or a residential home placement. One of the things I have already talked about is the discharge co-ordination team who are, in the main, the team who facilitate that with patients and families and the care providers. One of the things that we are looking at in the future is to look at the market assessment, undertake a market assessment to understand whether we have the right provision across the Island. At the moment one of the key features is trying to attract the workforce into the sector. So another measure is trying to make the sector attractive. I know we have been in conversations with colleagues in the sector to see what it is they are doing to try and encourage people both locally and overseas to come and work in the sector. In addition, to that, we have also got the review of long-term care, which will certainly be a feature that we will be talking about in the future. But, as I say, most of these measures all pull together to provide a comprehensive approach to the way in which delayed discharges are managed from the hospital.

**4.5.2 Deputy G.P. Southern:**

In an attempt to make this sector more attractive in terms of working in it, has the Minister reviewed the terms of the ethical care charter first voted for in this Assembly 5 years ago and say what progress has been made in making homecare better paid with better conditions in order to attract those necessary workers?

**Deputy K. Wilson:**

I can advise that we have not made much progress around the ethical care charter. But we have, and I will say again, been in discussions with the independent nursing home and domiciliary care sector to understand the position, which is why we want to take stock of the conditions overall in terms of

what factors are impacting on their ability to provide, as well as to recruit staff, and also how we build that into the future model of care in terms of what workforce development we need to prepare for the future.

#### **4.5.3 Deputy G.P. Southern:**

That statement “we have not made much progress”, can I take that as we have made no progress? Either that, or it has not been discussed yet when it ought to be because we are talking about attracting people back into a sector which used to be full?

#### **Deputy K. Wilson:**

I think that the Deputy will appreciate that this sector has always been fraught with issues around employing people on a sustainable basis due to the variety of options that now are in the workplace. One of the things that we have to do is we have got to provide some focus on the sustainability of the market. I can confirm that we have made progress with regards the ethical care charter, and I do make my apologies for that.

#### **4.5.4 Deputy M.R. Scott:**

I note in the Minister’s answer she mentioned 2 reviews; one being of long-term care and the other being a market assessment. I just wondered when the market assessment was going to start and when she expected some report to be made?

#### **Deputy K. Wilson:**

I cannot give any timescales at the moment. We have just recently been discussing this but I can provide to the Assembly with more detail in due course.

#### **The Bailiff:**

Before we move on to the next question, could I just remind those answering questions that there is a convention by which no answer takes more than one minute 30 seconds, so 90 seconds is the answer? One or 2 individuals have crossed that line, sometimes fairly significantly. I will be policing that a little bit more assiduously in the future.

### **4.6 Deputy L.V. Feltham of the Minister for Treasury and Resources regarding resources within Revenue Jersey (OQ.82/2023)**

Will the Minister provide his assessment of whether Revenue Jersey is adequately resourced to undertake its functions relating to the administration and collection of taxes efficiently and effectively?

#### **Deputy I.J. Gorst (The Minister for Treasury and Resources):**

Investment in Revenue Jersey has been very significant over the past 10 years. In monetary terms investment stood at 4.7 in 2013 and has doubled to 10.6 in 2023. I recently told the C.S.S.P. (Corporate Services Scrutiny Panel) that I was satisfied that Revenue Jersey is, broadly speaking, adequately resourced and I continue to keep the resourcing of Revenue Jersey under review.

#### **4.6.1 Deputy L.V. Feltham:**

I noted in the Minister’s answer he said “broadly speaking”, which was not 100 per cent. I want to focus on compliance. I note that the 2021 annual report noted that a compliance programme had delivered over £20 million in taxes. Is he confident that the department is adequately resourced to ensure that that compliance continues and that the department is, in fact, collecting all of the revenue that is due to be collected?

**Deputy I.J. Gorst:**

The compliance role of the department obviously is one with which the Minister rightly should not be involved. The department has a compliance plan. It targets certain areas that it carries out compliance in. That should not be governed by Ministers or politicians for the reasons that we well understand. The overall resource in regard to the department is something that myself and the Ministerial team have fruitful conversation around, to ensure that resource is deployed at the right place at the right time when the department is suffering a strain of Islanders wanting to contact them, particularly when tax returns are due or their tax liability has been issued or a new I.T.I.S. (income tax instalment scheme) rate has been issued.

**4.6.2 Deputy S.Y. Mézec:**

Could the Minister explain how much of Revenue Jersey's resources are expended on correcting incorrect I.T.I.S. notices being issued in the first place?

**Deputy I.J. Gorst:**

As the Deputy would know, the departments do not budget in that regard. At any given time there might be an increased workload in any given area and staff are deployed appropriately to cover those pressures and those priorities. The I.T.I.S. system is, of course, something that is quite unique to Jersey and it arose out of the taxation system P.Y.B. (prior year basis) and current year basis. It is the best guesstimate, dependent on circumstances of individuals and families, and does fluctuate. That requires the department to do work. It also requires individuals to do work. I find it straightforward but I understand that many people find it quite complex and complicated. The only way ultimately to resolve it is to move to a pay-as-you-go basis, but I think that will be a great upheaval and be complex as well.

**4.6.3 Deputy S.Y. Mézec:**

Does the Minister accept that for many Islanders it is a recurring instant every year that they receive their I.T.I.S. notification, find that it looks strange to them, and have to go through a complicated process in getting it corrected? This does occur for Islanders who have relatively simple financial affairs. If the Minister does acknowledge that that is a recurring problem for many Islanders what is he doing to try to ensure that correct I.T.I.S. rates are being issued in the first instance so resources do not have to be expended on fixing them?

**Deputy I.J. Gorst:**

I have been quite clear since becoming Minister that one of my priorities was to support Revenue Jersey in improving their customer service, and this is just one of the areas where we are working together to support customer service. The department is aware of it. The department is working on this, along with other areas that perhaps have been difficult over the number of years where they have had a great deal of changes to the system. It is on their radar and I believe that they are making progress.

**4.6.4 Deputy R.J. Ward:**

Given that we have heard today that only 5 per cent have opted for individual taxation, can the Minister reassure that the Tax Department will be adequately resourced and staffed in order to deal with the move to independent taxation?

**Deputy I.J. Gorst:**

I was quite clear in answer to this question from Scrutiny last week - I am not sure if it was Friday or not - that if we follow the previous decision of the Assembly and move to independent taxation on a mandatory basis then I believe that we can use the resources that we have currently got to largely deliver that. There may be some requirements but they will be marginal. If we move to a 2-basis

system where one is able to choose and volunteer then there will be added costs to that but we will have to address that if the proposal, when the legislation comes forward, is sought to be amended by members of Scrutiny or by Back-Bench Members.

**4.6.5 Deputy R.J. Ward:**

In that answer the Minister said “largely adequate”. The devil with tax is in the detail, as we all know. Can he reassure that it will be wholly adequate to deal with the move to independent taxation?

**Deputy I.J. Gorst:**

My department is like everyone else’s department. When we are following the Government Plan process there is always a desire right across the 10 or 11 departments that they would like a little bit more money to do this, that or the other. The job of the Minister for Treasury and Resources is to make sure that they are delivering value for money, and that is not just me challenging other Ministers, it is me challenging my own officials as well.

**Deputy R.J. Ward:**

Is that a yes or a no, just out of interest?

**The Bailiff:**

I would not like to have to rule on that particular point, Deputy.

**4.6.6 Deputy G.P. Southern:**

Many a taxation Minister has stood there and said how compliant and co-operative our tax base is. Has it changed and got worse over the years or not?

**Deputy I.J. Gorst:**

I do not believe it has. I believe what has changed largely is the international standard and the way that the department now has to comply with all sorts of requirements around exchange of information around individual’s details. The Deputy knows we have had F.A.T.C.A. (Foreign Account Tax Compliance Act), we have had C.R.S. (Common Reporting Standard), we have had changes to our own domestic system. Now we have to show that we can comply and we are judged by the international standards.

**4.6.7 Deputy L.V. Feltham:**

I was interested to hear the Minister talk about delivering value for money and, indeed, in order to deliver value for money the Tax Department needs to ensure that it is collecting all revenues that are due in a time-efficient manner.

[10:30]

Can the Minister tell the Assembly that he is confident that his department is able to do that and if it is not able to do that will he support a business case going into the government planning process that is now, I believe, due to start?

**Deputy I.J. Gorst:**

As I indicated earlier, myself and the Ministerial team have worked carefully with Revenue Jersey to ensure that they are using their resources appropriately for the priority of Islanders and the priorities of this Assembly. That is why I use the words that I did, that I believe that they are, broadly speaking, adequately resourced. I cannot stand in this Assembly in advance of a Government Plan programme and say that I would support A, B, C, D and E proposals for growth money because if I did the issuing Government Plan would be well without the envelope of income coming into the States. It is about balance. It is about delivering efficiently and delivering value to Islanders.

#### **4.7 Deputy T.A. Coles of St. Helier South of the Chief Minister regarding alcohol consumption in Jersey (OQ.84/2023)**

Given that when ranked against O.E.C.D. (Organisation of Economic Co-operation and Development) countries in relation to alcohol consumption Jersey came second, will the Chief Minister advise what the Government's assessment is of why Islanders consume so much alcohol?

##### **Deputy K.L. Moore (The Chief Minister):**

Firstly, it should be said that, of course, the Council of Ministers is concerned by this position in the O.E.C.D. table. Public health are currently doing research with Islanders to understand more about their health and well-being. One of the themes in this research is attitudes to alcohol. We are specifically holding focus groups to understand more about the impact of alcohol on Islanders' health and well-being. As part of that research, we will look to understand what drives consumption and what opportunities there might be to reduce consumption. I would, therefore, not want to prejudge the findings of that research.

##### **4.7.1 Deputy T.A. Coles:**

Does the new substance use strategy brought forward by the Minister for Home Affairs fall under an area of relentless focus, given its impact on our society?

##### **Deputy K.L. Moore:**

The new substance strategy has recently come to the Council of Ministers. We had a very interesting conversation about it. It is subject to some further refinements and it will be brought and published shortly.

##### **4.7.2 Deputy M. Tadier:**

Does the Minister believe that the policy about minimum pricing for alcohol and also a ban on happy hours and promotions, et cetera, has had any impact at all? Is it a policy that she supports?

##### **Deputy K.L. Moore:**

I am not cited on and certainly cannot recall at the moment the result of that work. What I am aware of is that pricing and affordability is one of the factors that does determine alcohol consumption. We can see that in lower income households there is less alcohol consumption. I can give the exact details: 22 per cent of households with income less than £40,000 show the lowest level of hazardous drinking.

##### **4.7.3 Deputy M. Tadier:**

Specifically on those policies about minimum pricing and promotions being banned, does she think that those kind of policies should be made by politicians?

##### **Deputy K.L. Moore:**

Ultimately, I would imagine that that is a political judgment and it has been in the past. I do believe that the Economic Development team have the licensing laws on their list of work to be done.

##### **4.7.4 Deputy R.J. Ward:**

May I ask the Chief Minister for a timeline on when the substance abuse strategy will be produced and delivered?

##### **Deputy K.L. Moore:**

As I said in my earlier answer, the strategy is due to be published shortly and then I presume it will move to delivery at a later date.



#### **4.7.5 Deputy R.J. Ward:**

I did ask for a timeline, but okay. The substance abuse strategy is based around it being a health issue rather than it being a punitive issue, so does the Minister believe there is enough support for organisations that support those who misuse alcohol and are wanting to change their behaviours?

#### **Deputy K.L. Moore:**

We have a number of organisations in the Island who do work with people who misuse substances and alcohol. Whether that is enough is not something that I could give a proper answer to because I do not have with me any of the figures or indeed the number of people that are treated or supported by those groups. I am sure I could ask Health and Community Services if they might have that information to share with the Deputy.

#### **4.7.6 Deputy G.P. Southern:**

Is the Minister aware of the current public health initiatives to reduce unhealthy activity in our community? Is she prepared to back that with the right level of funding?

#### **Deputy K.L. Moore:**

This Council of Ministers has already agreed to support more of an approach to public health and preventative measures. We are committed to ensuring that there is a greater level of funding to direct our activities at the earliest stages of health and well-being.

#### **4.7.7 Deputy G.P. Southern:**

When the Minister talks of extra funding, what sort of levels are we talking about: doubling of the price that we need to exact from our community or otherwise?

#### **Deputy K.L. Moore:**

I do not have any specific figures to hand at the moment in terms of the level of funding that we are providing to public health colleagues at the moment, but I can say that it is a priority. Also, the Deputy was suggesting that we might be looking to draw more money out of the general public's purses to fund such measures. As I said, we are embarking on that work in relation to licensing laws, so I certainly would not be able to give any reasonable indication of that at this time.

#### **4.7.8 Deputy T.A. Coles:**

I am going to steal a question that was put from a Jersey Youth Assembly member, who sat in my seat and was very good. What does a successful substance youth strategy look like to the Chief Minister?

#### **Deputy K.L. Moore:**

Things start at the beginning, do they not? If people are leading a happy and fulfilling life and enjoying a good quality of life then they have less cause to seek to ease any pain that they might feel by abusing substances or alcohol. I take the hope that people will enjoy a good quality of life in the Island and that our community will be one where everyone can thrive and therefore they shall not seek to misuse substances.

#### **4.8 Deputy R.J. Ward of Minister for Children and Education regarding the Jersey Graduate Teacher Training Programme (OQ.80/2023)**

Will the Minister advise the current completion rate of the J.T.T. (Jersey Teacher Training) Programme and also the retention rate, up to 2 years from completion?

**Connétable R.P. Vibert of St. Peter (Assistant Minister for Children and Education - rapporteur):**

In the absence of the Minister, I will answer the question. The Jersey Graduate Teacher Training Programme was launched in 2004 and has been a regular annual programme since 2011. Teachers who complete the Jersey Graduate Teacher Training Programme must also complete the E.C.T. (Early Career Teacher) induction, previously known as the N.Q.T. (Newly Qualified Teachers). In order to confirm the qualified teacher status, at this point they are fully qualified. Between 2018 and 2022, 40 trainees have started the Jersey Graduate Teacher Training Programme. Two withdrew during the course of their training. Of the remaining 38, there was a 100 per cent pass rate and 95 per cent are currently teaching in Jersey schools, according to analysis in 2022. The retention rate across the programme as a whole remains very high, with 74 per cent of all locally-trained teachers since 2004 still teaching in government schools this academic year. There may be some teaching in local non-provided schools that we are not aware of. This year we started the Teacher Training Programme with 24 trainees. Two withdrew and the remaining 22 will receive their final assessment at the end of this summer term. Looking specifically at 2022, we had 4 people on the training scheme. There is a 100 per cent pass rate and all are currently working in Jersey schools. In 2021, there were 11 trainees. Again, a 100 per cent pass rate and 10 are still currently working in Jersey schools. In 2020, there were 8 trainees. One withdrew mid-year. There was 100 per cent pass rate among the remainder and all are currently working in Jersey schools.

**4.8.1 Deputy R.J. Ward:**

I thank the Minister for that long answer. There is a huge amount of support required in the classroom from members of staff who are already working, what happens if the level of support required for an effective training is not available? Can the Minister assure us that this level of training and support is always available?

**The Connétable of St. Peter:**

While I do not have any specific details, I am not aware that the specific resources are not available. The high pass rate confirms that people get the required training. The support for the resources is something that I would have to ask officers to provide further information on. I can do that, if you require that.

**4.8.2 Deputy S.Y. Mézec:**

Could the Assistant Minister confirm whether the department is aware of any increase in demand for that support from other staff members, given the large numbers of those going through teacher training?

**The Connétable of St. Peter:**

I am certainly not aware of that, but again if there is further specific information required I will ask officers to provide that to you.

**4.8.3 Deputy R.J. Ward:**

The Minister mentioned the Early Career Teacher year to complete the training. When J.T.T.P. (Jersey Teacher Training Programme) students complete the course are they offered permanent contracts or are they offered a one-year contract to complete the early career training?

**The Connétable of St. Peter:**

Unfortunately, that is not information I have with me, but again I will ask for that to be provided.

#### **4.9 Deputy S.Y. Mézec of the Chief Minister regarding re allegations of bullying by Ministers (OQ.78/2023)**

Will the Chief Minister advise whether during her time in office any civil servants have formally asked for investigations to take place regarding allegations of bullying by Ministers?

##### **Deputy K.L. Moore (The Chief Minister):**

I have written to the Deputy in his capacity as chair of the Corporate Services Scrutiny Panel. As I said in that letter, no formal grievances have been raised. Should there be any formal complaint, we will ensure that policy and procedures are adhered to.

##### **4.9.1 Deputy S.Y. Mézec:**

It is indeed the case that in her original letter to me the Chief Minister said that no formal grievances have been raised or investigations undertaken. In a second letter she sent subsequent to that, she referred to another process on a separate matter is expected to be resolved through mediation, in line with the objectives of seeking a formal resolution. What is a separate matter and does it not arise from a formal grievance being raised or an investigation being requested into accusations of bullying from Ministers?

##### **Deputy K.L. Moore:**

The matter that was being referred to is a completely separate one. It is a matter that has also fallen away. It was never a formal matter.

[10:45]

##### **4.9.2 Deputy R.J. Ward:**

Can I ask the Chief Minister: formal grievances are very difficult decisions to be made by members of staff who have to work within the environment. Is she aware of any allegations or any concerns that have been raised from grievances not being reached simply because the member of staff felt they could not?

##### **Deputy K.L. Moore:**

As I said in my first answer, there are formal processes and procedures. I would hope that if anyone did have a genuine matter that they wished to raise as a formal grievance that they would feel able to do so.

##### **4.9.3 Deputy R.J. Ward:**

Does the Minister believe that members of the civil service have enough knowledge of the Commissioner for Standards, so that they could use the Commissioner for Standards for an anonymous complaint, should it be necessary, if they do not feel they could do that in the work place?

##### **Deputy K.L. Moore:**

The work of the Commissioner for Standards has been in place now for some years. It has been quite widely communicated. Therefore, I do believe that people know of its existence and, of course, use it from time to time. There are, of course, internal processes and procedures and a whistle-blowing process also.

##### **4.9.4 Deputy L.V. Feltham:**

Would the Chief Minister be able to inform the Assembly what steps somebody would need to take if they wished to lodge a formal grievance?

**Deputy K.L. Moore:**

I am not a manager in my political role, but somebody would in the first instance contact their line manager. If one looks at the whistle-blowing process on the website and if a matter relates to a States Member then the person should do that through the chief executive or their office.

**4.9.5 Deputy L.V. Feltham:**

Can the Chief Minister confirm that, in accordance with the relevant policy, complaints that are made in relation to States Members should in fact be forwarded by whoever takes them to the Commissioner for Standards?

**Deputy K.L. Moore:**

The whistle-blowing process is an internal Government of Jersey process that is administered by People and Corporate Services. That would be a matter for them. As I say, I am not a manager, I am a politician.

**4.9.6 Deputy S.Y. Mézec:**

These answers are going to be studied very carefully after this States sitting. Could I ask the Chief Minister, following the letter from Scrutiny asking whether complaints or issues or investigations have been asked for into allegations of inappropriate conduct or bullying of civil servants by Ministers, to whom did the Chief Minister go to obtain the information she needed to provide her answer that apparently no formal grievances or complaints had been made? I will leave it there for now.

**Deputy K.L. Moore:**

I do find the Deputy's tone a little threatening.

**The Bailiff:**

I understand the observations, but we will leave it as exchanges through the Chair in the normal way. The question is: from whom did you seek information in answering in the manner that you did?

**Deputy K.L. Moore:**

Letters are prepared and answers are prepared also through the usual channels with officials and particularly those officials who were involved in whatever the matter that is being answered relates to.

**4.10 Deputy C.S. Alves of St. Helier Central of the Minister for Home Affairs regarding Violence against Women and Girls Taskforce (OQ.89/2023)**

Given that it has previously been stated that the report from the Independent Taskforce on Violence Against Women and Girls will be published by April 2023, will the Minister advise when the report and its recommendations will be published?

**Deputy H. Miles of St. Brelade (The Minister for Home Affairs):**

Publication of the taskforce's report and recommendations was delayed after the decision was taken to extend the public call for evidence until late January 2023 in order to increase rates of engagement. The qualitative research period was also extended beyond what was initially anticipated, as researchers wanted to ensure there was adequate time to meaningfully engage with professionals, victim survivors and children and young people. The taskforce is now due to publish its report and recommendations in July 2023.

**4.10.1 Deputy C.S. Alves:**

I thank the Minister for her answer. How will the Minister handle and implement the recommendations of this report when she currently has no jurisdiction over the court system in Jersey, unlike our counterparts in England and Wales' Justice Ministry?

**Deputy H. Miles:**

First of all, it is important that I do not second guess the report. I have not seen the report and I have not seen the recommendations, therefore I am unable to give a comprehensive answer to that question.

**4.10.2 Deputy R.J. Ward:**

Does the Minister have faith in the law officer and the courts to make the changes from the report to improve systems for citizens, women and girls, because some of the recommendations could be quite radical?

**Deputy H. Miles:**

I refer to my previous answer. I have not seen the report, I have not seen the recommendations and I will make up my mind when I do so.

**4.10.3 Deputy R.J. Ward:**

Does the Minister believe that perhaps the Minister for Home Affairs, having more power to direct outcomes from such a report, would be useful for her regardless that she has not seen the outcomes yet?

**Deputy H. Miles:**

As the Deputy well knows, the court service in Jersey remains independent. The Attorney General is a Crown appointment not a Government appointment. The Minister has executive control of the justice function.

**4.11 Deputy R.J. Ward of the Minister for Social Security regarding repayment of carpet loans by Andium Homes tenants (OQ.81/2023)**

Will the Minister advise how many Andium Homes tenants are repaying special payment loans to Social Security for the provision of carpets? What is the total cost to income support of these loans?

**Deputy E. Millar (The Minister for Social Security):**

This question is similar to a written question that was answered on Monday, 6th February 2023 and public information is also available through an F.O.I. (Freedom of Information) request answered last year. It is estimated that there are approximately 114 households who are currently Andium tenants and are repaying a special payment loan for carpets. As explained in the response to the written question, only an estimate is possible because of the way loans are recorded. Where relevant, loans are consolidated for the convenience of the individual as a household could be repaying more than one loan; for example for carpets and whitegoods. It is not, therefore, possible to guarantee that the loan amount is wholly in respect of carpets without manually checking each income support claim. In addition, some households may have had loans prior to becoming Andium tenants. Our estimate of the total value of loans being repaid through income support is £108,000.

**4.11.1 Deputy R.J. Ward:**

Does the Minister feel that loan payments for carpets in a social housing provider could be removed if simply the housing provider put carpets into the home in the first place?

**Deputy E. Millar:**

That is a matter for the housing provider. Andium, for example, provides homes on a completely unfurnished basis. One advantage of them doing that is that it means they do not need to take a security deposit from the tenant to replace or renew damaged goods. By not taking a deposit, people will have funds available to pay for the carpets. It also allows people to choose what they want in their own homes rather than have to live with what a provider has placed in the house.

**4.11.2 Deputy M. Tadier:**

Is the Minister aware of her department providing loans for carpets to any members of the public on income support who are not in Andium, so renting in the private sector? What would her response be if somebody came to the department saying: "Can I have a loan to pay for carpets in my private rental accommodation?"

**Deputy E. Millar:**

Any income support tenant who requires a loan to buy carpets or whitegoods can obtain that regardless of the landlord.

**4.11.3 Deputy M. Tadier:**

Is the Minister concerned that Andium, as far as I know, seems to be the only housing provider, private or public, in Jersey, that do not provide their tenants with flooring? It is not just carpet. It could be that they move into a kitchen with concrete on it, rather than having laminate flooring. Is she concerned that this sends a signal out to other landlords that it is acceptable for them not to provide carpets because the Social Security Department will provide loans so that the tenants can pay for it themselves?

**Deputy E. Millar:**

I cannot account for what decisions housing providers or landlords make. Loans are available if people need flooring. It allows people choice in what they do in their own homes. Someone may come in and say they have a green sofa and the last thing they want is a red carpet. It matters to people that they have choices about their environments. It is entirely right that we provide loan funding to people to allow them to buy carpets or whitegoods where that is required. It does not matter who the landlord is; landlords make a choice and sometimes it is convenient for landlords. People may also decide they want to put wood or laminate flooring down in their homes.

**4.11.4 Deputy G.P. Southern:**

Given that the Minister has responsibility for the actions of her own department, would she agree that there has been a change in emphasis over the past few years, such that £1.2 million, given as grants, used to be the practice, £0.4 million is now given for whitegoods as a grant? The emphasis has gone from grants to loans. If you are living on income support it is very difficult to pay back that loan because you are living on the minimum possible for your circumstances and an extra £5 a week or £10 a week coming off your income.

**The Bailiff:**

This does have to come to a question.

**Deputy G.P. Southern:**

It does indeed.

**The Bailiff:**

Pretty well straightaway really.

**Deputy G.P. Southern:**

Well it was earlier. Is it not the Minister's responsibility to oversee proper behaviour on loans versus grants?

**Deputy E. Millar:**

I am not sure I understand the question. I believe the decision to move to loans rather than grants was a decision of this Assembly some time ago. My department are there to implement the decisions of this Assembly. We do not make it up as we go along.

**Deputy G.P. Southern:**

I would be grateful for a reference to where this Assembly agreed to such a move.

**4.11.5 Deputy S.Y. Mézec:**

The Minister has on previous occasions referred to a review of the benefit system. Could she explain to Members whether it is the case that this particular support mechanism is included in that review?

**Deputy E. Millar:**

I do not believe that has been picked up as something we need to review just at the moment.

**4.11.6 Deputy R.J. Ward:**

My supplementary question has changed given the answers given. Can I ask the Minister whether she would support a move back to a grant system, away from a loan system, for the least able to repay a loan in our community?

**Deputy E. Millar:**

That is quite a big question. There are cases where people are given grants. For example, care leavers are sometimes given grants for a number of things to help them set up homes. Otherwise, loans are repaid over quite a long period. People may move off income support and be paying loans because repayment schedules are agreed with the customer over a period of time, such that they can afford it within in their living. It is a matter for the States Assembly to change that.

[11:00]

**4.12 Deputy L.V. Feltham of the Minister for Treasury and Resources regarding the implementation of the Integrated Technology Solution (OQ.83/2023)**

Will the Minister provide an update on his assessment of the implementation of the Integrated Technology Solution, i.e. Connect, within his department?

**Deputy I.J. Gorst (The Minister for Treasury and Resources):**

The new system was implemented in January 2023. Connect is used by all departments across government and has been more than just a system implementation. It involves business change and adoption of standard processes across the organisation. With any change of this scale it was inevitable that issues would arise and indeed they have. They are being addressed. There is a process to raise any issues and high priority issues are being resolved quickly. The Government has replaced a 20 year-old unsupported financial system and today we are managing the Government's finances on a more modern cloud-based system.

**4.12.1 Deputy L.V. Feltham:**

I thank the Minister for his answer and his assessment that there have been issues that have arisen. Could he inform the Assembly of some of those major issues and some of the risks that his department might be carrying as a consequence?

**Deputy I.J. Gorst:**

I have already said this in the public domain, they have been mostly around raising and paying of invoices. Some of those are the system issues, which are being resolved. Some of them are simply the processes that have built up over time across the organisation. Any new I.T. (information technology) system cannot be simply introduced and digitised previous processes. Process has to change, there has to be change management, and then the I.T. system can work. As I stand here today, I would suggest that most of the challenges we face are around system change that perhaps was not done in the way that we had either hoped or expected to be done.

**Deputy L.V. Feltham:**

Excuse me, Sir, I do not think my question was answered in relation to risks that might arise out of those issues.

**Deputy I.J. Gorst:**

Sorry, Sir, I would have thought that that was straightforward. There is a great risk that if invoices are not paid then services will not be delivered into the future. The opposite of that is, of course, that invoices could be paid where it should not have been raised. This is a process that has to be worked through when it comes to historic invoices and it has to be worked through carefully, mitigating those risks. The overwhelming message is that individuals from my department are going out right across departments to support those departments to make sure that they understand how to use the system appropriately and are using the system appropriately, therefore, in the best way possible, mitigating those risks.

**4.13 Deputy M.R. Scott of the Minister for Housing and Communities regarding the collapse of the Garenne Group (OQ.88/2023)**

Will the Minister advise what investigation, if any, he has undertaken into the collapse of Garenne Group, including the impact any changes in contractual arrangement in light of market conditions between the group and social housing providers may have had?

**Deputy D. Warr of St. Helier South (The Minister for Housing and Communities):**

I thank the Deputy for her question. I am not aware of any investigations taking place. I understand that the circumstances leading to the collapse of the Garenne Group were very specific rather than sectorial. To the best of my knowledge, I understand that the largest contractual exposure for social housing related to the Andium Homes project at Cyril Le Marquand Court. Andium had contingency plans in place and were quick to react. In doing so, Andium was able to bring a new contractor on board within days, maintaining the continuity of employment of subcontractors, saving a significant number of jobs and ensuring that the development of the site is completed with the minimum of delay.

**4.13.1 Deputy M.R. Scott:**

Could the Minister advise if he is aware of any problems that were alerted to Andium by the group owing to the terms of the contractual arrangement and the change of market conditions that affected the ability of the group to perform its obligations without difficulty.

**Deputy D. Warr:**

I thank the Deputy for her question. I just want to clarify what the question exactly is. Is it about whether Andium knew beforehand that there was an issue? Is that the question the Deputy is asking?

**Deputy M.R. Scott:**

Thank you, yes. To clarify, it is whether Andium were alerted of a problem regarding the delivery of the contract in that way.



**Deputy D. Warr:**

To clarify that, I do not know. The answer to that would be with Andium. If the Deputy would like to direct that question to Andium, please do so.

**4.14. Deputy M.B. Andrews of the Minister for Home Affairs regarding prosecutions of individuals under 18 years of age (OQ.75/2023)**

Will the Minister advise the number of under-18s who have been prosecuted between 2017 and 2022 and of those prosecutions how many led to convictions?

**Deputy H. Miles (The Minister for Home Affairs):**

I thank the Deputy for his question. Between 2017 and 2022, 4,037 offences were recorded as crimes having been committed by young people. This is not unique individuals, because this would include repeat offenders. 1,416 unique young people were recorded as being a suspect in the committing of these crimes between 2017 and 2022, an average of about 236 per year. From those 4,037 recorded crimes, 685 have been charged, i.e. remanded to Youth Court. Of those 685 crimes charged, 240 were dismissed, 53 cases resulted in imprisonment, 48 resulted in a fine, 27 resulted in community service and the remainder were dealt with either by Probation or binding over orders.

**4.14.1 Deputy M.B. Andrews:**

Obviously this is an area of speciality for the Minister for Home Affairs, so I would like to ask the Minister if she believes there needs to be any changes in the approach to how we support young people who may be going through a difficult time?

**Deputy H. Miles:**

I thank the Deputy for his endorsement on my level of knowledge about this area. Clearly, as Minister for Home Affairs, and also personally, I would much prefer our young people are dealt with by the Parish Hall Inquiry System, which is obviously an excellent system that has been in operation for well over 800 years. However, I do acknowledge that there are times when the court is required to exercise its authority.

**4.14.2 Deputy R.J. Ward:**

May I ask the Minister whether there are records kept of “stop and search” and the age of those who have been stopped and searched? I ask the question as to whether, therefore, there is a link between the stop and search and these prosecutions or whether there is no link whatsoever?

**Deputy H. Miles:**

To the best of my belief, all stop and search are recorded on a pro forma. It is very difficult to understand whether the results of those stop and searches are linked to ultimate prosecution in court. Evidently, if somebody is stopped and searched and something is discovered, and there is evidence to suggest that an offence has been committed, that young people would be processed through the police in the usual way. That would be either filtering through the Parish Hall Inquiry System or, if the offence was so serious, being charged directly to the Youth Court. I hope that answers the Deputy’s question.

**4.14.3 Deputy R.J. Ward:**

Could I ask the Minister whether she has any concerns about stop and search particularly of younger members of our society, those under 16, for example, who may not have a parent nearby. There is a written question that says this has happened, so I want to ask the Minister whether she has any concerns around that area.

**Deputy H. Miles:**

Once again I do not have the exact details with me, but it would concern me slightly that under-16s were being stopped and searched, unless there was an immediate concern for safety. I cannot second-guess the figures, but it would be a safety issue that the police would normally take that action around stop and search.

**4.14.4 Deputy S.Y. Mézec:**

Does the Minister have any breakdown or could she give an indication from the figures she gave in her opening answer to how many of those incidents involved children who were below the age of 14? If I could add to that, will she be considering the age of criminal responsibility in her term in office?

**Deputy H. Miles:**

I thank the Deputy for his question, of which I cannot remember the first part, because I was so stunned by the second part about the age of criminal responsibility. Could I ask the Deputy to repeat the first part of his question, please?

**Deputy S.Y. Mézec:**

It was about the numbers in relation to her first answer, children who fell below the age of 14, and that helps with the second question.

**Deputy H. Miles:**

As the Deputy I am sure will know, the Attorney General has issued guidelines to make sure that children under the age of 15 do not receive a charge to the Youth Court without the express permission of a law officer. Any child under the age of 14 cannot be referred to the Youth Court without the express permission of the Attorney General. That is operating as a way to reduce the age of criminal responsibility. Coming to the second part of the question, that is always going to be a tricky one. My own personal view is that the age of criminal responsibility could be much higher. In some countries it is 18. I would be a very brave Minister for Home Affairs to bring a proposition to this Assembly that we increase the age of criminal responsibility to 18. Nonetheless, I think it is my responsibility to ensure that we have systems and processes in place that are appropriate to deal with young people, to avoid them being criminalised.

**4.15 Deputy M. Tadier of the Minister for Home Affairs regarding seasonal workers and parental leave entitlement (OQ.86/2023)**

Will the Minister confirm whether, under the current immigration rules, a seasonal worker on a 9-month temporary work permit is allowed to remain in the Island to claim their 6-week parental leave entitlement; in particular if this overlaps with the expiration of their permit?

**Deputy H. Miles (The Minister for Home Affairs):**

I thank the Deputy for his question. This question is related to the earlier question answered by the Minister for Social Security. An individual employed in Jersey under the work permit policy in any of the temporary work permit routes is not permitted to bring their dependents with them to the Island. This includes a spouse, civil partner or child. Under the Employment (Jersey) Law 2003, an individual working in Jersey under work permit conditions shall be entitled to parental leave. However, their right to parental leave ends on the date that their employment is terminated. On the expiration of a work permit or visa, an individual would no longer be in employment in Jersey and, therefore, no longer able to meet the requirements for which the work permit or visa has been issued and would, therefore, no longer qualify for parental leave. There is an expectation for the individual to leave the C.T.A. (Common Travel Area) no later than the expiry date printed on their work permit or visa.

**4.15.1 Deputy M. Tadier:**

I am trying to get my head around the fact that we would possibly deport somebody who has just given birth in the Island because they are no longer allowed to stay, but I cannot formulate a question on the hoof on that. What I will ask is the same question I asked the Minister for Social Security: does she believe that there is a duty of care on the part of Government towards seasonal employees and, of course, to employers, to make sure that the rights they have and the rights they have in practice and the complexities are understood by both parties before they come to the Island, to avoid any potential hardship?

**Deputy H. Miles:**

Thank you for the question. The first thing I would like to say is that the Immigration Department most certainly would not be deporting a woman that had just given birth if she was on a work permit. It is fair to say that we would deal with each case on a case-by-case basis. Providing a pregnant woman has employment, she is permitted to stay until the end of her permit. If she is due to give birth towards the end of that permit, she would be allowed to remain here and then leave at the appropriate time. The second part of the question: we have started to undertake specific pieces of work around informing permit workers of their rights and responsibilities. As the Minister for Social Security said, those are translated into different areas and we have more information on the website than we had previously.

**4.15.2 Deputy L.V. Feltham:**

Can the Minister confirm that should a work permit holder become pregnant during their tenure of the permit that they could take some leave under the employment law, including the 6 weeks parental leave, and still be employed and not be in breach of their permit?

**Deputy H. Miles:**

Yes, I can confirm that is the case.

[11:15]

**4.15.3 Deputy L.V. Feltham:**

I thank the Minister for that answer. Can she inform the Assembly whether the employers that are employing people on work permits are, in fact, informed about what they need to do in order to comply with the employment law?

**Deputy H. Miles:**

That is a matter for the Employment Law rather than the Home Affairs Department. Any employer would know that their employees have day one rights.

**4.15.4 Deputy M. Tadier:**

The Minister will be aware that it is not just 9-month contract workers we are talking about and it is not just 6 weeks leave. There is also an entitlement from day one to 52 weeks unpaid leave. Would the Minister explain what would happen if somebody on a seasonal permit gave birth 6 months into their contract and decided they wanted to take 52 weeks unpaid leave? Would they then be asked to leave the Island or would they be expected to remain on unpaid leave for the rest of their contract?

**Deputy H. Miles:**

A person has permission to stay as long as the work permit is valid. That would mean that at the end of the work permit, depending on the circumstances, they would have to leave. The complication arises as to whether the employer then applies for an extension of that work permit.

#### **4.16 Deputy S.Y. Mézec of the Minister for the Environment regarding the licensing of rented dwellings (OQ.79/2023)**

Will the Minister provide an update on his plans to lodge regulations to introduce a system for the licencing of rental dwellings?

#### **Deputy J. Renouf of St. Brelade (The Minister for the Environment):**

I thank the Deputy for his question and the opportunity to update the Assembly on this important subject. In February I answered a question on this matter and informed the Assembly that I intended to lodge regulations regarding the licensing of private rental dwellings in mid-April, with the intention that they be debated in mid-June. Clearly I have missed those dates. It has taken longer than I would have liked to work through the various stages and we have had to make a few tweaks of a technical nature to the draft regulations. However, I am pleased to say the delay is only a short one and I intend to publish the regulations very shortly, with the intention that they be debated in the sitting in the first week of July, in other words one session later than originally suggested. If approved, the aim is that the regulations should come into force at the start of 2024.

#### **4.16.1 Deputy S.Y. Mézec:**

The Minister referred to tweaks of a technical nature. Can he elaborate as to exactly what those are and whether they have a material impact on the form that the regulations will take and the level of protection that will be offered to tenants as a result of them?

#### **Deputy J. Renouf:**

Slightly difficult to answer since we are talking about regulations which have not yet been published in draft form, but I can offer some reassurance. The changes that we were making, which were partly in consultation with law officers, were not of any significant nature that would change the policy intent. The policy intent is clear. The outlines of the scheme will become clear very shortly. I am having a meeting tomorrow with the Landlords Association. I will also be meeting with the social housing providers as well to make sure that everyone is kept in the loop. I look forward very much to the chance to bring those regulations, which will offer the kind of protections that the Deputy has long campaigned for.

#### **4.16.2 Deputy R.J. Ward:**

Given that the principles on landlord licensing have been voted for in this Assembly and then the regulations were voted against by a significant number of the current Council of Ministers with which the Minister works, is the Minister concerned that the regulations he brings may not be successful for the same reasons?

#### **Deputy J. Renouf:**

I know the history of this subject. I have worked very hard to form these regulations in a way that means they meet some of the objections that people have raised in the past. In particular, I have tried to make them simple, I have tried to make them as clear to understand as possible, and I have tried to respond also to some of the problems that were raised by the Landlords Association. I do not think I will meet every single objection to these regulations, but I am reasonably confident that I have put together a package which will command the support of this Assembly. I certainly hope so.

#### **4.16.3 Deputy R.J. Ward:**

What I am hearing is perhaps what we are going to see is a watered-down version of the landlord licensing system. Is the Minister happy that it is watered down enough or does he think he may need to add a little bit more H<sub>2</sub>O?

**Deputy J. Renouf:**

I do not think I mentioned the phrase “watered down” at any point and I would not use that phrase to describe what I have done. What I hope I have done is provide some clarity, some simplicity and also a degree of consultation, which means that everyone involved will hopefully feel that they have been at least listened to and respectfully listened to, so that they may not necessarily get everything they want, but at least understand that their point of view has been considered.

**4.16.4 Deputy M. Tadier:**

In hearing all those objections has the Minister heard any spurious objections? Can he tell us what those spurious objections might be? Can he tell us whether he has made concessions to those spurious objections in order to get this Bill passed?

**Deputy J. Renouf:**

I do not think there have been spurious objections. I try and listen carefully to whatever point of view people bring to the matter. It is important to hear people. I do not claim knowledge of every single set of circumstances, so I am happy to hear all representations and I try not to categorise them into spurious and non-spurious. I repeat, I do not think the regulations when published will show any sign of being watered down.

**4.16.5 Deputy M. Tadier:**

The Minister will be aware that there are far more tenants in the Island than there are landlords. Could he clarify whether the consultation that he has done and the representations he has received reflect that balance?

**Deputy J. Renouf:**

I have looked in great detail at the feedback that has been received from all groups, particularly referring back to the historic situation where various groups were canvassed. I feel like the points of view that have been expressed from that side have been very well expressed and very well summarised in previous reports. I do not anticipate objections from tenants. My concern was to overcome objections from landlords, and indeed from States Members, who have previously found it difficult to support these proposals and so that is where I have concentrated my efforts.

**Deputy M. Tadier:**

For reference, that did not address my question, I do not think.

**The Bailiff:**

I am not sure there is much room for reference. Did you have a question, Deputy Scott?

**4.16.6 Deputy M.R. Scott:**

I did. Could I please ask the Minister, has he considered a blanket licence that could provide the ability for licences to be revoked and, therefore, provide a cheaper way of allowing licensing without perhaps driving up the cost of housing?

**Deputy J. Renouf:**

I am not quite sure what the Deputy means by “a blanket licence”. I can say that when we introduce the scheme the intention will be that anybody letting a property at the point of the scheme starting will automatically be licensed. Then after that there will be a need to apply from that point on. I do not know if that answers the Deputy’s question, but that is what I understood it to mean.

**4.16.7 Deputy M.R. Scott:**

Effectively, that will mean that landlords would be registering in order to receive a licence. Is that what I am to understand? So this would be a way of ensuring that properties are registered, with all

the landlords being licensed, and with the possibility of that licence being revoked. Is that how I should understand it?

**Deputy J. Renouf:**

It is important to understand that it is the properties that are licensed and it is a licence to which people will apply, rather than be applying to be on a register. Nevertheless, it will be a default outcome of applying for a licence that we will effectively have a register of all properties that are rented in the Island. That will be a very useful tool in terms of enforcement of minimum rental dwellings, safe rental standards. Indeed the whole point of a licensing scheme is to allow a flexible method by which minimum standards can be enforced and, indeed, with the ultimate sanction being the possibility of withdrawing a licence should improvements not be made as requested to meet the minimum safety standards.

**4.16.8 Deputy S.Y. Mézec:**

In answer to a previous question the Minister referred to his concerns about overcoming some of the objections that have been raised about this kind of scheme previously. Can he confirm for this Assembly what changes he has made in his attempts to overcome those objections? Has he been successful or is it the case that in actual fact there is simply an entrenched opposition to any form of licensing that he as Minister is simply going to simply have to disagree with and ask Members to disregard that entrenched objection?

**Deputy J. Renouf:**

I can confirm that I will be bringing these regulations to the Assembly and, therefore, there comes a point at which, yes, you have to accept that you may not persuade everybody but you will bring them nevertheless, because you believe it is the right thing to do. I really cannot say much more than that. I cannot remember the first part of that question.

**Deputy S.Y. Mézec:**

It was about asking specifically what changes compared to previous iterations that he will be proposing in order to try to overcome some of those objections that have been raised.

**Deputy J. Renouf:**

When the regulations are published, which will be very soon now, the Deputy will be able to make his own comparison. I would rather not at this stage go into giving details on those which have not yet been fully shared with all relevant parties, including fellow Ministers.

**The Bailiff:**

That brings questions with notice to an end. We now move to questions to Ministers without notice. The first question period is for the Minister for the Environment.

**5. Questions to Ministers without notice - The Minister for the Environment**

**5.1 Deputy R.J. Ward:**

Jersey Island Gas Company based in Jersey are now currently looking for investors for 30 per cent investment in a new North Sea Oil Buchanan Field, which will produce around 30,000 barrels per day. The Minister voted against divestment in fossil fuels. How does this fit with our ambitions for net zero?

**Deputy J. Renouf (The Minister for the Environment):**

My focus in the quest for net zero is to follow the carbon neutral roadmap which aims to drive down carbon emissions in Jersey. That is something over which I have a degree of influence. That is something that commands widespread support in the Island. I have said over and over again in this Assembly that my aim is to hold together as wide a public support as possible for the quest for net

zero, by focusing on what matters to the people in Jersey and indeed people's lives in Jersey that is best able to do that. I do not feel that me making statements in favour or against various investments elsewhere is going to make any material difference and, therefore, I refrain from doing so.

### **5.1.1 Deputy R.J. Ward:**

A statement that was clearly made by the Minister was to sign up to the Paris Agreement with the U.K. (United Kingdom) Government. The U.K. Government are providing subsidies for this company and allowing tax breaks in order to open up these new fields. Is it not the case that the statement to sign up for the Paris Agreement was exactly not what we need but we should have led the way, as was suggested by this Assembly previously?

### **Deputy J. Renouf:**

I am not responsible for the U.K. Government's subsidies. My own personal view on that, as I say, lecturing from afar is a very easy thing to do but it does not achieve very much. I am focused on achieving what we can in Jersey, a job which is hard enough without me taking on interests elsewhere.

[11:30]

### **5.2 Deputy S.G. Luce:**

The Island Plan forms the heart of the Government of Jersey's long-term strategic framework and guides decision-making, performance review and improvement of Jersey's public service. To allow time for conditions to settle after Brexit and the coronavirus pandemic, we currently have a bridging Island Plan that covers a shorter period from 2022 to 2025. Does the Minister intend to come up with a new 10-year plan in 2025?

### **Deputy J. Renouf:**

Yes, the bridging Island Plan runs until then. The relevant clause says that the plan should either be renewed by then or as soon as possible thereafter. My feeling is, and I have expressed this several times, that there is no appetite in the Island to have another Island Plan process during the course of this Assembly. I would plan to set in motion the processes for bringing forward a new Island Plan, but not to finalise the new Island Plan during this Assembly. Just to be clear on that, I do hope to bring forward greater clarity on that timetable by the time of the summer recess.

### **5.3 Deputy M.R. Scott:**

Could the Minister, with respect to the scheme to assist people acquiring electric bikes, advise whether this scheme will extend to kids that enable manual bikes to be converted into electric bikes and whether he has explored the advances in terms of other vehicles being converted as well?

### **Deputy J. Renouf:**

Not sure about the second part of that; maybe come back to that. But on the first part - it is a good question - it was raised in social media last week about whether or not the e-bike subsidy scheme should include conversion kits. I think we will look at that, I think that is a good question; it is worth looking at. The point about conversion kits is that the ones certainly that I am aware of sit around the £700 mark, which would not be appropriate for the current £300 subsidy because it would have too big an impact on that purchase price. We would be keen when we set those subsidies to set them at a level which incentivises purchase but does not lead to the kind of perverse situation where people might buy something using that and then try and sell it elsewhere because they have made such a saving. I think we have to calibrate that quite carefully but it is certainly something I am prepared to look at.

### **5.3.1 Deputy M.R. Scott:**

Will the Minister be comparing the cost of such a kit with the cost of acquiring a new bike and the environmental implications with that and also looking into the relative safety of the 2 types of transport?

### **Deputy J. Renouf:**

I am not quite sure if we are talking about comparing kit-converted bikes with electric bikes or electric bikes with normal bikes. In terms of electric bikes compared to pedal cycles, as no doubt Members will know, electric bikes, electrical assistance is capped at 15 miles per hour and so there is a degree in which the safety of electric bikes is as maintained by that lower speed. I think safety is always something we keep under review but I have not had significant concerns raised about the use of e-bikes in safety terms, compared to pedal cycles.

### **5.4 Deputy S.G. Luce:**

There has been much made in the media recently of the difficulties in getting to 2030 and the banning of the internal combustion engine. Does the Minister think we should be pushing back that date to the mid-2030s?

### **Deputy J. Renouf:**

I think in the U.K. it is 2035. I would be very reluctant to do so because of the signal it would send. I do feel that we have a big job to do in terms of reducing dependence on the internal combustion engine. We will very shortly be announcing the first E.V. (electric vehicle) incentive scheme, which will, hopefully, go some way to closing the gap in price, which I know is a significant deterrent for people currently wishing to purchase electric vehicles. But I would be very reluctant at this stage to make that kind of commitment because of the signal it would send. I would much rather put in place our incentive schemes, which have not yet begun, and see how much progress we can achieve before we throw up our hands and say that the target is too difficult.

### **5.4.1 Deputy S.G. Luce:**

One of the challenges, especially in the U.K., is the number of charging points for vehicles. Does the Minister feel that we are making significant or enough progress with charging points in Jersey? Specifically, does he feel we have enough fast chargers on the Island?

### **Deputy J. Renouf:**

The definitions of fast chargers and so on are quite difficult to ascertain. I think Jersey Electricity said they have one superfast charger and there are a number of other fast chargers. We are in a reasonably good place in terms of public charging points in Jersey. We have a much higher density per head of population and the road mile of public charging points than in comparable jurisdictions, quite significantly higher I believe, and many of them are not yet fully used. Jersey Electricity are able to provide utilisation figures for those and many of them are not yet fully used. There is considerable spare capacity within the network. Having said that, there is still a lot of work to do in terms of putting in place charging for private residences and in places where that infrastructure is hard to site. But I am somewhat reassured by the fact that we do have a relatively good public charging network and, therefore, people should be able to find a charging point should they need one.

### **5.5 Connétable K.C. Lewis of St. Saviour:**

Following on from the question by Deputy Luce, is the Minister aware that Germany has indeed pushed back beyond 2035 sales limit for internal combustion engines as long as the vehicles use a synthetic fuel? Is the Minister aware of that?



**Deputy J. Renouf:**

I am aware of that. I think it is of limited relevance here for the reasons I have already explained. I do think we need to put in place our incentive scheme and see what we can achieve. It is not of course just about electric vehicles, it is also about other forms of sustainable transport and indeed alternatives to vehicles altogether. I think that is a huge task that we have set ourselves. But I would be very reluctant to water down our targets before we have given it a really, really good shot.

**5.5.1 The Connétable of St. Saviour:**

Is the Minister looking into the possibility of a hydrogen-powered vehicle?

**Deputy J. Renouf:**

In a way it is not up to me to look into the possibility of hydrogen-powered vehicles. I think that is really for car manufacturers. If by that he means in terms of how relevant they would be in the Jersey context, I have to confess that I feel that they are of relatively little significance in the Jersey context for one very particular reason, which is that we already have a decarbonised electricity supply ... largely decarbonised electricity supply in Jersey and we have a small island. Therefore, electric vehicles seem to me overwhelmingly to be the best non-carbon source of personal motor transport in Jersey. I cannot see the argument for hydrogen, which is a process which involves considerable energy loss in the process of making hydrogen before it finally gets used in a car. Why we would go for that less efficient process when we have such a good case study in the Island for the use of electric vehicles. In general, hydrogen, I think, is best seen as an alternative fuel where there is no other alternative available, and in Jersey that alternative is very much available.

**5.6 The Connétable of St. Brelade:**

The Minister has announced that he is deferring orders pertaining to the protection of trees for the consultation. Could he tell Members which direction he is hoping to go with this to assuage the concerns of landowners and indeed tree surgeons?

**Deputy J. Renouf:**

I was very clear, when I announced that I was going to extend the consultation and indeed to engage in further conversations with the tree surgeon and professional gardener and other relevant parties, that I had got the policy guidelines wrong. Therefore, it is quite clear that the direction of travel will be to make the guidelines less restrictive; they were too restrictive. They would have caught too much of what would have been normal routine maintenance work within the framework of the planning system; that is not the intention. Therefore, the work now is to ensure that when we find definitions for routine maintenance work that indeed capture what is routine maintenance work and make that exempt from the planning rules, while still making sure that there are not loopholes which can be exploited to carry on work on trees which might legitimately require planning permission or notification, not just planning permission but notification in some instances. That is something which I am very committed now to consulting with all relevant parties and I will not bring in that order until I have satisfied myself that those concerns have been met.

**The Connétable of St. Brelade:**

I thank the Minister for the clarity.

**5.7 Deputy A. Howell of St. John, St. Lawrence and Trinity:**

Given our carbon neutral roadmap, I just wondered what the Minister is thinking about car-scrappage because there are an awful lot of vehicles at the moment on the roads that will need to be scrapped if we are to go to electric ones, and I wondered what thoughts he had had.

**Deputy J. Renouf:**

There are several different issues in there. My focus is very much on carbon emissions reduction. In a technical narrow sense a car that is not being used is not emitting. I think the focus of policy has to be, given that we have limited resources to spend on carbon neutral, on the actual reduction of emissions. I agree that in many cases that there would be other benefits if we also removed cars from the road, and indeed the idea of a scrappage scheme of taking one vehicle off for replacement of electric vehicles and so on might further incentivise people to make that transition. But I do think the issues are slightly different and so I think we will be focusing, as a Ministerial team, very much on the need to reduce emissions first and the other benefits that might come from pursuing policies like scrappage will be considered as part of that overall mission.

**The Bailiff:**

Supplemental question? Coincidentally that brings the time available for questions to this Minister to an end, in any event. The next period of questions is for the Minister for Home Affairs. Does anyone have any questions for the Minister for Home Affairs?

**6. Questions to Ministers without notice - The Minister for Home Affairs**

**6.1 Deputy T.A. Coles:**

Can the Minister please explain the difference between a substance misuse strategy and a substance use strategy?

**Deputy H. Miles (The Minister for Home Affairs):**

I thank the Deputy for the question. I think the first thing I should say is that the substance use policy belongs to the Minister for Health and Social Services, as opposed to the Minister for Home Affairs. But in my view I am quite happy that we have moved away from a substance abuse policy to a substance use policy because I feel that it acknowledges that the vast majority of the public do use substances; alcohol, nicotine and drugs, be they prescription or controlled.

**The Bailiff:**

Does anyone else have any questions for this Minister? If no one else has any ...

**6.2 Deputy L.J. Farnham:**

Cannot let her off the hook that easily, Sir. **[Laughter]** I understand there has been a successful start to admitting French visitors on the I.D. (identification) card and I know there are restrictions around that I.D. card at the moment. Is the Minister contemplating perhaps lifting those restrictions or allowing more flexibility around access perhaps for, say, longer than one day?

**Deputy H. Miles:**

I thank the Deputy for his question. Yes, I was delighted to welcome the French delegation who travelled on the first Manche Iles Express from Normandy last month using their *carte d'identité*. I have to say the pilot has got off to a very good start. The memorandum of understanding seems to be working effectively and certainly these shipping companies themselves are refusing boarding to people who do not have the appropriate forms of identity.

[11:45]

As I said at the very beginning, this is always going to be a sensitive topic and I need to make sure that we can maintain the integrity of our border, as members of the Common Travel Area. If the pilot is successful - it will be finishing on 30th September - we will review it. If we can be completely assured that everybody that has been attending using a *carte d'identité* has been properly managed and there have been no problems I shall of course look at, potentially, extending the scheme.

### **6.3 Connétable P.B. Le Sueur of Trinity:**

If I could ask the Minister that last time she was in the drum for questions without notice I mentioned the inconsiderable costs that the Parishes are put to to provide the TETRA radio service to the Honorary Police and I was encouraged with her answer. I wondered if there had been any progress in that regard.

#### **Deputy H. Miles:**

Yes, after the Connétable of Trinity asked me the question I directed officers to look at this further and to seek alternative funding mechanisms. I remain of the view that we need to ensure that we support our Honorary Police to deliver those vitally important functions in our Parishes. To date I have not had a reply from States of Jersey Police. I did raise this with the consultants who were looking at the Civil Contingencies Law and made sure that as part of their recommendations they look at how we achieve an Island-wide system of emergency radio. I undertake to provide the Connétable with an update as soon as I have one

### **6.4 Deputy L.J. Farnham:**

Another welcome move recently made by the Minister with flexibility around work permits and I understand there is more flexibility around a 3-year permit, which is very helpful because most sectors of our economy are grappling with severe staff and skill shortages. We are relying once again on imported labour, albeit this time properly controlled by a permit. The 2 issues I would like to ask the Minister about: firstly, I wondered why there is a 3-year limit on these new permits. Would she consider perhaps extending that in due course? Also, I understand there is a clause which requires those who have been working under a permit to leave the Island for the length of time they have been working. They have worked here for 3 years, they would have to leave for 3 years before coming back, rather than a year, which I think was the previous understanding. I just wondered if the Minister could explain the rationale behind that and ask whether she would consider reviewing those conditions in due course.

#### **Deputy H. Miles:**

I thank the Deputy for his question. The work permit policy is constantly evolving and I consider cases put to me on their merits and with the Island's needs in mind. As the Deputy quite rightly says, there is now an option for employers in certain sectors to employ work-permit holders for 12 months, renewable on an annual basis for up to 3 years. We must bear in mind that temporary work-permit routes are designed to be just that, temporary, and the requirement for the long period of absence is included to prevent someone from acquiring sufficient continuous residence that they could make a claim that Jersey is their permanent home. Temporary work permits are expressly not intended to lead to settlement, they are for individuals to fulfil a temporary contract of employment after which they must leave. The requirement for an absence period is one way in which the policy is designed to prevent settlement. Immigration legislation already dictates that a person who holds indefinite leave to remain or pre-settled status granted under the E.U. (European Union) Settlement Scheme will lose those permissions if they are absent from the Common Travel Area for a continuous period of 2 years. A person with settled status under the E.U.S.S. (European Union Settlement Scheme) will lose their status after a continuous 5-year absence from the C.T.A. Those are the timeframes that we have used to provide a guide as to how long an absence period needs to be to provide a sufficient break in residency so that a person could not claim to have made Jersey their permanent home, therefore justifying their settlement here. Evidently, we are now in 2023, so people will be having 3-year permits, so really can stay here up until 2025. As I said at the beginning of my answer, the work permit policy is evolving and things may be subject to change.

**The Bailiff:**

Supplemental question? Does any other Member have a question for the Minister? If no other Member has a question for the Minister, then this period of questions is closed. The next Minister to face questions is the Chief Minister.

**7. Questions to Ministers without notice - The Chief Minister**

**7.1 Deputy S.Y. Mézec:**

Could the Chief Minister explain whether or not there is any policy that she is aware of that would require senior Government officials to inform a Minister if a complaint has been received by a staff member regarding that Minister?

**Deputy K.L. Moore (The Chief Minister):**

I am not aware of that, although I would assume that that would be the case.

**7.1.1 Deputy S.Y. Mézec:**

Can I, therefore, certainly ask the Chief Minister if she is not aware, and in this instance is having to rely on an assumption, could she double-check and inform Members whether or not that is definitely the case as soon as possible?

**Deputy K.L. Moore:**

Of course.

**The Bailiff:**

Any other questions for the Chief Minister? If there are no other questions for the Chief Minister ... Deputy Farnham. Deputy Feltham, sorry. That was a natural reaction, yes. I feel it was a perfectly reasonable call on my part. [Laughter]

**7.2 Deputy L.V. Feltham:**

Following on from my previous question, I would like to seek to ask the Chief Minister for assurance that she has personally signed off as chair of the S.E.B. on the policies and the code of practice that have been issued to the public service, I believe in December.

**Deputy K.L. Moore:**

Sorry, it is policies and code of practice in relation to ... I was not sure that that was clear.

**Deputy L.V. Feltham:**

I can give an example, an example would be the resolving grievances policies for public servants.

**The Bailiff:**

Is your question, Deputy, that the Chief Minister has signed off on all policies?

**Deputy L.V. Feltham:**

The ones that have been issued by the S.E.B.

**The Bailiff:**

During the currency of her ...

**Deputy L.V. Feltham:**

Yes, that is correct.

**The Bailiff:**

I hope that clarifies matters, Chief Minister.

**Deputy K.L. Moore:**

In the interests of always being as accurate as I possibly can be in relation to answers, the question is extremely specific asking if I personally had signed that. I am afraid I could not recall at this particular moment whether those documents would have been signed by myself or the vice-chair, who chairs the majority. He chairs S.E.B. meetings and often takes lead on S.E.B.-related matters.

**7.2.1 Deputy L.V. Feltham:**

If the Chief Minister does not recall signing off on the resolving grievances policy for public services, does she recall reading it?

**Deputy K.L. Moore:**

I will have read it at some point, yes, if it was on the agenda.

**7.3 Deputy L.J. Farnham:**

Obviously a bit quiet this morning and the sun is shining, so I am going to bowl an underarm to the Chief Minister I think. Can I ask the Chief Minister, what is the purpose of the Cabinet Office and how much is it costing to run annually?

**Deputy K.L. Moore:**

I am afraid I do not have the exact figure for the Cabinet Office but it is, as the Deputy I am sure will recall, a reorganisation of departments formerly, for example, the chief executive's office, the Department for S.P.P.P. (Strategic Policy, Performance and Population). I can never remember all 3 Ps in the right order and I think that they were changed, to make matters worse, at one time and also what was formerly known as the Chief Operating Office.

**7.3.1 Deputy L.J. Farnham:**

I think that would be sensible if it is a consolidation of departments. In relation to the cost, if my memory serves me right, I think in the Government Plan there was a sum of about £60 million allocated to the Cabinet Office. I am presuming that is not additional cost, that is just a consolidation of the costs in those departments and perhaps the Chief Minister could confirm.

**Deputy K.L. Moore:**

That is right. It is, as the Deputy rightly uses the word "consolidation", and indeed aimed at creating a more efficient organisation. Of course the Policy Unit is a large unit and also is the People and Corporate Services aspect of that because we employ a very large number of people and, therefore, there is a significant body of work in order to look after all of those people and recruitment process.

**Deputy A. Howell:**

Can I ask a question relating to that, Sir?

**The Bailiff:**

Yes, you can ask any question that is within the Chief Minister's portfolio, which is pretty well everything.

**7.4 Deputy A. Howell:**

I was just wondering how this Cabinet Office relates to the Council of Ministers and then relates to the States Assembly? I just do not quite understand.

**Deputy K.L. Moore:**

I am grateful to the Deputy for the question. It is a good question and particularly if we think about one Minister, one department, which was a proposition adopted by the previous Assembly that was brought by Deputy John Young. If we think about it, the Cabinet Office is a structure within which

there are a number of lines to different Ministers, for example, the Policy Unit with Housing and that has a line to the Minister for Housing and Communities. But I think in using that example it identifies why there is perhaps a need to do some further and continuing work. I think we have always identified that that was required in order to achieve the full alignment that was required by the previous Minister for the Environment. But the full intention is to get there, and this is an improvement in alignment but more so directed at the management aspect of government business, rather than the Ministerial lines of accountability.

**Deputy A. Howell:**

I think I would probably need to discuss further with the Chief Minister. I am still not quite sure how it relates.

**7.5 Deputy M.R. Scott:**

Following up from Deputy Howell's question, could the Chief Minister just explain a little more in terms of this alignment and in terms of what is being advertised as the Ministerial staffing of the Cabinet Office at the moment, how the alignment with the Minister for Home Affairs works and the Minister for the Environment? Because I am not particularly aware of seeing Ministerial representatives in either of those areas in the Cabinet Office.

**Deputy K.L. Moore:**

At the moment the Minister for Home Affairs and the Minister for the Environment have Chief Officers that run departments that have a direct line to those 2 Ministers. Therefore, they do not sit within the current Cabinet Office.

**7.5.1 Deputy M.R. Scott:**

Is the Chief Minister, therefore, saying that the other Ministers whose portfolios are representative in the Cabinet Office do not have direct lines within the public sector?

**Deputy K.L. Moore:**

If I could just go back to my earlier explanation, which was that this was largely bringing together some of the management aspects; the Chief Executive's Office, the Chief Operating Office and Strategic Policy, Performance and Population. Those are different areas of the organisation and they sit underneath the chief executive's leadership. There are some areas, particularly policy such as housing, that have lines to Ministers. There are also some areas such as communications, which has a policy line to an Assistant Chief Minister. It is rather difficult to talk organograms in the Assembly but I would be very happy to run a briefing for Members if it might assist them, in order to offer an opportunity to hear more about the working of the Cabinet Office, where we wish to see it go. Of course that will be subject to the interim chief executive and the role that they will come in to deliver to constantly assist us in evolving and improving the performance of our organisation.

**Deputy M.R. Scott:**

I thank the Minister for offering the briefing and I for one would welcome such a briefing.

[12:00]

**7.6 Deputy M. Tadier:**

At the last sitting I asked if the Minister could supply us with the date that she was invited to attend to meet the Estonian Ambassador in London for a dinner. She said she would be happy to circulate that information but does not seem to have done it yet. Is she able to enlighten us or do I need to put a Freedom of Information request in?

**Deputy K.L. Moore:**

I apologise if I have failed to do that. I was invited to a dinner at the residence of the Estonian Ambassador on 10th March and I accepted that invitation on the same day.

**7.6.1 Deputy M. Tadier:**

Would the Minister be able to circulate that invitation?

**Deputy K.L. Moore:**

If the Deputy requires it I will ensure it is done this time.

**7.7 The Connétable of Trinity:**

Could I ask the Chief Minister if she shares the concerns that have been raised by some previous Members and some current Members whereby the Department of Infrastructure and Planning share one director general and this arrives as a potential for conflict or tension when certain decisions have to be made? Does she have any intention to do anything about this?

**Deputy K.L. Moore:**

I thank the Constable for his question and, yes, indeed he has identified one of the areas that requires some further work in terms of smoothing the lines of accountability, and that is one area where there is work to be done.

**7.8 Deputy L.V. Feltham:**

Could the Chief Minister provide the Assembly with an update on the establishment and work of the Assistant Ministers' forum?

**Deputy K.L. Moore:**

The Assistant Ministers meet, I believe, on a regular basis, particularly in advance of States sittings. That is something that the Deputy Chief Minister has been arranging and conducting those meetings with Assistant Ministers. It is an important forum for them to discuss any information that is generally helpful and to have a better insight into what is going on in different departments where they may not have a direct involvement.

**7.8.1 Deputy L.V. Feltham:**

Could I ask the Chief Minister how any concerns, issues or anything like that that may arise from the Assistant Ministers' forum are then fed back through into the Council of Ministers?

**Deputy K.L. Moore:**

That would be done as the Deputy Chief Minister sees fit. It would obviously depend upon the circumstances, what the nature of the concern was. We have regular feedback sessions, political meetings among Ministers so that we can conduct that kind of business.

**7.9 Deputy A. Howell:**

I was just wondering, we had a very successful delegation from Estonia and the Ambassador, and I wondered if the Chief Minister could inform us of the outcomes of this visit, please.

**Deputy K.L. Moore:**

Thank you for the question, Deputy. The particular focus when discussing matters with Estonia is of course one where we are very interested to learn from them about their digitisation of their public service, in particular. We have much to learn from Estonia, which is a small nation, 10 times the size of ours but has many similarities. It was a very useful meeting and we are looking to progress with the further digitisation of our public service so that we can enhance public use of our services but also improve accessibility and also greater value for money.

### **7.9.1 Deputy A. Howell:**

Whenever the Chief Minister is able, if we could be updated that would be much appreciated.

### **7.10 The Connétable of St. Saviour:**

Further to the question regarding Council of Ministers, the Cabinet Office, in the last Assembly I recall arguing vociferously that all Ministers should have their own offices in the new States building, if you like, in the new Cyril Le Marquand House. Would the Chief Minister inform the Assembly that that is still the case?

### **Deputy K.L. Moore:**

Thank you for the question, Constable. As the layout of the new Cyril Le Marquand House was complete before we assumed office and that contract was well underway, there has not been an opportunity to fully engage with it, although I am looking forward to having a briefing in the next couple of weeks. It is my understanding that Ministers will have their own offices in that building.

### **7.11 Deputy T.A. Coles:**

Does the Chief Minister believe that external factors that provide uncertainty to Islanders leads them to substance use?

### **Deputy K.L. Moore:**

I am not a health professional and so my view would be one of a lay person but one who has an aspiration for all Islanders to lead a good quality of life and to thrive in our community. From the research that I had undertaken personally, I have a personal view that people sometimes abuse substances or use substances to ease any personal pain or strain that they may have. The more that we can do to support Islanders in leading a fulfilling and happy life, the less recourse they may have to the use of substances.

#### **7.11.1 Deputy T.A. Coles:**

I will use this word very carefully and very precisely. Would the Chief Minister agree that providing certain stabilisation factors in people's lives may help them with managing external stresses, rather than using substances?

### **Deputy K.L. Moore:**

Forgive my ignorance but I am not quite sure what those stabilisers might be. Forgive me.

### **Deputy T.A. Coles:**

Rent stabilisation, so people's rents are stable so they know what they are expected to pay.

### **Deputy K.L. Moore:**

Right, okay, sorry. Thank you, Deputy. Okay, I was following the former line of questioning perhaps, which is what caused me some confusion. I can understand and I do understand that the percentage of income that people spend on their housing is a matter of stress. Indeed, it is termed "rental stress" I do believe when it achieves a certain percentage of income, and that is something that we are all very keen to tackle. I know that the Minister for Housing and Communities is very energetic in his work. But perhaps we politically take a slightly different approach to that of the Deputy and his colleagues, which is that we are more focused on supply and the positive impact that will have upon our housing market, rather than other measures.

### **7.12 Deputy G.P. Southern:**

In the last quarter does the Chief Minister believe she and her colleagues have promoted equality in the Island or reduced it?



**Deputy K.L. Moore:**

I hope that we have promoted equality in the Island. We have seen the gender pay gap reporting. We have also taken leadership roles from a gender-balanced Council of Ministers. We also have sought to support those who are less well off by bringing a mini-Budget. I am just slightly hesitating because that may not have been in the last quarter but in the quarter before that. But I think that those actions that we took in our early days identify our intentions to support all members of our society and to ensure that everyone can thrive within our community.

**7.12.1 Deputy G.P. Southern:**

Could the Chief Minister indicate what actions have promoted equality in the Island this quarter?

**Deputy K.L. Moore:**

This quarter. There is an ongoing programme of actions and I think that we continue to do that in a positive way.

**7.13 Deputy S.Y. Mézec:**

Following on from that line of questioning, could the Chief Minister confirm whether her preferred method of reducing inequality in Jersey is focused on providing people with enhanced independent incomes or is it through simply increasing benefits?

**Deputy K.L. Moore:**

I think that we identified our political approach through the mini-Budget, which was to increase tax allowances substantially so that those who are earning low incomes do not pay taxes and, therefore, have a greater level of disposable income with which to make their own decisions.

**7.13.1 Deputy S.Y. Mézec:**

Increasing tax allowances does not reduce inequality because those who are worst off are already below the allowance thresholds and those who are at the top have their tax liabilities capped. Could we infer from the Chief Minister's answer there that she believes that the solution to growing inequality is to tax middle-earners more and increase the benefits bill for those with the lowest incomes, rather than to resolve the systemic issues in our economy, which are causing growing inequality in the first place?

**Deputy K.L. Moore:**

We also raised the minimum wage considerably in the first months of this Government and I think that also identifies our approach. We continue to ensure that Islanders have the greatest potential to earn and to live their best lives.

**The Bailiff:**

Deputy Tadier, extremely briefly.

**7.14 Deputy M. Tadier:**

The Chief Minister has spoken about a gender pay gap, is she aware of whether an ethnic pay gap exists in Jersey and, if so, is she concerned about that?

**Deputy K.L. Moore:**

I do not believe we have those figures available I am afraid.

**7.14.1 Deputy M. Tadier:**

Is it something the Chief Minister would care to look into, given the drive for equality?

**Deputy K.L. Moore:**

While I sympathise with where the Deputy is coming from and of course it would be interesting to have that insight, that would have to be balanced with the potential cost of achieving that. We have already made considerable investments in Statistics Jersey in order to achieve the gender pay gap reporting that we have benefited from and seen, and that would have to be a qualified decision therefore.

**The Bailiff:**

That concludes the period of questions to Ministers without notice. Nothing else arising under, J or K.

**PUBLIC BUSINESS**

**8. Rent Control Measures (P.18/2023) - as amended (P.18/2023 Amd.)**

**The Bailiff:**

We move on to Public Business. The only item is the Rent Control Measures lodged by Deputy Mézec, P.18 and the main respondent is the Minister for Housing and Communities. Deputy, you have lodged an amendment, did you wish to propose the proposition as amended?

**Deputy S.Y. Mézec:**

Yes, please, Sir.

**The Bailiff:**

Are Members content that it is taken as amended? Yes. Very well. Then I ask the Greffier to read the proposition as amended.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion that the Residential Tenancy (Jersey) Law 2011 should be either amended or replaced in order to (a) provide for rent control measures to be introduced, including, but not limited to (i) limiting rent increases to no more than once a year; (ii) requiring a minimum 3-month notice period before a rent review can be implemented; and (iii) capping the amount that rent may be increased in a rent review by a measure of affordability, such as the increase in the Average Earnings Index or the average of the Retail Price Index over the 3 preceding years or an alternative effective measure which the Minister for Housing and Communities may deem appropriate. (b) Provide for the abolition of no-fault evictions by (i) establishing open-ended tenancies as the default tenure where notice to quit may not be issued to a tenant who has not breached their contract, except under defined circumstances as to be prescribed in legislation and (ii) requiring enhanced notice periods for tenants based on how long they have lived in the property. (c) Provide for the establishment of a body, such as a rent tribunal or housing commission, to adjudicate on disputes arising from rent control or breaches of contract which may necessitate the termination of a tenancy and to request the Minister for Housing and Communities to bring forward for consideration by the Assembly the necessary legislation to give effect to these decisions by the end of 2023.

**8.1 Deputy S.Y. Mézec:**

Can I start, for the avoidance of doubt, to let Members know that I am happy to take votes on each and every part of this proposition separately, if that is helpful? Jersey has a housing crisis.

[12:15]

Anybody who is awake knows that and it is a crisis which cannot merely be measured in the objectively gathered and compiled statistics from Statistics Jersey, which show us things like the growing unaffordability of housing, both rental and purchase housing, that show us the levels of

Islanders living in rental stress and shows us the effect of housing costs on the proportion of Islanders who live in relative poverty, where we have greater rates of pensioners living in relative poverty than the U.K., and housing costs being the number one contributing factor there. But it is a crisis that can be demonstrated through the stories that we hear from those who we are close to. I frequently hear stories from people who I am close to and care about, about the growing despair that they feel about their future prospects in Jersey. I know people who I grew up with who have already left the Island and more planning to leave the Island because they, despite having done what they thought they were meant to do, which was to study hard to get good qualifications, to come and get a good job, work hard at that and increase their earning potential, have found that the opportunities that they have to enjoy a happy life are denied to them because of the cost of housing, either their lack of belief that they will ever be able to afford to purchase a house. I have a very close friend who is a qualified solicitor who could not even afford a one-bedroom flat in Jersey. All those who know that if they were to persevere and try to live a happy life as a renter, like so many millions of people do across Europe, they know that they would not have a secure life there because of the constant threat they would be facing a no-fault eviction at merely a few months' notice with nothing they can do about it or to have their rent incrementally raised year on year, again, with nothing they can do about it. I find that I am speaking to more and more people who I would describe as pretty affluent, people who may be in their late 50s, who own very nice homes themselves but are scared for their children. Their children who they believe are on the brink of wanting to leave Jersey and denying them, as their parents, the opportunity to spend time with their children and perhaps even play a part in the upbringing of their grandchildren too because their children did not have the opportunities that they did. Many of these stories are heart-breaking and time and time again I find my email inbox full of individual cases that come to me of people who have suffered from some of the practices that are currently completely legal in tenancy laws. That housing crisis is not something that our community is silent about. There is no lack of commentary out there in the public, through the media, on discussion forums and there is no lack of discussion in this Assembly about that housing crisis. It continually is brought up; we talk about it a lot. There is no shortage of studies into that housing crisis. There have in the last few years been multiple reports and reviews into that crisis, which I will refer to later in my opening remarks. There has been no shortage of proposals to take action to deal with that housing crisis and yet we find ourselves having taken no meaningful action in the last few years. There have been some tweaks, tweaks which are positive, but no real systemic change to resolve our housing crisis and give hope to Islanders that they can have happy and prosperous futures here, knowing that their homes are secure and affordable, be they homes they own or homes they rent. Many propositions have made their way to the floor of this Assembly to attempt to deal with them. The proposals that I am asking the Assembly to agree in principle today are not new proposals. Those are proposals that have been available on paper, having been produced and recommended by the Housing Policy Development Board in 2020, following an extensive exercise, examining the evidence, consulting directly with stakeholders, before coming up with a Jersey solution for what action to resolve our housing crisis could look like, not merely a copy and paste from another jurisdiction but an approach tailored to our unique Island circumstances. Yet despite those proposals being available for the last 3 years, this Assembly has not once endorsed those recommendations, those key recommendations being the legislating to provide for rent stabilisation in the private sector, the legislating to provide for open-ended secure tenancies and the establishment of a functional rent tribunal. Those proposals have not been endorsed by this Assembly, despite having been made in 2020. We now find ourselves in May 2023 talking about the exact same proposals that have already been raised several times over recent years, now in the form of my proposition P.18, and also in the form of the Minister for Housing and Communities' White Paper where the proposals are almost indistinguishable; a couple of slight differences but almost indistinguishable. There is a reason that those same proposals on rent stabilisation, open-ended tenancies and rent tribunal keep coming up time and time again; the reason is because they are the right proposals. What the Assembly decides to do today will not change the fact that having followed a wide-ranging evidence-based approach in

2020 those proposals remain the right ones for Jersey and will continue to be, irrespective of what the Assembly decides today. But we have until now had only talk. We have not had action. The law remains as it was passed in 2011. Tenants do not have greater security, despite us talking about wanting to provide them greater security for the last few years, and they do not have protection from unfair practices on rent increases, despite us having talked for the last few years about that. I think the reason that there has been only talk rather than action is because every time there has been a debate on this subject in the Assembly a coalition has been put together between those Members who are against change with the Members who are open-minded about change but will say: “No, not today, come back tomorrow when you have done some more work on it”, those who are open-minded about change siding with those who are against change, giving us 3 years of nothing. Knowing that there is a consultation going on now on the Minister for Housing and Communities’ White Paper, I ask the Assembly to form a different coalition today in support of those proposals between those who are in favour of taking action to improve the situation for renters in Jersey with those who are open-minded about change and perhaps would like to see a little bit more detail later this year and to not side with those who are against any change, who believe that the current legal framework is adequate and who, if we listen to, we will continue to have more years of this housing crisis. Let me go through the proposals that I am making in this proposition one by one, explain how they would work, explain where more work needs to be done and explain where they fit into the consultation that is going on. Part (a)(i), (ii) and (iii) of the proposition refer to rent control. The phrase “rent control” can mean many different things in many different jurisdictions. There are versions of rent control which are successful and there are versions of rent control which are harmful and unsuccessful. The Housing Policy Development Board examined many different jurisdictions to see what models exist, what problems they have and where some have been successful. It concluded that a model that could provide next benefit for Jersey’s community would be for third generation rent control. That is not what some refer to when they say rent control, which is a government bureaucrat going round with a clipboard to every place of residence and saying: “This is what you are allowed to charge for rent.” Instead it is a system of making it compulsory in rental contracts that rent increases when they are applied have to be limited by some metric of affordability. That might be based on R.P.I. (retail price index), it might be based on average earnings index, it may be based on some alternative system. One that this proposition refers is an average of R.P.I. over several years to provide for a cushion for tenants when we face times of high R.P.I. like we are in now. That is similar to what exists in some European countries. It has been examined by the Housing Policy Development Board and endorsed as the right system for Jersey. It is the system that many good landlords across the Island already have built into their contracts but it is not compulsory. There are Islanders who find year on year that they are faced with incremental increases to their rents that bear no resemblance to any affordability metric and who are pushed further and further towards the breadline because they have no ability to oppose that and no agency to stand up for themselves when that is applied to them. Those who write to States Members and say that rent control is a concept discredited by many economists are providing us with a commentary which is so over-simplistic that, frankly, it is wrong. There are many different types of rent control and the one that this proposal makes is the one that the Housing Policy Development Board said after consultation and investigation was the right one for Jersey. It is the one that has been on paper at least, maintained by successive Ministers for Housing. It is found in previous Ministers for Housing’s Fair Rents Plan and it is found in the White Paper that has been produced. In fact it is in words that are almost identical to what is in this proposition, which is a pretty good coincidence because I had not seen the White Paper when I put this proposition together. I framed it in such a way to be open-minded as to exactly what that measure of affordability will be because there are multiple ones that we can choose from and from which a consultation may help us identify the most credible form for us to take. The second part of the proposition refers to: “The abolition of no-fault evictions by establishing open-ended tenancies as a default tenure.” The default tenure, not the sole tenure; that is an important point to make, which I will come back to and for providing enhanced notice periods for tenants, depending on how long they have lived in the

property. Again, this concept is commonly found throughout Europe. In fact some European countries have much tougher regimes than what we are proposing, systems where the children can inherit the tenancies of their parents. That is not what this is about, this is about ending no-fault evictions so that tenancies are presumed to be open-ended and will carry on until there is a reason for the tenancy to be ended. Those reasons will be provided for in, I presume, a schedule to the Residential Tenancy Law once we have consulted further with stakeholders to work out exactly what those ought to be. But I can tell you what it will not include, it will not include complaining that there is mould growing on the walls of the bedrooms of your children. Whereas right now a tenant can go to their landlord and say: "I am concerned about this, I am concerned about the impact it is having on the health of my children."

[12:30]

That landlord, if they want, can issue them notice in writing the moment they get home and say: "Cannot be bothered with the hassle of someone who will stand up for themselves, I will just find someone else." How many landlords in Jersey will react like that? I suspect very, very few. But you do not know that until you are in the situation, and that is what leads many tenants to be silent when they are facing these unfair conditions. What will not be included as a reason for an eviction or an end to a tenancy will be complaining that a rent review has been applied in a way that is not in line with the terms of the contract. There will be work to be done to establish what grounds there will be for ending a tenancy and that is a legitimate area for consultation with those who own properties that they rent out. People who own those properties will want to know what the circumstances are where they will be able to end a tenancy and reclaim their property. That will be things like they need to spend some money renovating it and it is not possible for the tenant to live there while that renovation takes place; perfectly fair reason. It may be because the landlord is reaching an age where they would quite like to downsize and free up their family home and move into the property that hitherto was their investment property. Again, totally legitimate and that is a ground that exists in many European countries that I would hope would be uncontentious. In fact, I would hope it would be so uncontentious, the evidence for that being that the U.K. Secretary of State for Levelling Up, Housing and Communities, that well-known left-wing radical, Michael Gove, is proposing doing exactly that in England, abolishing the section 21 no-fault eviction procedure in their law. That has attracted universal support from political parties across the spectrum. The Labour Party have just announced that they are plagiarising that pledge; they announced that yesterday. The Conservative Party are in favour, all parties are in favour, a Select Committee has examined it and proposed a few minor tweaks but is in support of that. The third part of the proposition is to establish a body such as a rent tribunal or housing commission, call it what you will, it does not really matter, to adjudicate on disputes arising from rent control or breaches of contract which may necessitate the termination of a tenancy. To have such a body in existence that both sides can feel they can go to and have confidence that they will get a just outcome without having to go to court and without having to worry about losing your home out of revenge if it does not go your way or knowing that you will get a speedy process to reclaim your property when you have genuine concerns that a tenant is breaking their contract, causing damage to it or what have you, is something that is fair for both sides. Those other proposals, and Members can take them or leave them, frankly, if you do not like those proposals, you do not want to see a reform of the Residential Tenancy Law to introduce rent stabilisation, open-ended tenancies and a new rent tribunal, then by all means vote against this proposition. Tell us that you are against it and tell us why you are against it and you will be perfectly well entitled to your opinion. If it loses on that ground it will be a fair, democratic outcome, which I will be really annoyed about, but that is life. But do not vote against it even though you like the ideas and the headlines that are proposed in it, because we are told that a consultation is going on and some version of a residential tenancy will be brought back in December of this year. That is a poor reason for voting against this proposition. It puts you on paper in coalition with those who are against these proposals, even if you are personally sympathetic to them, which is not a good look, but it does

not detract whatsoever from the rest of the work that is going on. In fact, I argue that it enhances what the Minister for Housing and Communities is trying to achieve because I am genuinely worried - genuinely worried - that this will come back in December in some form of watered-down version because of lobbying in the meantime or it comes back as it is and it turns out the Minister has misjudged the feeling in the room and Members vote against it then and, in the meantime, we have wasted a year. The reason that I worry about that is because it is exactly what happened in the previous term of office with the Rented Dwellings regulations where the then Minister for the Environment and the then Minister for Housing and successor Minister for Housing too worked together, consulted widely, formed a proposition to introduce licensing for rented dwellings, brought it to the Assembly and it lost. It lost with many Ministers voting against it, having never raised an objection to it in Council of Ministers' meetings, and we finished that term of office with no action on that whatsoever. A waste of time, a sad exercise of getting people's hopes up only to have them thrown down when it lost, and all of that because of politics. Not because the proposition was a good one or a bad one, but because of political misjudgments in not starting the process by getting that clear commitment from Members to say: "Yes, we support this. Yes, we want it. Go ahead and come up with the detail and come back and we will analyse it at that point. If it meets what we said earlier on, then we can vote for it." Instead, we did not judge the room and lost it. So, I am worried that if the Assembly does not say to the Minister for Housing and Communities right here and right now: "Yes, we think you are on the right lines when it comes to rent stabilisation, open-ended tenancies and a rent tribunal. We want to endorse that now and give you our political commitment that we support those ideas. Now go away and come up with some of the fine detail and consult on it, great, tell us what those genuine reasons for ending a tenancy will be, tell us exactly what the affordability measure in rent reviews will be" and we can in December have greater confidence that what comes before this Assembly has a good political chance of succeeding, rather than having happened to it what happened with the Rented Dwellings regulations in the last term where we wasted a whole lot of time and money. I wrote to Members over the weekend to address comments that were put in the Minister for Housing and Communities' comments to this proposition and I hope they had an opportunity to read those, and I hope that sets things out and allows us to have this debate without having to worry about misinformation or misunderstandings of what the proposition asks. But to sum up what I said to Members in that time, this proposition does not disrupt the ongoing process at all. It does not delay anything, it does not stop anything from going ahead as planned. It enhances that process because it provides a political verdict here and now about whether this is the right way forward and sends a signal out to those who might engage with the consultation, those who do not like these ideas and think they are bad ideas and want to oppose them, it says to those people: "Sorry, but you have lost the argument on this one. So instead of digging your heels in the sand, come and engage with us constructively and tell us what we might put in the fine detail of that to address as well as we can some elements of your concerns, but without giving in to you because the States will have already determined the course of action here." In terms of the specific parts of this proposition, I would say to Members, if you do not think that rents should be raised more than once a year, as the Minister for Housing and Communities has said he agrees with that, I agree with that, I have not heard anybody say that there should be grounds in a tenancy for increasing rent more than once a year, then there can be no reason not to vote for part (a)(i). Part (ii) which requires a minimum 3-months' notice period before a rent review can be implemented, there is some disagreement over whether that should be 3 months or 2 months and perhaps there are other versions. If you think 3 months is reasonable notice, there can be no reason for not voting for that part. Part (iii) which asks for an affordability measure to be included to base rent reviews on, which leaves it still open for that fine detail to be determined, for an alternative effective measure if one comes out of a consultation, can well be adopted and debated by this Assembly later, it does not disrupt that. If you are in favour of that kind of measure as already exists on a voluntary basis in many Jersey tenancies, then you can vote for it now and you are not damaging the work going on in the consultation, you are helping by saying this is the direction we want to go down. Part (b). which is the no-fault evictions part asks to

establish open-ended tenancies as the default tenure, where notice to quit may not be issued to a tenant who has not breached their contract, except under defined circumstances as to be proscribed in legislation. Well we can come back to that legislation later on down the line if you have got particular concerns about what those grounds may be. But if you are broadly in principle of doing what we are proposing, what the Minister is proposing, what the Housing Policy Development Board proposed, what the Fair Rents Plan proposed and what Michael Gove is proposing, although it pains me to say that, you can vote for it now and it does not disrupt anything. In fact, it sends that message out to the public who may consider engaging with the consultation, do not dig your heels in the sand on this, we are going to abolish no-fault evictions but help us come up with those appropriate grounds so you feel like you have got ownership and management of your property. Lastly, part (c) to provide for that establishment of a rent tribunal. It has been a fun journey to get to this point where the wrong way forward came to this Assembly previously, even though the intentions were aligned. This allows us, for those who do want to see the establishment of a rent tribunal or a housing tribunal or whatever it is to be, to say: "Yes, we are in support of that principle, we can be united on that", and then await the detail in that Residential Tenancy Law in December to see that fine detail. One argument which has been pursued by the Minister in advance of this debate that has annoyed me has been the suggestion, again, that this is piecemeal legislation when it is not. The White Paper proposes things which are virtually in line with what is in this proposition and a few more things like, for example, the regulation of social housing. Nothing in this proposition stops the Assembly and that consultation from pursuing some model for regulating social housing. I would argue that that can stand alone. Even if everything in this proposition were rejected, we could still do with some regulation of social housing and that would be a beneficial thing, or even if we forgot about that, the rest of the parts of this proposition stand firm. So it is not piecemeal because that law can come in December in whatever shape or form it is to take and we will have provided certainty early on for what we want to see in it. In summing up, I want to reiterate to Members that we have in this Assembly an ability to vote on propositions and tell our constituents what we think and how we seek to serve them. They really will not thank us for saying no to action now, no to telling them what we think and what we want because we are too embarrassed to or too scared to because of some survey that has been done, which is what it is, ultimately, a survey, fine, and then come back in December when the legislation comes forward and then tell them what we really think, which is that we did not agree with this from the outset and throw it out then, having wasted time and having dashed their hopes like that. I ask Members, if you believe in rent stabilisation, open-ended tenancies and a rent tribunal, you have nothing to lose in voting for that today in this proposition and saying to the Minister for Housing and Communities: "We back you. Get on with it and let us see what the fine detail says later on down the line."

[12:45]

But if we say: "No, we are not going to nail our colours to the mast while that survey is being done" we face a greater risk of ending up with nothing at the end of it. If Members want to end up with nothing then that is politics, that is fine, but if you do genuinely desire to see change and want to see action taken to support renters in Jersey, now is the time to vote for that action and vote in favour of all parts of this proposition. I make the proposition.

**The Bailiff:**

Is the proposition seconded? **[Seconded]** Is the adjournment moved?

**Deputy I.J. Gorst:**

I wonder if Members who have got a declaration to make might do that before the adjournment is moved for lunch.

**The Bailiff:**

Very well, are there any declarations to be made in terms of those with an interest in ...

**Deputy I.J. Gorst:**

Normally on these occasions, you ask those to stand who are landlords and they are recorded.

**The Bailiff:**

We can do that. Very well, those who are landlords, kindly stand. The Greffier will take a note of the names. Thank you very much.

**Deputy D. Warr:**

Can I clarify one point? You asked for a register of landlords, I took it as meaning landlords in Jersey for the point of clarification.

**The Bailiff:**

Yes, any amendments or any changes can only apply to property in Jersey, so clearly it is landlords or properties in Jersey.

**Deputy D. Warr:**

I will nevertheless let people know that I do own with my wife a property in London just for transparency.

**Connétable M.O'D. Troy of St. Clement:**

A point of clarification, please.

**The Bailiff:**

From Deputy Mézec?

**The Connétable of St. Clement:**

No, from you.

**The Bailiff:**

Well I do not give points of clarification. That is not to say you cannot ask a question.

**The Connétable of St. Clement:**

Can I ask a question then, please?

**The Bailiff:**

Please do.

**The Connétable of St. Clement:**

I am also a tenant, does that balance my debate? I have one unit let out and I rent a unit.

**The Bailiff:**

Well, I do not think that you need to make a declaration in that regard in particular.

**The Connétable of St. Clement:**

No, nice try. Thank you.



**Deputy G.P. Southern:**

Can I just question the nature of the interest involved? Are we talking about direct pecuniary interest in that it will affect the income from property or are we talking about Members speaking against or whatever in one direction but being able to vote ...

**The Bailiff:**

I do not think, Deputy, a decision in principle to bring in regulations, the details of which are still to be considered and discussed, even if passed, can be a direct pecuniary interest.

**Deputy A. Curtis of St. Clement:**

Sorry, I have got a quick point of order on that as well. I am just confused why tenants who would have a direct or an indirect interest in these propositions would not want to declare. I think previously the last time we debated this they were declared, so I am just wondering for a ruling as to whether tenants who are affected by fixed-term tenancies and rent rises would be worthwhile declaring an interest for completeness.

**The Bailiff:**

Well I certainly do not see any harm in such a declaration being made as it is not going to disqualify anybody from speaking. Those who are tenants who may benefit or otherwise from alterations to a fixed-term tenancy, kindly show.

**Deputy S.Y. Mézec:**

Just to clarify, I am a tenant but my contract is as such that I will not benefit from this because I already have a very good contract.

**The Bailiff:**

Well in which case it is those whose interest may or may not be affected by what is proposed in principle, kindly show. No?

**Deputy R.J. Ward:**

Is it important to read out the names because there was a real discrepancy there between the number of landlords and tenants in the Assembly?

**The Bailiff:**

No, I think it has been noted by the Greffier and no one is disqualified from speaking and everyone here knows where the interests potentially lie, so I do not think that it is necessary to read names.

**Deputy S.Y. Mézec:**

I beg to differ, it is good that it is noted but this is a democratic Chamber operating for the benefit of the public. The public should know what has been noted.

**The Bailiff:**

Well, the position is that any member of the public who is sufficiently interested is capable of watching this live. Anyone who is interested is capable of reading about it thereafter, although possibly that is true. Very well, I will reflect on that over the luncheon adjournment and if I take the view that names should be read, then that will be done after the luncheon adjournment. Very well, is the adjournment proposed?

**LUNCHEON ADJOURNMENT PROPOSED**

**The Bailiff:**

The Assembly stands adjourned until 2.15 p.m.

[12:50]

## **LUNCHEON ADJOURNMENT**

[14:16]

### **The Bailiff:**

Having reflected over the luncheon period it seems to me that it would, in the light of the ability of members of the public readily to access information on a real-time basis of what happens in the Assembly that the names are read out of those who declared an interest, and I ask the Greffier to do so.

### **Connétable A.S. Crowcroft of St. Helier:**

I was not present when the declarations were made; could I add my list to those with a landlord connection.

### **The Connétable of St. Peter:**

May I add my name as well?

### **Deputy M. Tadier:**

I need to declare as well. I was absent.

### **The Bailiff:**

Thank you very much. That is a further 3 names to the list. Right, so if we could read the list please.

### **The Greffier of the States:**

Those from this morning: Deputies Gorst, Rose Binet, Labey, Luce, Jeune, Tom Binet, the Constable of St. Clement, Deputies Bailhache, Curtis, Moore and Warr; then the 3 this afternoon, the Constables of St. Helier and St. Peter and Deputy Tadier. Also this morning the Constable of St. Ouen declared himself a tenant.

### **Deputy R.S. Kovacs of St. Saviour:**

Do we need declare if we are a tenant as well, because I am also a tenant?

### **The Bailiff:**

It was a tenant who might be affected, so of a nature that might be affected by the debate that is happening.

### **Deputy R.S. Kovacs:**

At some point, probably.

### **Deputy C.F. Labey:**

Sir, could I just qualify my landlord-ship, if you like? There is a usufructuary interest so I do not know if that makes any difference, but anyway it is there. It is declared.

### **The Bailiff:**

Well, without knowing the precise details it would be difficult to see how remote your potential interest may be so it is probably prudent to declare it, thank you very much, Deputy.

### **Deputy K.L. Moore:**

Apologies, while also reflecting on matters of this morning I requested that Deputy Ozouf was excused this morning, but I should inform the Assembly that he is absent on States business.

## **The Bailiff:**

Deputy Ozouf, indeed. He is absent on States business, very well. We will proceed now with the debate on P.18, which was read as amended. The proposition had been proposed and seconded and we now open the debate. I have Deputy Warr who wishes I think to speak first.

### **8.1.1 Deputy D. Warr:**

I thank the Deputy for his proposition. I would just like to start off by some of the language being used by Deputy Mézec. It is quite interesting that one person's talking shop is another person's consulting, one person's lobbying is another person's listening, one person's survey is someone else's consultation. It is interesting how you can use words to demean the activities that we are trying to achieve here. I am pleased to see that the proposition put forward by Deputy Mézec is well-aligned to some of the areas for review that are already being discussed in my housing consultation. As such, Members may be surprised that I will be opposing the proposition. There are 2 principle reasons for my opposition. The wording of the Deputy's proposition in some areas is very specific. For example, the requirement that open-ended tenancies become the default tenancy. Although the rights of tenants do need further protection, it is by no means clear that a default, open-ended tenancy for every tenant would provide the best solution to the housing market as a whole. Accepting the proposition today will bind the hands of the Minister - my hands - to bring back very specific law drafting to meet the wording set out in the proposition. While there is agreement on the issues to be considered, I see no evidence to support the specific approach being put forward by the Deputy, and so I ask Members to reject the proposition as lacking in clear evidence and, as such, premature. In addition, I cannot ignore the fact that there is currently underway a public consultation giving people the opportunity to share their views on this important issue. To accept the Deputy's proposition now takes away the public's opportunity to meaningfully contribute to these vital changes to residential tenancy legislation. I think their voices must be heard. This is about much more than a quick win. The residential tenancy matters I am considering are complicated. They require very careful thought through so that any changes to the law do not result in unintended consequences. The stakes are simply too high to get this wrong. I prefer to listen to as many views as possible to help make sure we get this right. I spoke to a St. Lawrence parishioner last week; she was very concerned about aspects of open-ended tenancies and I have been carefully considering the points she made. I also spoke to the Older Persons Living Forum. One woman said she felt discriminated against because she was a pensioner with no employment income, even though her pension was adequate to meet her rent. I felt reassured about how my proposals include future subordinate provisions for discrimination. At a meeting of representatives from mental health charities I heard about their experiences with social housing providers; something that is not covered in Deputy Mézec's proposition, yet is a key part of my consultation. It is vital that people are listened to. The Assembly may be interested to know that the Jersey homelessness review, a report from 2019/2020 - which I know the Deputy knows very well - found that the States Assembly was the least trusted institution; railroading law changes through without listening to the public is not going to help that perception. I would like to reassure the Assembly that rejecting this proposition will not delay changes to the Residential Tenancy Law. Work is already underway; initial law drafting instructions have been submitted and initial work on the overall structure of the new legislation is underway. Additional instructions in respect of specific details will be issued after I have heard people's views. It is important to look at the subject as a whole and to make sure that all changes are well co-ordinated and balanced. Let us not forget that I am bringing changes to residential tenancies across a much broader remit than the Deputy has proposed. His proposition fails to consider all aspects of landlord/tenant relationships and does not consider the impact that new legislation may have across other areas. We must look at residential tenancy issues holistically to avoid taking a piecemeal approach that does not achieve the desired outcomes. The Deputy himself made it clear in earlier debates on the Rent Control Tribunal that he did not want to see piecemeal changes to legislation. I must also point out the fact that the Deputy amended his own proposition after attending my States

Members' briefing. Surely this is evidence that it is premature to make binding commitments before this initial consultation is over. As I said in my comments, laws must be based on clear evidence and detailed analysis. They should not reflect the changing policy intent of a single politician. In summary, what the Deputy has proposed is not enough. I welcome the broad areas for action; they align with my own. But the proposition fails to justify the specific solutions proposed, fails to take into account the complicated matters at play and fails to consider the unintended consequences. I think the Assembly want to see the detail to understand how the individual parts fit together as a whole rather than agree on small parts out of context. Members will recall that we will be considering all aspects of tenant/landlord legislation in the in-committee debate later today or tomorrow - I am going to say tomorrow. I would, therefore, urge the Assembly to reject this proposition because it would completely defeat the purpose of the consultation that is at the heart of my proposals to change residential tenancies for the better.

### **8.1.2 Deputy C.D. Curtis:**

I do not usually make a long speech but today we have the opportunity to improve the lives of around 30 per cent of households in the Island. I have heard the some of my colleagues here in the States Chamber have real concerns about open-ended tenancies so I would like to address that. First of all, facts and figures; we are looking at around 12,000-plus households in Jersey in private rental. That will include many children. These are the people who by and large earn too much to get social rented housing but not enough to buy a house or flat. The great majority of private rentals in Jersey are leases of 2 or 3 years. At the end of the lease period the rent can go up by any amount. There is currently no limit. Those are the facts. Consider now the impact on those 12,000 families, the house, flat, property, unit, whatever it is called, that is their home just as much as it is for any one of the Deputies or Connétables I see across the Chamber from me now whose house is their home. Imagine not knowing whether you would have to move every 2 years. But most States Members have the security of home ownership and can choose to stay in their homes. By voting against open-ended tenancies these States Members who enjoy the security of home ownership will be denying the right to 12,000 families that same security - the choice to stay in their own homes - and, therefore, forcing them into a lifestyle of uncertainty every couple of years because at the end of the lease the rent can become unaffordable for each family. Rents are often raised at the end of a lease by well above the cost of living, and as a St. Helier Deputy I often hear of rent rises of 20 per cent, 30 per cent; the sky is the limit. So the family moves and finds a smaller property, children lose their friendship groups and communities lack cohesion. Or they stay and they live there without holidays, or maybe take another job; that is if they are allowed to stay, regardless of whether they are perfect tenants or not. I can tell you that when I did some field work for Statistics Jersey, visiting homes for the household survey, that private renters were almost impossible to reach. Why? Because they are always at work. I met couples where one does a 12-hour day shift and the other does a night shift, and when the one at home is supposed to be sleeping they were mostly looking after the baby. Have no doubt the current rental system is cruel and wrong. It forces people to work far too many hours to pay the rent, or they fall into poverty - currently around one-quarter of all households in Jersey - which is shameful. Open-ended tenancies with reasonable rent stabilisation would mean that the 12,000 households would have the security of knowing they can stay in their own home, and the landlord would have the security of a continuous rental income. There is no good reason to vote against this. What about when things do go wrong? The usual way that open-ended tenancies operate is that the landlord will still be able to end the tenancy if rent is not being paid, if the tenant violates the rental agreement, and of course if they want to sell the property or move into it themselves.

[14:30]

I have a friend who lives in Cologne, Germany. She is an artist and her flat is her home. She has lived there while her son grew up, while her marriage broke up, and now having retired as an art teacher she still lives there comfortably, selling many of her paintings. It is a lovely flat, full of her

own style. She does not own it but it is her home; not just a place she can stay in for one or 2 years. This is how rentals work in Germany; she consults the landlord to let them know if she wants to do any decorating and she looks after the flat well. The landlord has a steady income. It is a win/win situation. In Germany there are also fixed-term rental contracts for special circumstances such as short-term key workers and for students, but otherwise rentals are indefinite rental contracts with restricted percentage increases on rents. In other words, they are open-ended tenancies. This is not new and it has not caused a shortage of rental properties. It has meant that rental homes are homes first, investments second. So while Germany struggles with the needs of a rapidly growing population and high inflation, tenants have the security of being able to stay in their own homes. So we can see that open-ended tenancies provide security for tenants, making a house a home, but maybe some of us here still think that a landlord's choice to raise rents by any amount and to change tenants for any reason should take priority to the security and welfare of those 12,000 households. Well, I would say then, consider the economic effects. Jersey has a growing problem of recruitment and retention of essential staff. Rental housing is now so expensive that skilled staff are reluctant to come to Jersey. Young people who already live here are leaving. They see no future here. So we are creating a society of elderly homeowners without the staff needed to support them and their families, and without the staff needed to pay the income tax that pays for our public services. Sometimes we even hear mentioned: "The old lady is supplementing her pension with income from a rental property." Well, I expect we have all heard of generational inequality, that those who are renting now will probably never have a property of their own, never mind another one to rent out. By keeping things as they are the majority of this generation are heading for poverty in their old age and will be a huge financial burden to the State. By bringing in some limits to rental inflation now, these families may be able to afford such luxuries as private pensions. So let us have some leadership and vision from the States Assembly please.

### **8.1.3 Deputy P.M. Bailhache:**

It seems to me that the Minister is trying to proceed in an orderly way; having a White Paper, having a debate in committee, and then coming forward after his consultation period with proposals for debate. This proposition is a disruption. It reminds me of the debate last year on the introduction or restoration of the Island-wide vote, which may or may not be a sensible proposal but its adoption at that time would have pre-empted discussion by the P.P.C. (Privileges and Procedures Committee) on the wider issue of electoral reform. This is exactly what the Deputy wants to do; he wants to pre-empt discussion and consultation by making decisions without the benefit of talking through in detail all the implications of the different options. Many people in this Chamber do want change but they want, I suggest, sensible change. This is not the way to proceed. I have things that I would like to say on a number of issues raised in the Minister's White Paper. Do I say those things now and say them again on the debate in committee? That is not a sensible way to proceed and I am going to hold my fire until the in-committee debate on the White Paper later on, and so I am going to vote against this proposition. But I am going to vote against it for another reason, which strangely is the converse of the reason put forward by the Minister. I think that if a proposition comes before this Assembly inviting the States to make a resolution it should be absolutely clear what the States are deciding. Deputy Mézec's proposition is not clear as to the question of rent control. As the Deputy himself said, there are all kinds of rent control and in the proposition that we have before us we are given a number of different options. Which one are we approving? It is not clear. It is not good enough to say: "Well, you are approving rent control and, therefore, anything that I come up with later on is what you have approved." The Assembly needs to be clear exactly what it is that is being put forward. Are we agreeing to cap rents by reference to the retail price index, or are we agreeing to cap rents by relation to average earnings, or in some other way? Nobody knows. What about the no-fault eviction? What does that actually mean? Suppose that a tenant upsets a neighbouring tenant by using foul language or playing his radio too late and loudly at night, is that a justification for eviction? Suppose 2 tenants fall out in such a way that it is quite impossible for them to live next door to each

other without an intolerable atmosphere for everybody; does that justify the landlord in seeking to ensure that one of them moves on? It is the detail of these things that is important to know before one can decide whether or not to support a proposition, and that detail is entirely lacking in Deputy Mézec's proposition. I am going to vote against the proposition.

#### **8.1.4 Deputy M. Tadier:**

So we have heard from one half of the Liberal Conservative Party in the Assembly, and I think political pundits have for quite a while been wandering behind the scenes - I am not going to say there is a book running on it - but as to which one is the conservative and which one is the liberal. I certainly think we have heard from the conservative policy leader of the Liberal Conservatives. While we did hear in the opening speech from the Minister about words being able to be used to convey ideas; a revolutionary idea, you can say things and then people actually understand things from what you say, and they can mean different things depending on which words you choose. Deputy Bailhache of course sees this proposition as being disruptive. It must have been brought by those nasty socialists in the Assembly who just want to disrupt things. But I see this as being very much a targeted and responsive proposition which has been done because there are some obvious principles, which I think we can establish today. I have heard the Chief Minister complain that one cannot do right for doing wrong, and it seems to me that exactly what we can do as an Assembly is decide what we think the principles are that we all aspire to and what we think living in a fair and just society means, whether one is a tenant or a landlord or in fact neither. But as legislators we have to consider those principles. So of course there is not necessarily going to be the fine detail because what we are deciding today is principle. We do this all the time, especially as Back-Benchers or as non-Executive Members of the Assembly, whether in a party or not. If we cannot decide on the principles then we are not going to get to the ultimate goals, but if we can decide some basic principles, whether that is in this debate now or whether it is in what the Minister calls a White Paper - I am still sceptical as to whether it is a White Paper or a Green Paper but let us not get into colour semantics at the moment because we are focusing on some issues that we can all agree on. Do we agree that we have a cost-of-living crisis in Jersey? I think, yes, we do, and that it is not necessarily unprecedented but it is certainly unprecedented maybe in my generation; we have not seen this. Do we also accept that the rates of inflation do not affect people equally or homogeneously in society? I think we do agree that because it depends on people's circumstances. It is certainly the case that we know that renters in the Island are potentially some of the most affected by that, and we also have ... it is important to say that landlords themselves - I use the masculine form but that will include I am sure some women as well - are not necessarily all listening in the gallery today but part of my declaration of interest is for my wife, who is a landlady, and I have also got a quarter interest in a house myself, which I do not expect will remain the case for very long. But I look at what is being proposed today and do I have a problem as a landlord or would my wife have a problem with what is being proposed today? I think the answer to that has to be no because, for example, would I want to increase the rent for my tenants more than once a year? No, of course I would not. Why would I want to do that? I want to give them some kind of security of tenure and to know that they can make some kind of financial planning. Most people do not get pay rises - if they get them at all - more than once a year, so they need to be able to plan from year to year. Do I have a problem about capping the amount of rent that may be increased so that it is tied to some kind of index? Of course Deputy Mézec is not saying it has to be this particular index because he wants the Minister to go away with the endorsement of this Assembly and find the appropriate mechanism, because we have got several. It could be that it needs to be tied to average wage increases which might be more sensible. It would seem more sensible to me to do that rather than indicators in the market over which ordinary workers do not have any control, because if inflation is going up by 10 per cent but wages have only gone up by 3 or 5 per cent then it might seem that is the most appropriate. But what the Deputy has done here is to put the flexibility in so that the Minister, who is part of the Executive here, can look at that. Do I have a problem with open-ended tenancies? I do not think so. I think most landlords that I speak

to, and I do consult quite widely; I have surgeries and I have had them at Communicare at least once a month for the last 15 years, and landlords do come and talk to me, not specifically to search me out but we have very frank and open conversations. The overwhelming message that I get from most what I would call good landlords is that they want security of tenure as well. They do not want to have to be chopping and changing all the time. They are not kicking people out year to year, let alone every 6 months because they think that they can put a new kitchen in and maybe put the rent up by 15 per cent, or do whatever it is. They want to make sure that their tenants are satisfied and that they have got a regular income, especially if they are pensioners and especially if they are widows, as is sometimes the case with the constituents I have spoken to. Requiring enhanced notice periods for tenants depending on how long they have lived in a property; I do not have a problem with that. If somebody has been a tenant of yours for 10 years it is probably quite reasonable that they have become established as part of a community, and the Minister will know that it is quite close to my heart, whichever sector people are either renting or even living in, that place-making and that sense of community is fundamentally important. But we see that there is an asymmetry in the right to put down roots in the Island, depending on how you live, what kind of tenure you have. I do see people for example in social housing - we can talk about that briefly - but it could apply in the private sector as well where people are being uprooted from communities where they are well-established. I will not be shy of calling it something not too dissimilar to social cleansing. We are seeing people who have lived in an area for the whole of their lives, and because of their socioeconomic circumstances they are no longer able to stay in the areas where they have got friends and where they have put down roots, and they are all being put into areas without having any choice.

[14:45]

The word I focus on is not whether this is disruptive today but I want to talk about precariousness. We have this precariousness that exists in our community where people cannot make plans from month to month, let alone year to year, and this is what Deputy Mézec and what our party certainly is very interested in. If we can get to a point where we have this general agreement in principle today we can then say to the Minister: "You have heard what the Assembly has to say, now please can you go off and ..." it means that the White Paper, if we call it that, will be that little bit more focused so we can focus the attention on how we get to these principles that we all agree on, and that we can also focus on the many other issues that need to be addressed in the area of tenancy. I should not need to qualify this at this point but I think it is unfortunate that all of these debates seem to boil down to the point of saying "tenants good, landlords bad" or vice versa. I think we have moved past that but I think it is really important to put the voice of at least a notional landlord in this Assembly, which I am, and to say that I have absolutely no problem with the regulation that is being proposed, and that I or other landlords should have absolutely nothing to fear from either this regulation or other regulation which is brought forward. I do not see it as saying we cannot do anything unless we do everything at the same time. These are very positive steps and I think we have all got a duty ... anyone who knocked on a serious number of doors at the last election, whether a new Member or a returning Member, and heard overwhelmingly that housing is one of the most fundamental issues that we face; whether it is access to affordable house buying or whether it is tenancies across the sectors. They were overwhelmingly the issues that we dealt with as States Members and we have been here almost a year now and it is right that those of us who are in a position to bring propositions to the Assembly - and it is everybody's right to do that, it is not the sole right of Ministers to do that - that they respond to the call at that election to take action and to do it in an orderly but quick manner.

### **8.1.5 Deputy M.B. Andrews:**

I think it is very much apparent for all Members in this legislature that we have a real issue with our housing market. Our housing market is in a position of partial market failure. There is allocation in terms of housing that is available, however, when we are looking at the cost to housing there is very much a disproportionate element to this. We are looking at many households who are really

struggling. We are looking at households, for instance who are expending most of their gross income on rent, and we just need to factor in their net income, so that is what is left over post tax and social security. It is a very diminutive amount. This is again a very complex and very convoluted issue because I think we have to consider numerous factors. We have to be looking, for instance, at Government. We also have to be looking at planning. We have to be looking at the ownership of private dwellings and we also have to be looking at new supply that is coming on to the market as well as supply that is coming off the market. So there are numerous factors that I think need to be broadly discussed during this debate. When we are looking currently at rental increases that have been factored in because there is demand-pull inflation in the market; essentially there is more demand than there is supply for housing, and that is making it very difficult for many households. There is a problem when we are looking at, say, the amount of households who have got those private debt obligations that they need to fulfil, and especially those that are explicit rents. For instance, if there is a mortgage debt obligation that needs to be fulfilled, whereas if somebody has a second property and they do not have any debt obligation to fulfil, for instance there is no mortgage, then there is more flexibility within that agreement between the landlord and the tenant. Of course we have seen during COVID gradually interest rates are starting to rise and that is making borrowing more expensive, but also those debt obligations that have to be covered, it is becoming more costly for those tenants as well. One of the problems really here with Jersey's economy, when we are looking at where investment is targeted it tends to be in housing. That is where you are going to be provided with generally a good return on investment, and when you are looking, for instance, at the margin efficiency or the capital, if you have got a good return on investment exceeding the rate of interest then that person is doing quite well in terms of the investment that they have made. When we are looking, for instance, empirically and looking at the quantitative data, say in Europe for instance with the number of countries who have maybe implemented some form of rental controls, some have worked, others have not. I think there is always a precarity when the Government comes into the market and offers some form of intervention, because that intervention needs to be done correctly. As far as I am concerned, if you, for instance, apply regulation and it is done incorrectly you potentially could see some unintended consequences where people end up leaving the market and essentially their home might be sold but that person who purchases the home could become a homeowner so you are reducing your private rental stock. So there are some considerations when we come to this. But, as it currently stands, I think most landlords are very conscious of their tenants and very conscious of the problem that we have currently as a Government, and of course with the issues that we have with housing. That has obviously been exacerbated because at the next States sitting we will be deciding on a proposition that again is integral that we make the right decision, otherwise we could end up with a real issue in terms of not bringing new homes on to the market. But I think with landlords you also have to understand from their perspective; they have to generate an income. Some of that income potentially could be economic rent, but also they have to reinvest capital to maintain private stock as well. I do not think as a Government - because again we have legislative independence - it makes it quite difficult because we really need to be building an approach in terms of how we move forward into the next Assembly and the Assembly after that. But I think ownership of private property is really important. How can we really achieve economies of scale? How can we have investors in the private market, for instance, who can first of all generate profit but also reinvest capital back into our private stock, because that is really important as well because we do need to ensure that tenants are living in accommodation that is habitable. I have to say, during the election when I was canvassing I was quite shocked at some of the accommodation that I saw, and that was mostly in the private sector. I think there was one estate that was social housing but apart from that, yes, it was very degrading and I felt very sorry for the people because inevitably the property portfolios that I saw had been neglected. I think that is an issue because each and every single landlord has to be sophisticated enough to understand what they are investing in and also their obligations as well. But when it comes down to something like open-ended tenancies, I think this is probably an area where some people are unsure, uncertain, and especially landlords, for instance, if



you have an investment and that investment is maybe no longer liquid as an investment because you are tied down, that means you have potentially got capital invested and you cannot discharge of it readily compared to say if you had shares for instance. That is maybe one argument that has been mentioned on social media. You just need to look at the Jersey Landlords Association, they contacted States Members and they provided us with 2 documents, one for this proposition and one for the White Paper. But we have to ensure that we look at the proposition itself, and what it is really saying under part (b) is “under defined circumstances as to be described in legislation” and this comes down to the open-ended tenancies where somebody can give their tenant notice on how that person is now going to be given notice to move out of a property. So I think it is kind of giving flexibility in that sense within the proposition itself, but I think this is probably a matter of do politicians believe that regulation in the housing market is a good idea, if so then it needs to be done correctly. There may be some politicians who maybe are more centre right, maybe more conservative than liberal, who might decide well, no, they are antithetical to regulation and, therefore, they might say: “Well, actually, no, I will not be voting for this” or: “I cannot vote for this.” But I have to say, looking at the 2 proposals, essentially if you like in terms of looking at the proposition itself and the White Paper I think they are pretty identical. I have to say I think the centre right politicians have hijacked Reform’s policy. No, I am joking, but I think this has been obviously previously debated in the Chamber - I think it was in November - and I think at that time there maybe was not any intent to have any intervention in the market and maybe the Government at that time had not maybe been at an advanced stage to then bring forward any proposals themselves, however, now they feel they are best placed. I have to also say one thing as well, I think Members have to take this proposition as is. It should not be the case: “Well, the Executive have come forward with a White Paper so, therefore, the consultation should be prioritised.” As a legislature we have to be dutiful and whoever brings forward a proposition we have to appraise a proposition as is. So I do not think there should be any prior judgment. Maybe if, say, some politicians think: “There are some elements that I could support in this proposition, however, because of a consultation I am not going to support (a), (b) or (c).” You have to appraise what is before you. I think that is quite important. I think every single Member, and especially those who are in the minority, they have a voice and they have to be listened to, like it or not. So I do hope Members are pragmatic in terms of how they are analysing this proposition. Could there be unintended consequences? Yes, I think we are kind of entering at that field, absolutely. I think with any form of regulation in the market, as I said, some Governments have got it wrong and that is what ideally as a legislature - and especially with the Executive - if they are going away and if they are going to be doing a consultation anyway they have to be looking at what has gone wrong and where, and what has worked and potentially could some things be adopted and, if so, how successful will they be, how will we monitor the implementation, because I think that is also very important. It is all very well saying: “Well, we are going to do this” but if you are not monitoring the implementation phase of things stage by stage, then where there is potentially going to be an inefficiency or dysfunction how are you going to pick up on it? So I think that is quite crucial. From my personal perspective I do have reservations, it has to be said, about rent controls depending on how they are implemented, and I think this proposition is providing a bit more flexibility with the 3-year period, I would have to say. But I think Members have to realise rental income and cost-push inflation and building materials to maintain your property, there is a non-linearity, shall we say, between those 2 elements. That can always fluctuate depending on the current state of the economy; for instance if you are looking at interest rates, if you are looking at inflation. All of that has to be concomitant to anybody’s thinking. At the moment, it must be said, being a landlord can, in a way, prove challenging, for instance when you are looking at maintaining your property. We have seen importing building materials is becoming more and more costly and I think some landlords potentially have been forced to increase their rents, but you do not want to be doing it to the detriment and the well-being of the household and you have got to try and find that balance.

[15:00]

It is a very difficult situation that we face as a legislature because I think what we have really seen is a problem that has arisen, has got worse, and I think Government after Government - and this is consecutive Governments - have failed to address the issue. There has not been a strong enough intervention within the market. There have been papers perhaps that have been released and those policies and the implementation phase has not been done. I think, quite rightly, Deputy Mézec highlights in his proposition there are 3 papers and it has more or less just been parked on the shelf. So it is time that we do something definitely this term. I think I will probably just leave it there. I will just sum up with my final words. I am looking forward to what other Members have to say but I think we cannot be too narrow in our thinking and we cannot be too narrow in terms of what is being discussed in this debate. We have to think more broadly because we have to think about tenants, we also have to think about landlords and the relationship between those 2 parties, but also more the systemic and more broader issues as well because it is a topic that I feel deserves the attention and discussion within this Assembly. So thank you very much for allowing me to speak.

#### **8.1.6 Deputy H. Jeune of St. John, St. Lawrence and Trinity:**

As we have heard today, the rental market serves a large section of our population and this really is an important topic that we all really need to be thinking about deeply in how we are going to move forward with this; and we heard it a lot in the elections. But as we are mainly discussing this in this sitting, both with this proposition but also the White Paper, I wanted to challenge my fellow Members to think about how we talk about housing. When housing gets talked about we hear the terms, and we have heard them already, “the rise and fall of prices”, “property market”, “the property ladder”, “the market”, “supply and demand”, “landlord and tenant relationships”, “investment portfolios”; but I think these terms miss the fundamental point that these are people’s and families’ homes. I believe when we are talking about or making any decision on housing we should start from that position that these are homes and they are essential to creating decent lives. They are fundamental to our health and well-being and they should not be seen as purely consumer goods. We must move away from any conscious or unconscious thoughts that rented or social housing is seen as temporary; just a roof over your head. For many it is their home and any instability or vulnerability could lead to chronic stress and worry that has a huge impact on mental health. My manifesto was clear; I want to see improvements that can help especially young people afford decent homes to rent, give protection from excessive rent rises or forced evictions. However, I will not be supporting this proposition. Not because I am a landlord or I do not absolutely see that these changes and strengthening of tenancy legislation and accompany legislation is needed but I believe as this is a complicated set of changes we cannot afford to have any unintended consequences. I am confident reading the White Paper that the Minister for Housing and Communities has set out that the concerns that Islanders repeatedly have raised have been reflected as a starting point in this paper. We need proper discussion of the options available to us, their credibility, feasibility, fairness, cost, unintended consequences, behavioural responses and questions of effective implementation and delivery. Now, what is important to get right is the consultation process, specifically to encourage as many people as possible who rent or have lived experience of renting to contribute. It cannot just be dominated by inputs from landlords and those that shout the loudest are the most co-ordinated or have easier access to speak to those directly involved in developing these outcomes. We need to hear from those with lived experience, done in a safe way that ensures their voices are heard and taken equally on board. Policy design and legislation needs to be grounded in accurate and consistent data and local market monitoring and analysis, and I just do not see it being provided in this proposition. Where is the analysis of what will happen to the market; those unintended consequences that we are all concerned about, the analysis of rent control introduction in other jurisdictions and analysis of the best type for Jersey? We have to turn to the White Paper to build this picture, which is why I will be putting my energy behind ensuring that that process is done effectively and that outcome reflects my manifesto.

### **8.1.7 Deputy I.J. Gorst:**

I am not sure I need to speak after that last speech, which was excellent, but I will endeavour to not breach Standing Orders by saying the same thing using different vocab. It is for me a source of frustration that every politician during the last election and post the election admits that there is a housing crisis and it is a real priority that we should and need to seek to address, and yet again today we find ourselves in somewhat of a phony debate, because this problem is of such a magnitude - and I have said it before - that we need to come together to seek solutions together. It is said that to decide is to divide, and we know in politics it is very easy to use the language of division to seek to deliver change that is Members' prerogatives. But I do not believe that this is an issue that should bring division. I think that what the Minister is proposing in regard to rent control ... for let us call it what it is, we can use the more acceptable term of rent stabilisation but it is rent control, although 3 actions removed almost. I for my part come to this being a free marketer - of course I am - on the centre right of politics. But that does not mean ... I hear my Reform Jersey colleagues casting doubt upon my "centre" credentials, although earlier they were quoting me those words of Deputy Gove. The reality is that markets work within a moral and legal framework and, therefore, it is absolutely right for this Assembly in a time of housing crisis to consider what intervention and what amendments to that legal framework might be appropriate to make. But we should do that without offering pie-in-the-sky promises which cannot be delivered. We need to be very clear with Islanders about what the interventions are and what their unintended consequences could be, because as Members of the Reform Party have said, they have done their research, other Members have, and the Minister and his department is doing his as well. From that research there are models whereby rent control carefully implemented - and I am interested to hear the leader of Reform Jersey talk about mechanisms around R.P.I., which he rightly pointed out lots of landlords already have in their tenancy agreements, it is not unusual. Good practice landlords right now are issuing tenancy agreements where there is the ability for a rent review on an annual basis in line with inflation. But if we stand up and simply support what is before us today, perhaps we are going to send the message to landlords that we think it is fine for them to put their rents up by 12.7 per cent this year. We do not. We had some really productive conversations with the Landlords Association at the end of last year and the evidence that Statistics Jersey are producing and the Economics Unit have looked at are showing that across the board - there will always be anecdotal stories where this is not the case - that landlords are being careful in tenancy. Perhaps outside of tenancy is another issue but that is something else that needs to be addressed. In tenancy they are very carefully considering their rental increase and evidence is showing, from what I am advised by the Economics Unit who have looked at those Jersey Statistics Unit numbers, that rentals are not going up in line with inflation, well below it in line with tenancies. We know also of course that the social housing provider is not putting their rents up in line with inflation either. It is the case that intervention is going to be required. But when we look at those mechanisms elsewhere what we see is that certainly in larger cities the positive results of rent control, stabilisation, are that people are able to stay within the community in which they are living. It enables that. What it does not do is necessarily keep control of the number of units in the sector. This is the biggest unintended consequences that the Ministers' work needs to really get to the bottom of, and that is that elsewhere in the world where rent control has been introduced, those that have been able to stay in the rental market have been unable to stay in their locality but the biggest effect is that there has been a withdrawal from the rental market sector by landlords for all of the reasons that are quite self-explanatory. Landlords need certainty of income just like tenants want certainty of rent. Yes, Deputy Tadier said in the longer term, landlords want tenants to be there for a long time because it means that they build a positive relationship, they are able to work proactively together, they are able to deal with problems arising in the fabric of the building and all of those things. They are able to respond to the tenant's needs, which are all sorts of good things. Therefore, landlords do want longer tenancies. So that comes on to another issue. Is the answer to delivering certainty in the medium-term simple open-ended tenancies? I do not know without the work that the

department and the Minister is going to do and, therefore, it is absolutely the wrong thing for this Assembly to make a decision today that is going to reduce the availability of rented properties in our community. Why do I say that? I say it quite simply because we have not yet dealt with the supply issue of the overall housing market and we cannot avoid that. Now is not a time for us to go looking at Members' records of whether they voted for or against rezoning, redevelopment and supply of housing because that would be dividing us. It is that we should be committed to dealing with these issues that the Minister has in his White Paper, but just as importantly and in the same timescale, dealing with the supply of housing because, otherwise, we will have a reduction in the supply of rented units and we will not be providing the new build supply of housing either and we will make the housing crisis worse. So we will be promoting action today but that action today, if we are not very careful and if we do not do it properly with a White Paper and consultation alongside supply of housing, will make the situation worse. That is why I believe that what the Minister is proposing through his White Paper is something that we can all get behind and support. It will make a positive change. So I am not being emotional and I am not going to tell all of the stories that others have told but they are familiar and Members will have heard them because, for me, what is important is that we come together, we use the processes that are before us appropriately, we deal with potential unintended consequences so that we can get the benefits that we accept could be and can be there when we look at some other jurisdictions and at the same time, we commit to dealing with the supply of housing as well so that we have the benefits, we have none of the downside and we start to get to grips with the housing crisis that we have all spoken about so much.

#### **8.1.8 Deputy R.J. Ward:**

It is always a pleasure to follow Deputy Gorst. It is the same combination of worshipping at the altar of the free market and fear mongering but let us all work together and consult together. Let us review and let us consult, ironically from a Government where some Members really criticised the last time but let us move on. Let us not talk about unintended consequences. Let us talk about the consequences that are happening now in real people's lives outside of this Chamber; real people who are renting.

[15:15]

In St. Helier, 63 per cent of those people who live there rent. That is a total of 22,568 people. That is a significant number and it is a shame that the Constable is not in the Assembly at the moment, and I hope he is listening downstairs because of the people he represents, 22,568 are renters and will be directly affected by this and are not protected for rent increases and may well be on short-term contracts where they can be asked to leave very rapidly, but we will come back to that. We talk about the need for consultation and a White Paper. I agree with Deputy Tadier. I do not think it is a White Paper. I think, by definition, it is a Green Paper. We are way off where we should be but a lot of that has happened before, by the way, and a lot of that came from the Housing Development Board, so a lot of the content is there from that and a lot of that is not controversial at all. There are lots of things like tidy up the law and the definitions. They are obvious. There are pages and pages of things that we can all agree on. Yes, it is lovely. We all sit together hand in hand saying how wonderful it is in what we can do. However, we have seen the nature of the other consultations of the really difficult things when we talk about tenancies and we talk about rent and the Jersey Landlords Association will not oppose any change and have already emailed us really quickly straight off the bat. Marvellous. The Jersey Landlords Association has around 200 members we were told. I believe there are about 4,000 landlords on the Island so we need to think about who we are consulting with. There was a very important word used in one of the papers about the White Paper in the use of the word "instead" so let us look at what type of consultation we will have. "Instead" is really important. It says: "The J.L.A. (Jersey Landlords Association) proposes that the Government should instead redress the housing supplement demand in balance [it is interesting that Deputy Gorst had that in his speech and I do not know if he consulted with them] and effectively enforce current laws with minor

amendments and introduce the landlord and tenant education and guidance.” That is what it says in the letter about the White Paper. There is the consultation. We are seeing the outcome of the consultation already from a powerful voice in Government. There was a suggestion that this policy is the idea of just one politician. Well, it really is not because we stood as a party on a housing action plan with exactly this in it and there were 10 Members of this Assembly elected on that and 2 others that were close. Many others did not have such a detailed point on their manifestos, and I know we are all being nice, lovely and fluffy and we do not criticise everyone else but there needs to be some criticism because when comments like that are made that this is just one politician’s idea, they are inaccurate and they are inaccurate coming from somebody who stood on a policy who then reneged on that policy immediately over Millennium Park. So let us have some consistency here and let us look at the honesty that we have in our politics. I really hope that the Members have read the email put together by Deputy Mézec on Sunday evening. He really does need to get out more. I do worry about him. He is there on a Sunday night sending this very long, very detailed and well-written email of course. I tried to find a grammatical error. I could not but then I am not particularly good at finding those anyway but there we go. I think this is such an important point, and this is what I want to see and hear, which is that Ministers should not consult on proposals they do not actively support. The Chief Minister and Minister for Housing and Communities have given answers in the Assembly which do not match the intentions of the White Paper. They are incongruent, they are inconsistent and when challenged in the Assembly, the Chief Minister at the last sitting said she does not agree with rent stabilisation and refused to answer the question, in my opinion. The Minister for Housing and Communities on multiple occasions said he is against meddling with the private sector. So we are now consulting on our White Paper, so there might be something happening from a Minister who is actively against “meddling”, in his words, in the private sector and regulation but we are being told that we certainly need this consultation. I am starting to get a little suspicious. I will just take a moment. I learnt something from a speaker I saw the other day, just to step back and take a moment and think through very carefully. It was the most impressive speaker I have ever seen and it was somewhere at Westminster. There are positive proposals in the White Paper but if they are just going to be abandoned because, from day one, Ministers simply do not agree with them, then we are in a situation in this Assembly where we miss an opportunity today to make change. If we miss this opportunity for 20,000-odd people in St. Helier alone, we will miss an opportunity to improve a significant number of people’s lives or give protection to. As I say, in the last Assembly, every Member in the current Government, apart from one, voted against landlord licensing so the writing is on the wall as to what is going to come forward from that White Paper. The Minister, Deputy Gorst and so many others have very clearly stated that a free market is the market solution to the housing crisis. This is clearly, I would say, a politically ideological position. It is lovely to see one for once and some politics in this Assembly. That is lovely to see and not just: “We do not talk about politics.” Yes, we do. We are politicians. It seems to me that this is a glimpse as to what is underlying this Government and the “Better Way” Government’s underlying ideology; do not interfere, let us consult and consultation, we know what the outcome is going to be, we can take time, we can delay and then we can do nothing. That is my genuine concern. To Members who are concerned and seriously think: “Well, I will get behind this White Paper because we will make change”, I hope that you are right but I am afraid I believe you are not and that is the huge concern. Well, will we be regulated to control the market? The answer is no. We will waste another year and more young people will look elsewhere. The reality and consequences are that young people are leaving the Island. It is not just young people. Ex-colleagues of mine have said: “We cannot afford to live here. We are going to sell up and go” or “We are not up for renting here anymore. It is much cheaper in the U.K.. I could find another job and we can go.” They are taking their skills, they are taking their families and they are taking the future of this Island with them. Then we are going to have this debate about who we are going to import into this Island and what rules they are going to have for their employment and the sort of things that we heard earlier today. That is not a structured housing solution. I note, Deputy Jeune, that I, in my speech, will use the word “property” just once

and that is to show the difference between that and what this is about, people's homes and lives, and I could not agree more. Let us take on the difficult conversation. I am quite happy with difficult conversations. I have had lots of them in my life and career. This is not anti-landlord. We need to avoid the simplistic and reductionist argument that that is what poses one group against another that says you are anti-landlord if you want to have any regulation. That is not the case. This is where the argument is about rent regulations lowering housing standards. This is simply not the case. We have a Rental Dwellings Law that sets the standards for housing regulations, so that is simply not a correct accurate answer. That is not a conclusion to be made from the facts that are there and I will say difficult things. As a landlord, you may be receiving a very large proportion of a tenant's income each month, 30 per cent, 40 per cent, 50 per cent or even 60 per cent of their income, but ensuring the home they live in is a good standard is an expectation that landlords should have of themselves and not just for tenants to expect as well. For the majority I am sure that is true, but this notion that things are expensive now so we have to put up rents a lot in order to keep it going, I am afraid that when we are talking about a fixed market on this Island ... and I go to a point that is in the housing White Paper, which means I am now going to lose the place in my speech but I think it fits in better. There is a lovely little phrase in there. It says: "It is essential for tenants to make sound and informal judgments on whether they can afford to reside in a ..." The "P" word. I am going to call it "a home". Would it not be lovely if everyone could decide: "I will not have that one. It is a bit expensive. I will go to the 4 or 5 others that are available to me that I can afford." I have been through this with a very close relation who is looking for somewhere to live and when I went with that person to look at some of the places to live, I said to them: "You cannot live here. You will be paying a lot of money and it is not worth it" and they are now paying more than they can really afford in order to get somewhere that is semi-adequate. That is the reality of the market in Jersey. The market that is broken and fixed towards one section of our society. If you want to posit one group against another, let us look at the free market against those who have the courage to intervene and say the most important thing on this Island is the people of Jersey and their ability to live here because we need them to have a future, to have services, to have families and to have that community that we all enjoy living in. I have lived here for 23 years. It has been the best place I have ever lived in the world but it is changing, and I want my children to live here and they simply cannot afford to. I am not in the pleasant position of having one home to live and one home to rent out, and I think those times are just about gone for the majority of people in this Island. There is one other point that Deputy Catherine Curtis talked about and that was the fixed-term tenancies and I have spoken long enough but this is important. It is the only debate we are having. We might as well take our time. It is the only thing we get to vote on in this Assembly. There is a lot of action going on and this is the only thing we are debating on. Remarkable. So the problem with not having fixed-term tenancies, if you are unlucky enough to have to move every year or every couple of years and move on because the landlord changes their mind or circumstances change, that is an expensive process. You will have left the deposit. You are not guaranteed to get all that deposit back. You are not guaranteed to get that deposit back quickly. You may have to come up with a temporary deposit for another home which could be £1,000, a month's rent in advance which is another £1,000. You have to pay removal costs and that can happen again and again. Picture your children who are 23 and entering into the housing market. Do they have the ability to take on an estate agent and a landlord to say: "That is not fair. I want my rent back and I want my deposit back"? The simple answer is no because it is fixed against them but we still, as an Assembly, say: "No, we have to consult first" and that consultation will be fixed. Recently with the situation with the Jersey Homes Trust, we spoke to many of those tenants who are extraordinarily unhappy and we heard about the lack of repairs and so on but they would not speak individually and in public. "I do not want to do that" and I am not blaming them for that. They need to feel safe and those are real things. How are you going to consult on those sorts of things which are really hard to live with? How are we going to consult on the reality of people who do not have a voice? I am afraid this does not need consultation. It needs leadership. It needs leadership, decision-making and a change and we all know that we need to regulate, we all

know we need to change the nature of tenancies and we all know we need to do something about the level of rent because if it carries on the way we are, we are facing an economic and social disaster of the like that we have never seen in Jersey before in the last 50 years because we have not seen a population drop. That demographic will not work for us in the long term if we carry on this way. So I urge Members to think very carefully before they just reject this out of hand. Please read the email. I wonder how many have not. Please think very carefully about whether you want to wait another year for something that is very unlikely to be anything like the White Paper that we have seen so far because the voices in our society that are the strongest will speak against it and they will be heard the loudest. Before we say: "It is just another voice that is pitting one against the other", it is not. I have a duty to stand up for the people in my constituency who face real challenges and the vast majority of them are tenants. This is an opportunity to do that and I will take this opportunity today. I will be supporting this proposition and I hope that many of you, particularly the Constables, when you look at the people in your Parishes and how many this affects, will see it in the same way as me and look to support this proposition. Yes, Sir, I am waiting to get to exactly 15 minutes. Thank you.

[15:30]

### **8.1.9 Deputy M.R. Scott:**

Well, I would like to assure Deputy Ward, who is just leaving the room, and Deputy Mézec that I have looked very much at the detail of his proposition in my experience as somebody who scrutinises legislation and propositions. I have also read his email and I have looked at much of the content, which was a considerable amount of content, that has been supplied to us in connection with the debate that we have not yet had because we are having this debate instead. I agree with Deputy Bailhache regarding certain concerns about the content for some of the proposition. In addition to that, I notice I had a concern with the wording "alternative effective measure" with respect to paragraph (a)(iii) kind of thinking: "Well, what do you really mean by 'effective'?" Effective for whom? For the tenant or for the landlord. There is so much more work that could be done here by the Scrutiny Panel but it cannot because it is a private proposition. Deputy Ward is also chair of the Environment, Housing and Infrastructure Panel and he will have the opportunity to scrutinise. Sorry, he will not. Somebody from Reform will. No, that will be Deputy Luce. Sorry, Deputy Luce. So Deputy Luce will have that role and there will be Scrutiny of this legislation when it comes. I believe it is very valid because I too have gone around hearing from constituents about problems with rent rises and nasty landlords, and some do exist, who are unsympathetic to the fact that there is a cost-of-living crisis. I do believe, however, in terms of many landlords and, indeed, we have evidence, that a lot of them are sympathetic to the fact that wages are not keeping up with the R.P.I. and indeed are keeping rents down. There are some landlords that are not so sympathetic and, in an ideal world, yes, your tenants would vote with their feet but why can they not? Because there is a lack of social housing which really is the result of former Governments not investing enough and not producing enough, notwithstanding the increase of the population. Whose fault is that? Is it anyone in the States Assembly? Perhaps not but that is the situation and I find it rather unfortunate to be acting almost like looking to blame landlords in the private sector who provide homes for this situation. Coming back to the content of Deputy Mézec's speech to support this proposition, I think it is worth also mentioning, when we talk about mould on walls, that again I am aware that the Minister for the Environment is doing a lot of work here and I really would like to see that come to fruition and that scrutinised as well. So we come to the motivation for bringing this proposition right before the debate that we are having in committee and what really can be achieved by it. Is it going to bring things forward any faster? I do not believe it is. So what is the motivation? I might suggest and reflect on the possibility that it is all about ownership. Who has contributed or will contribute to the resulting legislation bearing in mind that there have been a succession of Ministers for Housing who have taken this work forward? Again, all these papers that certainly I have been reading have been produced by different people who have produced some really valuable content, whether it is the paper on homelessness, whether it is the former Minister for Housing, and of course Deputy Mézec was a

Minister for Housing too. They have all brought something to the party and I believe there is some sort of hope that the party can come to more of an abrupt end by playing some really kind of horrible music that nobody wants to dance to. The party just needs to continue just a little bit more in order to produce a bit more in terms of considered thought. Now what I found a bit disturbing in the speech that Deputy Mézec gave was certain suggestions that how we react to his proposition would put us on paper on our position on certain matters that are the subject of the proposition, whether that is the notice for rents and whether rent increases should occur more than once a year. I really do believe it is worth saying: “No, I am not saying I do not accept or even encourage some of the content of the proposition at this point but I do not feel I can support that now because I am very keen not only to see the results of this consultation but to participate in it on behalf of some of my constituents” which we all can do and which I hope we all will do. We really do need to know so much about how people can be affected by the proposals that have been put out there. In terms of this idea that the moral high ground is occupied if you vote in favour of Deputy Mézec’s proposition as opposed to just allow the Minister to do the work - who has, I understood, asked Deputy Mézec to withdraw his proposition twice but has received a refusal - the election of the Minister was supported by the States Assembly to do the work certainly I want him to do and I believe we all want him to do to produce something that really is going to sort out this situation bearing in mind it cannot be solved by rent controls alone. The work says that much. We talk about homes and say it is a bad thing to talk about supply and demand. Well, here is the reality. You cannot walk with your feet if there are no alternative houses out there provided by government. We do need to see these so it is not an ugly term in that respect. I do not want to be anticipating too much of a debate that we have not yet had but there are some considerations even in terms of walking with your feet, such as the age of the tenant. Maybe there is a case for more security if you have a more elderly tenant. Maybe there should be some distinction. Maybe not. Maybe that is against the human rights rules but I really would like to have those conversations, and I am sorry but I am also preventing the States Assembly from having that by contributing to this debate. However, I also am concerned about the idea that, basically, should I vote against this proposition that I do not believe has been adequately thought out, that me and any States Member who has voted against it is posted on social media as the bad people. However, I am going to take that risk because my job as a States Member is to act in the public interest and I do believe that the public interest does lie towards the proposition that has taken into account consultation with the public, has been worked on and gives me much more of an opportunity to comment on its detail as well as for Scrutiny to do so.

#### **8.1.10 Deputy J. Renouf:**

On the face of it, there does not perhaps seem to be that big a difference between the Government’s position and Deputy Mézec but I think there is something at stake here. There is a difference and, to me, it is not just about the questions of rent stabilisation and open-ended tenancies that are raised in P.18. It is about how we make policy in this Assembly and how we do politics in Jersey because how policy is made matters. The Minister for Housing and Communities has published a White Paper relating to improving residential tenancies. In the U.K., White Papers are defined as: “Policy documents produced by the Government to set out their proposals for future legislation. This provides a basis for further consultation and discussion with interested or affected groups and allows final changes to be made before a Bill is formally presented to parliament.” It is implicit in that definition that the final policy position has not been decided. The Minister’s White Paper indicates a very clear direction of travel but it is deliberately not final, and that is important. As a small example of why, I had a constituency surgery last week and, as it happens, I met a couple who rent out property who were very concerned about the proposals in P.18. They were not aggressively anti-regulation. They were supportive of the proposed licensing of private rented dwellings, for example, but the idea of open-ended tenancies worried them greatly. All they could see was that it might not be possible to end a tenancy when they might have, in their minds, good reason to do so, and of course there is no definition in P.18 to help them clarify that. Now we can debate whether open-ended tenancies are



a good thing or a bad thing, but personally, for me, it is not an abstract question because the devil is all in the detail. What are the exemptions? Until you understand that, it is impossible to come to a view. The point is that P.18 commits to the introduction of open-ended tenancies without knowing the details. That is the problem. For landlords, that means uncertainty. Not everyone follows the ins and outs of these debates. What many landlords will see, including, I suspect, the ones I met last week, is the simple headline that the States has committed to open-ended tenancies full stop. That sends a powerful signal and it creates uncertainty. I know the frustration of those who want action now, not least because I know people who have had to leave properties in which they have been living for some time. I know people who have experienced big rent increases. I know people who are struggling with a difficult landlord, but I do not accept the characterisation of Reform Jersey that the only way to show you care about those who are renting is to support P.18. It is not the case that support for P.18 is the standard by which compassion and empathy are judged. It is possible to care deeply about the issues we have in our housing market and not support P.18, as Deputy Jeune, Deputy Scott and Deputy Gorst have all pointed out in different ways. It is also not the case, as Deputy Curtis said, that we have an opportunity to end uncertainty for tenants; for example, over tenure. That is not what P.18 would achieve. It makes a vague commitment to open-ended tenancies but without saying what circumstances might be exempted. As Deputy Bailhache says, it is not clear. The risk is that this lack of clarity will have negative outcomes, with landlords acting in anticipation of what they would see as a potential worst-case scenario. A better way to do a change like this is to consult first, explain the principles being adopted, outline the options being considered and adapt them as the consultation continues. That allows involvement and feedback. That allows the changes to be something that happens with the input of all sides rather than something that happens to them. Of course, I have recent experience about just how important it is to go through this process with regard to trees. True, it might mean that there will be compromise as a result. There might be trade-offs, tighter restrictions over rent increases but greater freedom over tenancies, for example. That might, however, be necessary to avoid unintended consequences. As the Minister has said, the complexity in these issues is clearly signalled by Deputy Mézec's decision to amend his own proposition. It is easy to get it wrong. Sir, the rental market is a complicated ... Madam, I beg your pardon. I have only just noticed.

**The Greffier of the States (in the Chair):**

I have not been here long, Deputy, you are okay. [Laughter]

**Deputy J. Renouf:**

That is the problem with reading. The rental market is a complicated beast. All over the world different places are struggling with this challenge. In London, rents are up over 15 per cent in the last year. The main reason, it is generally agreed, is that landlords are leaving the market because it is no longer as profitable and they fear that changes will make renting harder. So that has led to less supply at a time of increasing demand. That is not to argue against increasing tenancy rights. Maybe the answer is to restrict rent increases during a tenancy and have open-ended tenancies. But before you commit to the detail, you need to understand the risks; for example, the risks that landlords will leave the market. The fact is Jersey needs a private rental market. It needs landlords. Yes, that market needs to be controlled more than it is at present and that is signalled very clearly in the Minister's White Paper, but getting these changes right is a delicate business. Deputy Mézec references Minister Gove's proposals for a fairer rental market. It is worth having a quick look at the process that is under way in the U.K.

[15:45]

It began with a White Paper. Yes, a White Paper. It was published in June 2022. It was then examined by the relevant Select Committee, who published a report. It has been out for consultation for 9 months, and if anyone wishes to they can Google and get a flavour for the wide variety of

responses. In other words, the U.K. Government is going through exactly the process that the Minister for Housing and Communities has initiated. This is not just nit-picking. It is not just a procedural “get-out”. It is because as a Government we are duty bound to consider all the consequences of taking action. People look to the Government to act responsibly and fairly. I agree with the Minister for Housing and Communities. The details do matter and a vote for P.18 in the absence of details as to what it means risks destabilising the market without justification. It is a question of how to get the best outcomes. Will P.18 deliver the best outcome or will a White Paper with consultation and care at the heart of it deliver the best outcome? My view is the latter. This is a proposition that gets us no further towards our shared goal of creating a rental sector that works better for tenants. Even if passed we will not make any faster progress. We still need to go through all the consultations. It is not necessary and it risks undermining confidence in the private rental sector for no material gain. I therefore urge Ministers to reject this proposition in all its parts and let the Minister for Housing and Communities get on with the job of consulting on improvements in rental tenancy that are so desperately needed.

#### **8.1.11 Deputy M.R. Ferey of St. Saviour:**

I headed up an organisation that gives advice to landlords and tenants for over a decade and during the early part of my tenure I remember the time before Residential Tenancy Law where there were no minimum notice periods, there was no deposit protection scheme and there were no condition reports, leaving tenants exposed in all areas. I saw many people leave the Island or move to new accommodation with a very bitter taste in their mouth. So, what do we do about that? Well, as an organisation we helped campaign to have new legislation in place, and the way that legislation was brought about to make sure that it was right for Jersey at the time was by wide consultation, consultation that was unfettered and was as open as possible so that all ideas can be considered and all ideas could be brought forward. So, where we are now is the legislation needs to be uplifted again to improve the lives of tenants but also to improve clarity for landlords. So, this proposition fetters that consultation process, and I would ask Members to reject it because the way that we move forward and update Residential Tenancy Law in a way that is again right for Jersey is by keeping that consultation process open, by keeping that consultation process unfettered in any way so that anyone can feed into it, give their honest views, knowing that they will be taken seriously into account.

#### **8.1.12 Deputy T.A. Coles:**

I would like to start by being reminded of what a lot of my teachers used to say to me before my exams, was making sure that you read the question all the way through to the end before you start answering. So I will not start at the very end, because that just refers to Deputy Sam Mézec of St. Helier South, but go to the paragraph above: “To request the Minister for Housing and Communities to bring forward for consideration by the Assembly the necessary legislation to give effect to those decisions by the end of 2023.” Where we have Article (a), part (iii), where it says: “or an alternative effective measure which the Minister for Housing and Communities may deem appropriate” this is one of the areas where the consultation is still requested to be open, it is still asking ... not saying we are going to shut off consultation now, this is a final decision, this is an absolute, because this is not an absolute. This is asking us to pin our colours to the mast on legislation that the Minister for Housing and Communities is working on, but we are talking about by the end of the year. So why are we not asking these questions now? Because we do not get to vote on the in-committee debate. We will get to go through these points on the in-committee debate if you so choose to bring them forward, but we can say now that if you are not in support of rents being increased once a year, you vote against this part, but then I would argue that you should then stand up and say in the in-committee debate what are you in favour of. Why are you not in favour of them only being increased once a year? The notice period, this was a point that we discussed within our party meetings, whether it should be 2 months, 3 months, 4 months. Personally, I like 3 months and that was something that I pushed for because I think that 3 months is an adequate period of time for someone to get their

finances in order before moving forward. But if you do not agree to that, then you can vote against this and then stand up in the in-committee debate and tell the Minister what you would support. Let us say yes or no to something that is actually recorded, let the public know what you are supporting so the Minister has a recording of what you are going to support or not support. Because it could be that you vote against every single item in this and the Minister may have brought every single item for this in December and then you are going to vote it away then, so the Minister has wasted the best part of a year's work because you are not going to support it from then to now. So I say look at these items, break them down into what they are, because they are not absolutes. They are very much open for the Minister to continue with his consultation and to bring these points back to the Assembly at the end of the year in legislation which will hopefully then be passed through unamended, very quickly and very effectively. This is very much what open and collaborative government is about. I do wish that the Minister had stuck to his original decision and brought the in-committee debate to the last sitting and, therefore, this would have followed afterwards and we could have worked through these, but it is the holidays, but we are still committed to 4 days every 3 weeks to being in the States Chamber so we should be very much considering these things. I am trying to remember where else I was going with some of these points. To establish open-ended tenancies as a default tenure, I will speak more about this on the in-committee debate because I think it is a very, very important point to make sure that we have what you would consider a final fallback position. If a tenancy is not agreed or notice periods are not fulfilled by either the tenant or the landlord, you need to have a position where things fall back to, so open-ended tenancies for that are very important, for me anyway, like I said, but if somebody else has another idea, again bring it forward in the in-committee debate, vote against it here or vote yes, if that is what you think is the right method. Nothing in this directly ties the Minister's hands to say this is exactly what you have to do. There are ways and things can always be adjusted but the Minister will get an idea of what we need. There is a scaremongering about rent control and I feel the fear whenever that is mentioned anywhere, but when you look at this part (a) on the proposition, it sets out 3 very clear steps of what rent control may seem. It asks how often should rents be increased. It asks what is the notice that should be given to a tenant that their rent is going to be increased by and what mechanism that limits or encourages that rent to be increased by. The only one for me in that which could even be considered as slightly distrustful, scary or anything like that is the third part. You are telling people how much your rent can be increased by, but this is not a commodity. This is someone's home. This is someone's shelter. This is someone's security, so they should know the maximum limit of where that is coming from. I go back to this. There is an "or" in this sentence of why it is safe to vote in favour of this for this type of rent control, is that the "or" still allows it to go to consultation. There is nothing within that third part that says this is exactly how rent control is going to be, this is exactly the amount that you are going to make the rent go up. There are no absolutes in this proposition. We have heard quite a few times that there are absolutes. I cannot see an absolute. Part (c) as well is very uncontentious within this Chamber because the Minister himself has already been considering bringing in a rent tribunal. It comes up in the in-committee debate, in the structure, in the report that was published to help guide us through where the in-committee debate will go. It says: what powers should this tribunal have; what influence should this tribunal have; what powers should it have? So the Minister is clearly wanting us to discuss this and we are just asking that we sign off, yes, this Assembly agrees that that needs to be formed in the first instance. I am quite surprised that the Minister was encouraging people to vote against this rather than encouraging people to vote for the items that he was very much in favour of that come forward in his White Paper. It just helps with that direction of travel to make sure that you are not wasting ... sorry, that the Minister is not wasting his time and, therefore, hopefully we can come to a resolution quicker, more open and more collaborative.

#### **8.1.13 Deputy S.G. Luce:**

Only last week the Environment, Housing and Infrastructure Scrutiny Panel had an opportunity to talk to the Minister for Housing and Communities in a quarterly hearing, a very well-attended

meeting, Le Capelain room completely full of people keen to hear what the Minister had to say. A lot of our questions were around the Residential Tenancy Law reform proposals paper that we will be discussing shortly. I just want to run through a very abridged version of an extensive question plan that we had so Members will have the understanding. We spoke to the Minister about his expectations for the in-committee debate. We asked him how he was going to work with external stakeholders and agencies to produce formal definitions of social housing and his expectations relating to that provision. Under the consultation process, which Members have already spoken about, we asked him how he would engage with migrant communities to ensure they are able to participate properly and how he would speak to specific targeted stakeholders or groups in the same regard. We spoke about tenancy types, notice periods, periods of termination. We wondered whether there were separate categories of tenancy agreements that should be created for short-term workers and similar, and we certainly spoke about the pros and cons of open-ended tenancies. We asked the Minister what would constitute an illegal eviction and we spoke about an offence or potential offence for a tenant to sublet a property. Under the housing tribunal we asked how independent it would be, when it would come into operation, and because the heading has changed from a rent control tribunal to a housing tribunal we wondered whether the same membership would be considered for both, or the new housing tribunal should I say. We asked for details about the anticipated process of how complaints from a tenant would be managed and we asked what powers the tribunal would have to levy fines or penalties and under what circumstances the Minister anticipated that cases would be escalated to the courts. We further spoke about property maintenance, offences and penalties and we spoke at length about informal resolution of matters, which the Minister is very keen to promote all opportunities. We discussed protective measures, if any would be put in place to ensure tenants can anonymously report landlords, a very important item. We went on to talk about protecting tenants from further rent increases and, of course, we spoke at length about the potential to only have a rent increase once a year and what that might do to new tenancies when inflation is high. We went on to talk about the regulations and orders and which Residential Tenancy Law matters would be dealt with by order and which would be dealt with by regulation. Of course, we spoke about a very important issue, one which we are discussing in this debate, which is certain areas of the law which need amending sooner, and may potentially sooner, and whether there were short-term measures which had been considered to protect tenants in the short term, and by that I mean before the Minister's consultation and policy is fully completed. We asked the Minister to explain the decision why all law amendment proposals are being brought together rather than prioritising and proposing the most urgent amendments to the law, many of which Members have spoken about since lunchtime.

[16:00]

All these items and more were considered by the Minister and the panel and it is clear to us that the Minister is consulting on everything. There is little doubt that the Minister is really doing a co-ordinated, comprehensive and inclusive review of all things housing, and while the Scrutiny Panel might not entirely be in agreement with him, we have further Scrutiny meetings planned and we will scrutinise in great detail what he comes forward with. I would just, in finishing, like to say that for myself I feel the Minister's way forward appears to be more complete and more considered and I will be voting against this proposition.

#### **8.1.14 Deputy E. Millar:**

I will try to avoid duplication because Deputy Jeune and Deputy Renouf have both in particular said things that I was intending to say. I also in my manifesto talked about housing and I would just like to reiterate the point that we do all care. We all care about housing and the rights of tenants and people who are trying to buy or rent in this Island. My manifesto also talked about housing and I said I would support an increase in supply by perhaps repurposing brownfield sites, looking at social housing rents, which I did not fully understand at the time, in fairness, by supporting buy-to-let schemes and, crucially for this debate, legislation on tenancy that was fair to landlords and tenants.

I struggle with this proposition, I really do, because it is a very complex area. At first sight, much of what Deputy Mézec proposes is not objectionable, but the devil is in the detail, as Deputy Renouf said. We must be sure of what the impact is going to be. Will it, for example, help supply? I have very severe reservations about that. We also have to be careful of making decisions on polarities. The paper suggests, the proposition suggests, that all landlords are bad and that is clearly not the case. Some are. In my previous role, I inherited a property which had 3 units of accommodation which were let. We eventually got the Fire Service and Environmental Health in to look at it and they both said it was unsafe and not fit for human habitation and, in fact, it was dangerous. So I had no option, I felt, but to give those tenants notice to quit because I could not countenance them living in that accommodation. How does that fit with no fault eviction? There are bad landlords but there are very many good landlords. During the campaign I met a woman who had a rental property and the tenant had not paid rent for 9 months. They were supporting her. They were trying very hard to support this lady because she was pregnant and she was trying to find a new job, but they had not had rent paid for 9 months. I do not subscribe to the view either that every tenant is bad. That is clearly rubbish. Equally, there are poor tenants. There are some tenants who do not pay the rent. I think we need to think carefully about what each party wants. It seems to me that landlords want a tenant who pays the rent, on time ideally but regularly, who treats the property with respect and who does not upset the neighbours. If most tenants are doing that, then most landlords will likely be very happy for that tenant to remain in the property for as long as they want because landlords do not want to see a constant churn of tenants. It is costly and it is a lot of work for everybody. Tenants I think want a decent accommodation. They want a property that is wind and watertight and is kept in good condition and they want to be left alone to enjoy their home and decorate it or put carpets in or furnish it as they wish, providing they are treating the property with respect. I would like to make one comment, however, and that is on the use of language that we have heard during part of this debate. I am sure that I am going to be accused of using semantics, but words are important. I am a lawyer and words are very important that we get them right. We have heard a lot about revenge evictions and eviction generally. I think what we should be talking about is termination. Eviction is a court process where someone is forcibly removed from their home because they will not leave voluntarily. The only person in Jersey ... to get an eviction order you have to go to the Magistrate's Court and you have to go to Petty Debts and seek an order. It is a last resort. It is absolutely a last resort to get an eviction order to move people out and I fully expect that if a landlord turned up in the Magistrate's Court and asked the magistrate to evict someone because he no longer liked the colour of their shoes, they would get short shrift. Let me give you some facts about evictions in Jersey. Now, in context, Deputy Curtis has said there are 12,500 households renting. I do not know if that is in St. Helier or more widely. Deputy Ward tells us there are 22,500 people renting in St. Helier. In 2020 there were 8 evictions. The Viscount does evictions and they are handled sensitively. It is not what you see on television where people send in bailiffs - sorry, Sir - who say ...

**The Bailiff:**

A different kind of bailiff. [Laughter]

**Deputy E. Millar:**

A different type of bailiff, absolutely, not at all in your league. They send in bailiffs who say: "You have an hour to pack your bags and get out." It takes some time and I can tell you that some landlords, the landlords who do have to go for eviction, are genuinely horrified to learn that it may take some weeks. In 2020 there were 8 evictions. In 2021, which was absolutely, I can tell you, an exceptional year, there were 17. In 2022 there were 2 and so far this year there have been 2. Eviction is not something that happens lightly. I agree that landlords do ask tenants to ... they give notice to terminate and ask tenants to leave, but we have to be very careful about the use of the term "eviction" because it is a court process. It is a carefully managed process and it is something that in Jersey is very rare indeed. So I agree this is an important matter. It needs careful consideration and I will not

be supporting this proposition because I would rather follow the process set out by the Minister for Housing and Communities in his White Paper and ensure that we get it right once and for all.

#### **8.1.15 Deputy G.P. Southern:**

I will not be speaking for long because we have had much that has already been said in this debate. But I refer back to towards the beginning of the debate and Deputy Bailhache advised us to look for a sensible way forward, a sensible way to proceed, and said that we were not doing that. Well, how about this for a sensible way to proceed? You do the research, extensive research, you lodge a proposition, you debate that proposition and you vote on that proposition. How about that for a sensible way to proceed? Oh, hang on, that is what we do normally, and yet we have possibly a 4-hour debate about to come up where we will have no vote - and, therefore, no significance as far as the end result is - on the Minister's proposition. What I would like to do, I think, is to suggest that what Deputy Mézec has done, he has done an in-principle proposition. Work can go on from whenever it started, and it started some years ago because consultation over the past 3 years has been marked, looking for research and evidence over the last 3 years. The research has already been done and yet here we are proposing to start again with some fresh research. I do not know what that reminds me of. It reminds me of the most cynical chairman I have ever worked under, who said: "Give me the terms of reference and I will tell you what the answer will be. I know where I am going." So, just for a minute let us look at Deputy Mézec's opinion that what he is proposing is scarcely different to what the Minister is proposing. So, for example, let us see if we can play "Where's the source?" on this one. I have 6 statements here. I want you to imagine which source comes from which supply, Mézec or Warr. Statement: "Ultimately, the proposed new law aims to provide greater protections for tenants while ensuring that landlords' rights and responsibilities are more clearly defined." What are you thinking, Warr or Mézec? I will leave it with you. "The proposals have been shaped by government officers experienced in dealing with relevant matters and feedback from tenants, landlords and agents over recent years." So this 3-year record of research again, that statement sitting there, Warr or Mézec? Can you tell? "We wish to improve transparency and consistency of legal requirements across different types of tenancies." Again, who is making that? "Establish a formal definition of social housing, social housing providers and expectations relating to the provision of social housing." Again, that little corner being tidied up, but being tidied up by Warr or Mézec? I think I got a response there, go to the fourth one: "Oh, yeah, I recognise those words." He did. That one was Warr. "Introduce rent stabilisation measures", that is nice and direct. It has the feel of Mézec maybe. I do not know. Finally: "Reform how tenancy issues and breaches can be addressed through civil penalties and the establishment of a new housing tribunal." Shared by Mézec or Warr? I do not know what you are thinking, but they all came from the big red document from Minister Warr. However, none of them are distinguished as separate movements from the other. They can be used interoperably. That is what I would like to suggest to you, that Deputy Mézec has the right idea here, that we should be debating the way we normally would and voting on a proposition. Later on the Minister says: "Perhaps tomorrow we shall have 4 hours of debates, just shooting the breeze and see how it goes." There will be no end result from that apart from some opinions expressed in general terms. That is not a sensible way forward. The sensible way forward is research, lodge, debate and vote. That is what we are singularly not doing today.

#### **8.1.16 Deputy L.V. Feltham:**

I am going to have to be quite careful here because this subject makes me quite emotional. It makes me emotional because these debates have been going on for so many years. My own sister left the Island must be nearing 30 years ago because she found that housing was unaffordable. My mum, when she sat in this Chamber over 20 years ago now, was having these same debates about housing affordability. In April 2021, the Housing Policy Development Board published its report, which contained these measures. Yet we are being told that we need to wait for another White Paper and more consultation. I feel we are in danger that many Members are entering into what I can only think

of as an emperor's new clothes scenario. Only in this case, we are not in danger of seeing a naked emperor roaming around the streets. We are in danger of believing that things are being done, that action is being taken, when it is simply not. We are in danger of being left with us providing no leadership and not defining how we want to see measures taken in the future. We can talk as much as we like within the in-committee debate, and I am sure many views will be talked about. I would like to question the Minister for the Environment when he suggested that all this proposition did was bring about more uncertainty. What would it say on the front page of the paper tomorrow? If the Assembly is going to have a full and frank discussion about the policies that it is likely to support that may well lead to even more uncertainty. What this proposition does and why I thank Deputy Mézec for bringing it is it does provide some certainty.

[16:15]

The Assembly can, in their votes today, show which way or the other they would like to go on this particular policy issue. The Assembly has the opportunity to show leadership. Then from there, depending on the result of this proposition, the Minister can consult with full knowledge of the steer and leadership of the Assembly. The in-committee debate will not do that; it will be a sharing of ideas, which is why this proposition is so important. A lot has been talked about the consultation process. As has been said by Deputy Ward, 10 elected Members have been elected on our shared manifesto, but also every Member here in this Chamber here today undertook consultation during their election. During that election what we all heard loud and clear was that people want things done about housing affordability. People want action. They cannot afford to wait another 30 to 40 years. They cannot put their lives on pause for another year. If they are struggling financially now to hear that the States Assembly wants to consult and review is not going to give them any comfort. People want us to take action. I am reflecting on Deputy Gorst's speech earlier. He referred to this proposition being pie in the sky. It is not pie in the sky. This proposition is about us showing leadership. What is pie in the sky at the moment is the very idea that this Government is going to take action in a timely manner, to help all of those people that are struggling with the cost of living right now. There has been lots of talk about unintended consequences, potential unintended consequences of taking action. What about the unintended consequences of taking no action? We can do what successive previous Assemblies have done and take no action or we can set ourselves apart from those Assemblies and nail our colours to the mast right now and say this is what we want to do. We do not have time to wait for more consultation. If Members vote against this proposition on the basis that they want to undertake more consultation, they are effectively voting against what is worded within the proposition. There is plenty of leeway for the Minister when he brings the legislation for us to discuss all of the intricacies that people have said are missing from this proposition. I wholeheartedly agree with Deputy Southern when he said what we have here is an in-principle vote. This is an in-principle vote to provide direction to the Minister so that consultation is not wasted, so the Government does not consult on measures that this Assembly is not willing to put forward. This is about ensuring that what the Minister can do is efficient and effective. I struggled a lot with what the Minister for Housing and Communities had to say. At times I felt like he might be at any point about to challenge Deputy Mézec to a duel, rucksacks at dawn maybe. I was hoping that some of the other Ministers may bring some clarification to some of the points made by the Minister for Housing and Communities. For example, he said that if we vote this way today we would be binding the hands of the Minister. However, later on in his speech he mentioned that he had already issued law drafting instructions. Also, what is the point of this Assembly if it is not to bind the hands of the Minister in the decisions that we make, if Ministers do not intend to follow up on the decisions made by the people here, the people that were elected? He also mentioned about the public having meaningful contribution into public consultation. The public are consultation-fatigued. They are fed up of telling us that housing is a key issue in this Island. To be honest, I consult on a daily basis as I walk around my constituency, and I am sure you all do, we are the voices of the people

in this Chamber. It is us that have the trusted positions to make decisions. Do not kick this can down the road, make a decision today and support this proposition.

**8.1.17 Deputy K.L. Moore:**

I am pleased to follow the previous speaker. It has been an interesting debate. I have found Members to have been very patient. Of course, it is a debate that essentially boils down to politics and the perspective with which we all choose to approach and provide solutions to issues. As many Members have acknowledged from all corners of the Assembly, housing was at the heart of the majority of our manifestos when we all stood for election because we all recognised that it is an issue that requires action and a commitment. In order to deliver that action it requires solutions. This debate or rather the White Paper that is proposed by the Minister for Housing and Communities is a consultation on the solutions. Housing is one of our 3 areas of relentless focus, as Members are aware. The Minister for Housing and Communities' proposal is the proper and correct way to approach that process from his perspective as a Minister. Rejecting the Deputy's proposition today would not be kicking the can down the road, it would simply be the right thing to do. I do not need to rehearse all of the arguments that have so eloquently been put before me this afternoon. I would, however, simply like to remind Members, because it is only fair to take the opportunity to do so, that, of course, all actions or inactions have consequences, particularly when related to housing. Those consequences can be deep and long term; I absolutely agree. I felt that very keenly when I brought a proposition to the previous Assembly to ask the Assembly to rezone land in order to deliver affordable homes within the Parish of St. Peter. That proposition, like every other proposition for the rezoning of land, was not supported by Reform Jersey and it failed, sadly. I would like to remind Members that those 67 units of homes would have been complete today had they received greater level of support from the previous Assembly. I sincerely hope that this Assembly will tackle the issue of supply of housing that previous Assemblies have avoided and ducked when they have been given ample opportunities to do so. Supply is at the heart of delivering homes for Islanders, particularly at the heart of delivering affordable homes for Islanders. I hope that we will be able to move forward from today, reject Deputy Mézec's proposition, albeit there may be elements of it that we might agree with. We will go out and consult, listen to members of our community, about the different approaches and solutions that are available in tackling the rental market. Ultimately, I sincerely hope that Members will recall this sitting and the interesting and thought-provoking debate that we have had when they have opportunities in the future to consider the greater supply of housing that is much needed and indeed will help to resolve many of our housing issues and provide better and affordable homes for Islanders as we move forward into the future.

**The Bailiff:**

Does any other Member wish to speak on the proposition? If no other Member wishes to speak then I close the debate and call upon Deputy Mézec to respond.

**8.1.18 Deputy S.Y. Mézec:**

Thank you to those Members who have taken part in this debate. It has been very amusing - let us go with that word - to hear multiple excuses given for opposing the proposition, along the lines of this proposition is premature, this proposition is unevicenced, this proposition comes without due consultation. All of which I would take more seriously if it were not for the very simple fact that law drafting instructions have already been issued. If all of those critiques of this proposition are valid, they are equally valid for what the Government has done already in providing those law drafting instructions. I would like to know what is in those law drafting instructions. What instructions have been given to ask for a new or a reformed Residential Tenancy Law? You cannot give instructions that are a blank canvas. You have to provide some specifications. Are those specifications the same as those in the White Paper? There have been some proposals published. The Government must surely be prepared to implement those proposals. You do not consult on something that for political



reasons you are not at least prepared to follow through on. They must be in those law drafting instructions. We are told by Government: “No, do not vote for the proposition to give a political mandate in the relatively early stage of this”, even though law drafting instructions have already been issued, work will already be being done to reform the Residential Tenancy Law and it will be upon some basis, which has not been voted on in this Assembly, and which they say: “Do not vote for this”, even though in all likelihood what we are asked to vote on in a few moments is identical to what has already been given to law drafters. What an absurd thing to ask the Assembly to do. I spoke at the start of the debate about the potential coalitions that could be formed on this subject. There are those who will be supportive of these proposals and enthusiastically want to vote for them. There will be those who do not like the proposals and will want to vote against them. There will be those who quite like the proposals, but have yet to decide which way they will vote. The Government’s recommendation to those Members is that they vote with the people who are against the proposals rather than the ones who are in favour of them. That, in my view, is a destructive coalition. It is one we see time and time again in Jersey politics, where those with good intentions side with people who are absolutely obstructive and we end up with nothing at the end of it. That is what happened with the Rented Dwellings regulations in the previous term of office, which the Minister for the Environment appears to have learned few lessons from, and risks us coming back to this Assembly in December with nothing. In fact, the Minister for the Environment, when he spoke about the consultation that is ongoing, he said it is an opportunity to adapt proposals or to compromise. It is also an opportunity to backtrack. It is an opportunity to come back in December and say: “Oh, we consulted on this. A few loud voices were in opposition to them, so I guess we better water it all down in the hope of getting it across the line.” As we saw with the Rented Dwellings regulations in the last term, even when you do that you can still lose it on the floor of this Chamber. So what I am asking States Members to do is to show that leadership that Deputy Feltham spoke of. If you are in favour of legislating to prevent rent increases from being imposed more than once a year, there is zero harm whatsoever from voting for part (a)(i) of this proposition. It will give the Minister for Housing and Communities a clear mandate from this Assembly to say: “Yes, on that proposal, he has it right there. We want to see that included in the law. Bring it back to us in December for us to approve it.” It does not disrupt anything. It does not muddy the waters. It is absolutely clear. The same goes for every part of the proposition subsequent to that. However, some of those are, yes, slightly more open. Deputy Bailhache spoke and criticised the proposition; called it disruption and said we were not proceeding in an orderly way, claiming that the proposition is not clear.

[16:30]

I would be willing to bet all of the money that I have that if I had come here prescribing that detail he would have spoken against it because he does not like the proposals. That is poor political leadership. If you are against proposals just say so and vote against them and for that reason. That is entirely politically legitimate to do that. If you are in favour of having a mechanism that says there ought to be a limit on how much rents can be increased on that annual basis. If, in principle, you think that is okay, you are not somebody who has a dogmatic conservative view that says the free market will fix everything. If there are Members who feel that way, I can relate. When I was a small child, I believed in the Tooth Fairy. They are valid ideologies, as far as I am concerned. That is a legitimate position to have. If that is the majority view of this Assembly, that when push comes to shove, for political reasons, we would not be prepared to impose that kind of limit or cap, then at least we know the feeling of the room and we know do not bother coming back in December with a proposal that delivers on that because we will know now that there is no appetite for it. If you are, in principle, of the view that Jersey’s housing crisis is of a severity that requires that type of intervention into the private market then you can vote for that now, send a message out there to the public who are asked to involve themselves in the consultation and say to them: “If you have an entrenched position against rent stabilisation you are entitled to that view but, sorry, on this occasion

you are not going to get your way. Instead, when you come and sit round that table, come and tell us what we can do to at least mitigate some of your worse concerns over this.” We will have provided the leadership to at least establish the direction of travel. That makes a consultation more meaningful, not less meaningful, because we come out at the end of it with that detail, having provided leadership from the outset. There were some weird comments made in the discussion about open-ended tenancies and about what concerns there may be for those who own properties and would want to get rid of a tenant in certain situations. Deputy Millar spoke about tenants not paying their rent or speaking about an instance where it was discovered that work needed to be done on a property and a tenant could not live there while it happened. Those are not no-fault evictions. Those are faults evictions and would be allowed. If a tenant is not paying rent they are breaking their contract; take them to the rent tribunal and get an eviction order. That process exists for that. If a property becomes uninhabitable, even under the current rules, you have a big problem with the tenancy contract. That is already taken care of. I thought it was totally muddying the waters by talking about revenge evictions. The Deputy said she had been accused of using semantics. She is right; I am going to accuse her of that, because that is what it was. The term “revenge eviction” is not a legal term. It is simply a term that is used to describe the end of a tenancy one way or another when done out of revenge. It can come in our current system when 3 months’ notice is issued for no good reason and perhaps because a tenant has complained a bit too much or a tenant has decided to kick up a fuss about a rent increase. That is what a revenge eviction means. It does not mean a court order. If we are not going to get the terminology right then how can we possibly proceed on this? Deputy Gorst tried to suggest that we will not be divided on this or we should at least try not to be divided on this. I have some sad news to deliver to him. It is the fact that, like it or not, we are a divided society. We are a society that fundamentally is divided between those whose income is derived from their labour and those whose income is derived from capital. That is a significant difference in classes of people, far greater than any difference in religion or nationality or sexual orientation or any of the other grotesque culture wars that some people manufacture to distract us from really fighting for our economic benefit together. We are going to have to make a decision at some point, whether we are prepared to put our name to propositions that are going to upset some people who do quite well out of the status quo. If you do not have the courage to do that, fair enough, but to come up with this excuse for not voting for it now because there is a consultation going on is extremely weak. It is those with good intentions siding with those who are outright against the proposals. It is a disruptive coalition. Deputy Renouf, I apologise if I have this wrong, but what sounded like a pre-prepared speech, spoke about how it is possible to care deeply without voting for P.18. I did not hear anyone suggest in this debate that if you vote against P.18 it is because you are heartless and do not care. Perhaps that portrays a guilty conscience that it appeared in a pre-prepared speech. It is possible to care deeply but be absolutely inept. It is possible to have all the right intentions but to not be competent or to misjudge a strategy or to fire in the wrong direction. With all the best intentions and caring deeply it is possible to get things wrong. What the Minister for Housing and Communities is doing by asking us to vote against a measure that gives him a mandate for the changes that apparently he is in favour of is opening himself up to wasting months, wasting a consultation and coming back in December and losing it all then, rather than losing it all now. I thought that the opening speech from the Minister for Housing and Communities was so full of contradictions and made comments that gave him the appearance of not really living in the real world. He even cited a conversation that he had with someone in St. Lawrence. How I wish he might have that conversation with someone who lived in St. Helier South. Maybe he would learn something different there, where two-thirds of our population live in rental accommodation and some of their representatives are likely to vote against taking action to defend them. He provided the whole spiel, how the proposal is lacking in evidence, it is vital that people are listened to and that without consultation we would be railroading this through and it will not help with public perception. I tell the Minister: does he think that the public are desperate for more consultations? Does he really think that on an issue where the proposals have been on the table since 2020 that people out there who are suffering increased rents, who are

scared to complain in case they are kicked out of their homes, are sat there thinking: “Great, another consultation. Whoopee, we are saved.” They are not thinking that. They are thinking: “For goodness sake, why has the States taken no action in those years and actively opposed propositions?” This proposition, if adopted, will give that clear mandate to the Minister for Housing and Communities. He will be able to come back in December with that finer detail, having focused consultation on that fine detail. It will strengthen his hand in that consultation and it will reduce the likelihood that he may have to backtrack on some of it. We will get a strong piece of law at the end of this, I certainly hope. I will take the vote for this proposition in multiple parts. Part (a)(i) will be to limit rent increases to no more than once a year. I really will be surprised if Members are prepared to put their name on record saying that they oppose that. That would honestly be bizarre. Part (a)(ii), to require a minimum notice period of 3 months before a rent review can be implemented. Part (a)(iii), to say we agree in principle for that intervention into the private sector to cap rent increases, subject to that mechanism being put forward in that draft law at the end of the year for us to decide definitively at that point. Part (b), unless Members are desperate for me to do otherwise, I may take part (b)(i) and (b)(ii) together, because they do go together. Part (c), which is to establish the rent tribunal that we are told the Government wants to do but is asking us inexplicably to vote against doing it. We have that opportunity now with the votes about to happen to signal that clearly to the Minister for Housing and Communities what we are prepared to accept and what we are not. I hope that that model of coalition between those who oppose change and those who want change but do not have the courage to vote for it, will dissipate and we will get a States Assembly that will finally vote for change after years of inaction. I call for the appel on those parts, Sir.

**The Bailiff:**

To be entirely clear, Deputy, you wish there to be 5 votes: (i), (ii) and (iii) of part (a) to be voted on individually; (i) and (ii) with part (b), so part (b) to be voted on as a single entity and then part (c) as a single entity. Is that ...

**Connétable A.N. Jehan of St. John:**

Could I ask the Deputy if he would take part (b) as 2 separate points, please?

**Deputy S.Y. Mézec:**

If Members are desperate for that, then I do not feel that strongly either way. I would like them to vote pour to both of them either way.

**Deputy K.F. Morel of St. John, St. Lawrence and Trinity:**

I was not in the Chamber, I believe, when declarations were being given at the beginning, so it is just to place on record that I am a landlord.

**The Bailiff:**

Thank you very much indeed, Deputy Morel, we will add your name to the list of those making the declaration. Thank you. Very well, I have looked at the proposition, I see no reason why it cannot be taken in those separate segments. A simple request from the Connétable of St. John does not necessarily meet your criteria of “if Members are desperate” **[Laughter]** so can I ask for a stronger indication from you, Deputy, of what you would like to do?

**Deputy S.Y. Mézec:**

Certainly. It is purely for the Constable of St. John, they can be taken separately.

**The Bailiff:**

Very well, in which case we now proceed to the vote. The first vote is on part (a)(i), which is the part limiting rent increases to no more than once a year. I invite Members to return to their seats, and

I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. The proposition has been defeated.

<b>POUR: 19</b>		<b>CONTRE: 23</b>		<b>ABSTAIN: 1</b>
Connétable of St. Brelade		Connétable of St. Helier		Connétable of St. Clement
Connétable of St. Peter		Connétable of Trinity		
Connétable of St. John		Connétable of Grouville		
Connétable of St. Saviour		Connétable of St. Ouen		
Deputy G.P. Southern		Connétable of St. Mary		
Deputy C.F. Labey		Deputy S.G. Luce		
Deputy M. Tadier		Deputy K.F. Morel		
Deputy L.M.C. Doublet		Deputy S.M. Ahier		
Deputy R.J. Ward		Deputy K.L. Moore		
Deputy C.S. Alves		Deputy Sir P.M. Bailhache		
Deputy L.J. Farnham		Deputy D.J. Warr		
Deputy S.Y. Mézec		Deputy H.M. Miles		
Deputy T.A. Coles		Deputy M.R. Scott		
Deputy B.B.de S.V.M. Porée		Deputy J. Renouf		
Deputy C.D. Curtis		Deputy H.L. Jeune		
Deputy L.V. Feltham		Deputy M.E. Millar		
Deputy R.E. Binet		Deputy A. Howell		
Deputy R.S. Kovacs		Deputy T.J.A. Binet		
Deputy M.B. Andrews		Deputy M.R. Ferey		
		Deputy A.F. Curtis		
		Deputy B. Ward		
		Deputy K.M. Wilson		
		Deputy L.K.F. Stephenson		

### **The Bailiff:**

Very well, the vote is on (a)(ii) which is requiring a minimum of a 3-month notice period before a rent review can be implemented. If the Greffier has had the opportunity of resetting the vote, then I ask the Greffier to open the voting and Members to vote. We are almost there; I will say when we can vote. Yes, I ask Members to vote. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. That part of the proposition has also been defeated.

<b>POUR: 17</b>		<b>CONTRE: 25</b>		<b>ABSTAIN: 1</b>
Connétable of St. John		Connétable of St. Helier		Connétable of St. Clement
Connétable of Grouville		Connétable of St. Brelade		
Connétable of St. Mary		Connétable of Trinity		
Deputy G.P. Southern		Connétable of St. Peter		
Deputy M. Tadier		Connétable of St. Ouen		
Deputy S.G. Luce		Connétable of St. Saviour		
Deputy L.M.C. Doublet		Deputy C.F. Labey		
Deputy R.J. Ward		Deputy K.F. Morel		
Deputy C.S. Alves		Deputy S.M. Ahier		

Deputy L.J. Farnham		Deputy K.L. Moore		
Deputy S.Y. Mézec		Deputy Sir P.M. Bailhache		
Deputy T.A. Coles		Deputy D.J. Warr		
Deputy B.B.de S.V.M. Porée		Deputy H.M. Miles		
Deputy C.D. Curtis		Deputy M.R. Scott		
Deputy L.V. Feltham		Deputy J. Renouf		
Deputy R.S. Kovacs		Deputy R.E. Binet		
Deputy M.B. Andrews		Deputy H.L. Jeune		
		Deputy M.E. Millar		
		Deputy A. Howell		
		Deputy T.J.A. Binet		
		Deputy M.R. Ferey		
		Deputy A.F. Curtis		
		Deputy B. Ward		
		Deputy K.M. Wilson		
		Deputy L.K.F. Stephenson		

[16:45]

**The Bailiff:**

We now come to the vote on (a)(iii) which is capping the amount of rent that may be increased in a rent review by a measure of affordability, and I ask firstly for the Greffier to reset. I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity to vote, I ask the Greffier to close the voting. That part of the proposition has been defeated.

<b>POUR: 12</b>		<b>CONTRE: 30</b>		<b>ABSTAIN: 1</b>
Connétable of St. John		Connétable of St. Helier		Connétable of St. Clement
Deputy G.P. Southern		Connétable of St. Brelade		
Deputy M. Tadier		Connétable of Trinity		
Deputy R.J. Ward		Connétable of St. Peter		
Deputy C.S. Alves		Connétable of Grouville		
Deputy S.Y. Mézec		Connétable of St. Ouen		
Deputy T.A. Coles		Connétable of St. Mary		
Deputy B.B.de S.V.M. Porée		Connétable of St. Saviour		
Deputy C.D. Curtis		Deputy C.F. Labey		
Deputy L.V. Feltham		Deputy S.G. Luce		
Deputy R.S. Kovacs		Deputy L.M.C. Doublet		
Deputy M.B. Andrews		Deputy K.F. Morel		
		Deputy S.M. Ahier		
		Deputy L.J. Farnham		
		Deputy K.L. Moore		
		Deputy Sir P.M. Bailhache		
		Deputy D.J. Warr		
		Deputy H.M. Miles		

	Deputy M.R. Scott		
	Deputy J. Renouf		
	Deputy R.E. Binet		
	Deputy H.L. Jeune		
	Deputy M.E. Millar		
	Deputy A. Howell		
	Deputy T.J.A. Binet		
	Deputy M.R. Ferey		
	Deputy A.F. Curtis		
	Deputy B. Ward		
	Deputy K.M. Wilson		
	Deputy L.K.F. Stephenson		

We now move to consider part (b) which is now to be taken separately, so the first one is (b)(i) establishing open-ended tenancies as the default tenure. If the Greffier has had the opportunity of resetting, then I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. That part has been defeated.

<b>POUR: 10</b>	<b>CONTRE: 32</b>	<b>ABSTAIN: 1</b>
Deputy G.P. Southern	Connétable of St. Helier	Connétable of St. Clement
Deputy M. Tadier	Connétable of St. Brelade	
Deputy R.J. Ward	Connétable of Trinity	
Deputy C.S. Alves	Connétable of St. Peter	
Deputy S.Y. Mézec	Connétable of St. John	
Deputy T.A. Coles	Connétable of Grouville	
Deputy B.B.de S.V.M. Porée	Connétable of St. Ouen	
Deputy C.D. Curtis	Connétable of St. Mary	
Deputy L.V. Feltham	Connétable of St. Saviour	
Deputy R.S. Kovacs	Deputy C.F. Labey	
	Deputy S.G. Luce	
	Deputy L.M.C. Doublet	
	Deputy K.F. Morel	
	Deputy S.M. Ahier	
	Deputy L.J. Farnham	
	Deputy K.L. Moore	
	Deputy Sir P.M. Bailhache	
	Deputy D.J. Warr	
	Deputy H.M. Miles	
	Deputy M.R. Scott	
	Deputy J. Renouf	
	Deputy R.E. Binet	
	Deputy H.L. Jeune	
	Deputy M.E. Millar	

	Deputy A. Howell		
	Deputy T.J.A. Binet		
	Deputy M.R. Ferey		
	Deputy A.F. Curtis		
	Deputy B. Ward		
	Deputy K.M. Wilson		
	Deputy L.K.F. Stephenson		
	Deputy M.B. Andrews		

We now come to a vote on (b)(ii) which is requiring enhanced notice periods for tenants based on how long they have lived in the property and I ask the Greffier to open the voting. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. That too has been defeated.

<b>POUR: 16</b>	<b>CONTRE: 26</b>	<b>ABSTAIN: 1</b>
Connétable of St. Brelade	Connétable of St. Helier	Connétable of St. Clement
Connétable of St. Peter	Connétable of Trinity	
Connétable of St. John	Connétable of St. Ouen	
Connétable of Grouville	Connétable of St. Mary	
Connétable of St. Saviour	Deputy C.F. Labey	
Deputy G.P. Southern	Deputy L.M.C. Doublet	
Deputy M. Tadier	Deputy K.F. Morel	
Deputy S.G. Luce	Deputy S.M. Ahier	
Deputy R.J. Ward	Deputy L.J. Farnham	
Deputy C.S. Alves	Deputy K.L. Moore	
Deputy S.Y. Mézec	Deputy Sir P.M. Bailhache	
Deputy T.A. Coles	Deputy D.J. Warr	
Deputy B.B.de S.V.M. Porée	Deputy H.M. Miles	
Deputy C.D. Curtis	Deputy M.R. Scott	
Deputy L.V. Feltham	Deputy J. Renouf	
Deputy R.S. Kovacs	Deputy R.E. Binet	
	Deputy H.L. Jeune	
	Deputy M.E. Millar	
	Deputy A. Howell	
	Deputy T.J.A. Binet	
	Deputy M.R. Ferey	
	Deputy A.F. Curtis	
	Deputy B. Ward	
	Deputy K.M. Wilson	
	Deputy L.K.F. Stephenson	
	Deputy M.B. Andrews	

**The Bailiff:**

The final vote is on part (c), which is the provision of an establishment of a body such as a rent tribunal or housing commission to adjudicate on disputes otherwise and I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. That part of the proposition has been adopted.

<b>POUR: 22</b>		<b>CONTRE: 20</b>		<b>ABSTAIN: 1</b>
Connétable of St. Helier		Connétable of St. Ouen		Connétable of St. Clement
Connétable of St. Brelade		Deputy C.F. Labey		
Connétable of Trinity		Deputy L.M.C. Doublet		
Connétable of St. Peter		Deputy K.F. Morel		
Connétable of St. John		Deputy S.M. Ahier		
Connétable of Grouville		Deputy K.L. Moore		
Connétable of St. Mary		Deputy Sir P.M. Bailhache		
Connétable of St. Saviour		Deputy D.J. Warr		
Deputy G.P. Southern		Deputy H.M. Miles		
Deputy M. Tadier		Deputy M.R. Scott		
Deputy S.G. Luce		Deputy J. Renouf		
Deputy R.J. Ward		Deputy H.L. Jeune		
Deputy C.S. Alves		Deputy M.E. Millar		
Deputy L.J. Farnham		Deputy A. Howell		
Deputy S.Y. Mézec		Deputy T.J.A. Binet		
Deputy T.A. Coles		Deputy M.R. Ferey		
Deputy B.B.de S.V.M. Porée		Deputy A.F. Curtis		
Deputy C.D. Curtis		Deputy B. Ward		
Deputy L.V. Feltham		Deputy K.M. Wilson		
Deputy R.E. Binet		Deputy L.K.F. Stephenson		
Deputy R.S. Kovacs				
Deputy M.B. Andrews				

**The Bailiff:**

We now move to the in-Committee debate. I am in the hands of the Assembly; it is 4.45 p.m. There is in theory 45 minutes left for the debate to commence. We have set aside a period of 4 hours for the debate. Obviously that is a relatively flexible period. The debate certainly does not have to take that long if Members do not wish to speak for that long; however, if there is appetite for it to continue, we do have the time available to us tomorrow. My question for Members is: do we start now or do we start first thing in the morning?

**Deputy K.F. Morel:**

If I may, sorry, nothing to do with anything you have just spoken about; I do apologise. It is just to inform you I have to leave the Assembly to travel, I have an appointment tomorrow on States business, so it is just to let you know. Do I have to reodge my away on States business tomorrow morning or can it be taken as read tomorrow morning?



**The Bailiff:**

Well, I am sure, having indicated you are away tomorrow on States business, if we remember, Deputy, we will mark you as away on States business.

**Deputy K.F. Morel:**

If not, I will ask somebody else to extend it.

**Deputy L.J. Farnham:**

Well, I am looking across the room and it has been a long afternoon and I am going to propose we start afresh tomorrow morning.

**The Bailiff:**

Well, is that seconded? [Seconded] Does any Member wish to speak on that?

**Deputy R.J. Ward:**

The only debate in this sitting of the Assembly was brought forward by Deputy Mézec. We will have had no debate whatsoever and we are finishing early. I do not believe this is the right thing for us to do. We should be here doing our time like every other Member in this Assembly or in the workforce is. You do not go home early if you are a teacher or a nurse or a doctor or any other public sector worker because you are going to spend the next day in a talking shop, which is exactly what we are going to do. So I think we should be using the time now and show the members of the public that we are serious about it otherwise there would have been nothing in this Assembly because nothing has been brought forward by Government for this Assembly. I do not know if it is a record; it may well have been. But, no, I do not think we should be leaving early; I think that is an inappropriate thing for us to do.

**Deputy M. Tadier:**

I am slightly more agnostic perhaps but I think my colleague speaking previously makes the very valid point that we should not just adjourn because it is easier for us. We should be in the mood to talk about housing now, we have been doing it all day, and we can talk with a free hand without need to worrying about a vote at the end of it. So if the Minister would be available to make his opening remarks within the space of 40 minutes, we can still finish by 5.30 p.m., which is our scheduled finishing time, and it is one less speech to make tomorrow.

**The Bailiff:**

Does any other Member wish to speak on this proposition? If no Member wishes to speak, then I close the debate. Do you wish to respond, Deputy Farnham?

**Deputy L.J. Farnham:**

I simply was not trying to get an extra half an hour off, everybody I think has plenty of work to do in preparation for tomorrow, but it is sometimes better to contain an in-committee debate to a single session, so that was it. Or we could equally stay on for another 4 hours now, so I maintain the proposition.

**The Bailiff:**

Very well, those in favour of adopting the proposition, kindly show. The appel is called for. A vote pour will be a vote to adjourn until tomorrow morning at 9.30 a.m. A vote contre will be to continue until our normal adjournment time which we will then again review the position. Very well, I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. The proposition has been defeated.

<b>POUR: 9</b>		<b>CONTRE: 31</b>		<b>ABSTAIN: 1</b>
Connétable of St. Helier		Connétable of St. Brelade		Deputy M. Tadier
Connétable of St. Ouen		Connétable of Trinity		
Deputy L.M.C. Doublet		Connétable of St. Peter		
Deputy L.J. Farnham		Connétable of St. John		
Deputy K.L. Moore		Connétable of St. Clement		
Deputy D.J. Warr		Connétable of Grouville		
Deputy J. Renouf		Connétable of St. Mary		
Deputy B. Ward		Connétable of St. Saviour		
Deputy L.K.F. Stephenson		Deputy G.P. Southern		
		Deputy C.F. Labey		
		Deputy S.M. Ahier		
		Deputy R.J. Ward		
		Deputy C.S. Alves		
		Deputy S.Y. Mézec		
		Deputy Sir P.M. Bailhache		
		Deputy T.A. Coles		
		Deputy B.B.de S.V.M. Porée		
		Deputy H.M. Miles		
		Deputy M.R. Scott		
		Deputy C.D. Curtis		
		Deputy L.V. Feltham		
		Deputy R.E. Binet		
		Deputy H.L. Jeune		
		Deputy M.E. Millar		
		Deputy A. Howell		
		Deputy T.J.A. Binet		
		Deputy M.R. Ferey		
		Deputy R.S. Kovacs		
		Deputy A.F. Curtis		
		Deputy K.M. Wilson		
		Deputy M.B. Andrews		

Accordingly, we continue at least until 5.30 p.m.

## **9. Improving Residential Tenancies in Jersey: Residential Tenancy Law Reform Proposals (In-Committee) (R.56/2023)**

### **The Bailiff:**

The final item of business before the Assembly is the in-committee debate, which was requested by the Minister for Housing and Communities, to discuss Residential Tenancy Law Reform, R.56. Can I remind Members that Standing Order 97 applies; therefore, each Member can speak more than once and there is no vote at the conclusion of the discussions. The Minister for Housing and Communities has presented a report with a proposed structure but it is of course a matter for Members as to how they wish to proceed. In accordance with Standing Orders it is a matter for me to determine when

the debate should come to an end. I have heard the Minister's proposal on the matter and I have allocated 4 hours for this debate and we will aim to close the debate after that time has passed. The normal structure is that the Minister will open and the Minister will have the opportunity for summing up at the end but there will be no vote, as I have said. Accordingly, Minister, I would invite you to open the in-committee debate.

### **9.1 Deputy D. Warr (The Minister for Housing and Communities):**

Just to remind the Assembly that the first part of this debate is around tenancy types, notice periods and termination. So, because this is such a complicated law, as we will see through this in-committee debate, it is really important that we just sectorise this, and so we will try and stick to the headings to make it more clear about the debate. So since I have been Minister for Housing and Communities, it has become clear that the legal framework for housing in the rental market is not sufficient to meet the needs of Islanders. That is why I want a new Residential Tenancy Law, one that is broader in scope than the existing law, one that offers more protections to tenants but in a way that understands the important role of landlords, one that creates more of a level playing field where landlords and tenants are clear about their rights and responsibilities. I want to be open and transparent in the sharing of ideas. That is why I have published a paper that provides a detailed review of existing housing legislation, identifies the shortcomings and challenges and proposes how things might be improved. The public consultation to my paper is well underway and I have already had some valuable feedback from landlords, tenants, States Members and Islanders. I have called for this in-committee debate because it is important that States Members can express their views and equally for me to be able to listen to what States Members have to say. I also hope Islanders will have the opportunity to listen to this debate so that they can be better informed on the issues and then actively contribute their views to the public consultation. Since the publication of my paper, it has become apparent that the proposal to introduce open-ended tenancies has caused some disquiet. I therefore want to take some time to introduce the issue of tenancies. In the context of the current Residential Tenancy Law there are 2 main types of tenancy in operation: a periodic tenancy which keeps running until notice is served and, as long as the rent is paid at the end of every defined period, for example, if the rent is to be paid every month, then this will be described as a monthly periodic tenancy. The other main type of tenancy is a fixed-term tenancy created when a landlord and tenant sign a lease that states how long the lease will last for, the so-called, fixed term. There may be a renewal clause that at the end of the fixed term allows the lease to be renewed for another fixed-term period. Under the current law, any lease that does not have a fixed term is automatically a periodic tenancy which, for example, can arise at the end of a fixed term where no follow-up agreement is in place. While a periodic arrangement can be convenient for tenants and landlords, it does reduce security of tenure for tenants who can find themselves having to find a new home with just 3-months' notice served. In my paper I propose the wider use of open-ended tenancies which do not have an end date; however, these tenancies can still be ended by tenants and landlords for a set number of reasons that will be set out in the new law. There is also more scope for longer notice periods, rising to a maximum of 6 months. The idea here is to offer more security of tenure by ending no fault or no-reason evictions, which will also reduce the scope for the so-called "revenge evictions" where, for example, notice is served simply because a tenant has made a complaint. I should also add that landlords and tenants will still be able to terminate their tenancy by mutual agreement. I think it is important to retain this kind of flexibility. I am alive to the risk of doing something that has unintended consequences. Having landlords selling up from the rental sector would be in no one's interests. Getting the right list of reasons for ending a tenancy is going to be crucial.

[17:00]

That is why the public consultation on my proposals is so important. If I need to change course, I will do so. I also want to be clear that my proposals are not about getting at landlords, most landlords meet the responsibilities and have good relationships with their tenants. The proposals I put forward

are about better addressing the extremes of both landlord and tenant behaviour. Open-ended tenancies notice periods, termination of leases are all interconnected issues and we need to achieve a fair balance. Of course, landlords need to have a level of control over the properties they own but tenants also need to enjoy a measure of security in what are, after all, their homes. I want to conclude with my aspirations for this debate. I hope to hear from the many and not just the few. It is so important to get a wide cross-section of views in the limited time we have. There is no vote at the end of this, no button to push, it should be about debate, it should be about sharing ideas and perspectives, about asking questions and, most of all, about listening. It does not have to be an argument, it does not have to dwell on what is wrong but look forward to how we can make things better. I look forward to this debate.

### **The Bailiff:**

Thank you very much indeed. Who wishes to speak first in the debate?

#### **9.1.1 Deputy T.A. Coles:**

I did make the point earlier that we should be contributing to this debate and making sure that we provide as constructive a response as possible for this White Paper. First of all, I would like to just commend the Minister because I thought this White Paper was excellent and it covered a lot of topics, and I hope that a lot of it comes to fruition at the end. I feel that it did strike a decent balance to help protect the tenant as well as the landlord and with the right agenda pushed through we can get something very rewarding for the Island out of this. So I will stick with the structure basically, as we have only got half an hour before the adjournment, rather than keeping everybody as long as possible, though I will try to stick to the comments in the first hour, second hour and so forth, so I will start with tenancy types. I think it is very important that we address this because the open-ended tenancy does provide a good security for tenants and landlords alike, provided that that list of reasons why an eviction can take place is clear and evident. I reflected on something that Deputy Bailhache mentioned earlier about tenants that cannot get on with each other and I wonder at what point does that become the landlord's issue and it is not just an issue for the tenants. If tenants fall out side by side, that is not necessarily the landlord's job to weigh in and decide which tenant is most at fault but maybe requires definite clarity of issues that tenants could draw up. So, in that sense, we should maybe consider what consists of a noise complaint. Should we be setting clear and direct boundaries of what is considered a noise complaint? From personal experience from where I used to rent, one of my neighbours had a party on a Friday night. I did not complain because I knew I was having a party on the Saturday night, so we sort of balanced each other out. It did get a little bit irritating when they clearly had a week off and they had their party on a Wednesday night and I also had work on a Thursday. It would have been nice if they had invited me but that is what it is. So clear and direct appreciation of what is considered a noise complaint, what is considered reasonable noise should be set out in this tenancy law. Should we be considering that the majority of people do work 9.00 a.m. to 5.00 p.m. but not everybody does work that, so we should really be careful on that scope, but it still has to be clear and transparent and obvious as well. This whole thing comes down to making sure that everybody knows what their responsibilities are from the outset. I have heard several people refer to, this should be produced in the way of health and safety legislation. Let us make it clear what are everybody's responsibilities under the terms of everything. The clearer this is the less discrepancies there are, the more comfort that a landlord can sit knowing that if this has happened, then I can ask this person to leave within the scope of the law. The tenant will also know: "If I do that, then my landlord can ask me to leave and I have no arguments on this." The noise also comes to a point: at what point does that then become the landlord's responsibility to ensuring soundproofing in their properties? If they are a person who owns an entire building then they are responsible for improving the soundproofing between the units. If they are someone who owns just a single unit in a large-scale development, it may be less within their control. Then also if it is not within their control, this again comes back to whether it is a statutory noise complaint, in which case

Environmental Health may be getting involved. Again, clarity and transparency of where these lines are is a must. I feel that it should not have to be said but I will say it anyway, that clearly if a tenant is damaging a landlord's property, that is a clear and obvious, in my opinion, reason that a tenant should be issued with notice that they have to leave. But this then comes into the part on notice periods and should we have a little bit more flexibility in what notice period is given. Now if someone is given a noise complaint, then you should be given: "There is your first strike, 3 strikes you are out. We have had 3 noise complaints from you; sorry, now we are going to issue you with a 3-month notice that you are being disruptive to your neighbours. You have had your chances to improve. Sorry, thank you very much, and please vacate the premises." However, if you get a complaint that someone has taken a sledgehammer to your front door, a sledgehammer to your internal walls and, yes, your landlord needs to make sure that their property is being protected, so that could maybe be a single month's notice. I would, to be honest, be calling the police because it is a destruction of property. They could be forcibly removed but then you would have the basis for evidence the person was arrested for destruction of property, they have to be out as soon as possible because you do have to run the risk of someone being made homeless and finding that transition. That is very, very important because somebody might be going through a mental health crisis in these things, so it cannot be black and white, and there still has to be flexibility but there has to be reason. So that is terminations and policy periods. I did have a point on the fixed-term tenancies and it is quite important again why we needed something as a default fallback. At the moment it seems to go to a periodic tenancy which, if given the appropriate notice period, can still exist and would work quite well, I believe, in that if you have somebody who is on a fixed-term tenancy, I think it should be made that it is the landlord's responsibility to remind the tenant of the termination date. There should be a point of notice period that a landlord is required ... so, for an example, if someone is on a 3-year fixed tenancy and the notice period that generally exists is 3 months, the landlord should be required to remind the tenant that in 3 months that they are due to exit. At the end of the day it is the landlord who is making the profits or the money for the tenant being in situ; therefore, the responsibility should lie to the landlord to remind the tenant that their tenancy is coming to an end and either they could then at that point negotiate to re-establish their tenancy or there would be understanding that at that 3 months, they are packing their bags and they are leaving; therefore, everybody is informed within the notice period that that is happening. However, there should be - I do not want to use the word "consequence" but it seems like the only one I can think of that fits - the consequence of the landlord not addressing the tenant that their fixed-term tenancy is coming to an end within that notice period, that it should fall to either, I would prefer an open-ended tenancy, but if it is not agreed then the periodic tenancy is what it should fall into automatically. Therefore, then all the rights of a tenant under what is deemed either an open-ended tenancy or a periodic tenancy should apply in that scenario. It should not then leave to be a case of: "Well, sorry, your fixed term ended 2 months ago, you have got to leave now" because the landlord, it should be clear that that is their responsibility to notify the tenant that their tenancy is coming to an end because tenants might forget, jobs change, situations change; however, the landlord still owns the property, so it, in my opinion, should be their responsibility to ensure that happens. I suppose I could talk for a bit longer about adequate reasons for termination. There is definitely the concern that somebody owns a property that becomes their downsize to retirement and this very much should be considered, maybe allowing for a more reasonable or a more lengthy notice period. If somebody wants to inhabit the property themselves, maybe 6-months' notice is not unreasonable because it is part of a plan. You have either got a member of your family wishing to move into the property in which you should have a good estimation that if this is when someone comes back from university, that they finish university in the August and therefore they will be coming back shortly after and hopefully should be able to move in. So, in my opinion, if you are issuing someone 6-months' notice, you will know that your child is finishing university in the February, that allows you to issue the 6-months' notice that they will then be able to vacate by the August. To me, that sounds reasonable. It does not then provide undue pressure or stress on someone to have to reconsider; it gives them time to consider their options. The same with

your downsize and retirement; you can issue this so you then have time that you know that you are going to - the same period I think should exist - that you are going to move in because you then plan to sell your property afterwards. It gives you time then to move in, redecorate the other property that you are selling, so I strongly believe that 6 months is reasonable. I am thinking now of rent increase notices but I suppose that would be in the section 2, so I will hold on to that. There is another good reason for ... maintenance required on premises. Sometimes people cannot live in while that is happening; however, you would hope that all that kind of work would be done before a tenant moves in. So, should you be able to evict someone to renovate a property or should you be responsible for their movement to somewhere that is more suitable while that refurbishment takes place? That is a very balanced nuanced issue. But landlords do certainly have a plan so maybe for someone who is planning refurbishment, again, 6 months, it is half the year, but that eases the pressure. That gives someone the option to save up for their next deposit that they need. Or maybe we could even make it that if somebody is having a notice period of 6 months, that the landlord and tenant should be able to agree a time that their deposit can be returned within a reasonable time that allows them then not to have to worry about saving up the deposit. Again, it is clarity, and clarity at what point should a landlord return a deposit to a tenant, I think is very, very important because if that is agreement, then maybe you can shorten the notice period. Maybe there could be flexibility in the law that allows a landlord to say: "Right. I am going to give you 3-months' notice; however, I am giving your deposit back right now, no questions asked. There you go." It eases the burden of trying to secure your deposit for your next property. Or if you are not prepared to return the deposit straightaway or until a tenant has exited the property, maybe then that is why 6 months should apply. That is certainly my thoughts and considerations on the first section, so I will leave that point there and allow 15 minutes for somebody else to speak for the second part.

### **9.1.2 Deputy P.M. Bailhache:**

It is a fundamental maxim of Jersey law that *les convention fait la loi des parties*, the agreement makes the law between the parties, and that means that parties are free to make their own contract. I think it is worth bearing in mind because Governments should, in principle, be slow to interfere with the freedom that people have to make their own agreements as they see fit. That applies to landlords and tenants just as it does to anyone else. Rent control or stabilisation, as the euphemism is sometimes used, is a prime example of this. Economists who, like lawyers, very rarely agree with each other, produced a paper in 2009 called *Rent Control: Do Economists Agree?* The short answer to that question was, yes, they did and the vast majority of them concluded that rent control was a bad thing. The reason was that 2 things almost invariably resulted from the exercise of rent controls.

[17:15]

The first was that the supply of rented property fell as landlords pulled out of the market or did not develop land for renting because it was not economically sensible to do so and, secondly, that the quality of housing deteriorated because there was no incentive to make improvements to property because, again, a reasonable return could not be obtained on the investment. It may be that restricting rent controls to the imposition of a limitation to the R.P.I. would not have that effect but we, as Deputy Gorst said this morning, do not always want landlords to keep pace with inflation. The trouble with the introduction of rent control with a limitation of reference to the R.P.I. is that it is an encouragement to landlords to take what they can, when they can in case the Government later restricts the increase, for example, to 3 per cent, as the Scottish Government has done very recently with extremely deleterious consequences in that country according to all the experts involved. Is it not better, I pose the question, to deal with the issue of supply of rented property so that the market itself compels rents to moderate? Paragraph 1.4 of the White Paper says that most tenants view the rental property they live in as their home. That seemed to me to be a very important point but I would add that the longer a tenant has lived in the property, the more attached to it as his or her home the tenant will become. How can one best protect that legitimate interest but yet balance it against the

fact that the landlord owns the property and may need it for his own purposes at some stage in the future? The trouble with open-ended tenancies is that there are bound to be exceptional circumstances of which no one has thought when the legislation is drawn up. That will cause injustice if the landlord wants to retake his possession of his property but may not be able to do so, indeed may never be able to do so. Another solution to the problem which I would like the Minister to consider is to require landlords to give longer notice to quit if the tenant has been in possession of the property for a significant time. I would say 6 months if the tenant has been in possession for 5 years or more and even one year if the tenant has been in possession of the property for 10 years. Nothing, of course, prevents the parties from agreeing to either a longer or shorter period depending on the circumstances of the particular tenancy and the circumstances of the individuals in question but ultimately it does have to be said that the property belongs to the landlord. It is his property and it does not seem to me to balance the rights of landlord and tenant fairly to say that, in theory at least, a landlord may never be able to regain possession of his own property. I am speaking of course of situations where the landlord is an individual. Arguably it is different if the landlord is a commercial corporate entity and that might mean that the notice period could be even longer in the latter case. Such an entity could, in order to protect its position, negotiate compensation for the tenant if it wished to persuade the tenant to move out at an earlier stage. My colleague in the Jersey Liberal Conservatives spoke of the Residential Tenancy (Jersey) Law 2011, which was an extremely important and significant amendment to the law governing landlord and tenant. It seems to me to be relevant to the question of revenge evictions. I have never come across a case where a revenge eviction took place but I accept that it is possible that they have done. I cannot believe that they happen very frequently but it seems to me that even one revenge eviction is too much. To seek to evict a tenant from the property for exercising his legitimate rights to complain about dampness or to disagree with the proposed rent seems to me to be unacceptable behaviour on the part of a landlord, and is something that should be prevented in some way or another. It does not seem to me that the remedy is to create an open-ended tenancy because that creates so many other problems, some of which I have referred to, but it would be possible to amend the 2011 law, it seems to me, in such a way as to make a revenge eviction extremely improbable. Article 14 of the law empowers the court to stay an eviction so that the magistrate, depending on the circumstances, can grant an eviction order but may declare that it will only come into force after one year, 3 years, 5 years or whatever the period may be. Article 15 of the law sets out a number of matters which the magistrate has to consider in deciding whether or not to grant a stay. The last subparagraph of that Article sets out such other matters as the court considers relevant but it would be open to this Assembly to be quite specific in directing the magistrate if he were satisfied that a landlord was seeking an eviction of a tenant as a revenge for some conduct that the tenant had shown. It would be possible to make specific provision to require the magistrate to impose a stay of at least 5 years, 7 years, whatever the Minister thinks is appropriate. If such a provision were expressed in the law, it seems to me highly unlikely that a landlord would behave in such a way in the future. I have a number of other thoughts on the White Paper but I think I shall hold them to myself and perhaps communicate them privately to the Minister.

### **9.1.3 Deputy A. Howell:**

I would very much like to endorse what Deputy Bailhache has just said. I campaigned because I think everyone matters in Jersey. I think tenants matter and landlords matter. But the one thing I think about Jersey that I really hold dear is that we have freedom of choice and so I do not think we should make open-ended tenancies the default position. I think we should have open-ended tenancies but I also think we should have periodic tenancies because I really feel as long as the tenant knows beforehand and they come to an agreement with the landlord and they know exactly what is being set out that we should carry on having freedom of choice of both tenancies.

#### **9.1.4 Deputy H. Jeune:**

It is difficult whether to say to push it to 4 minutes or not but I will keep it short specifically to, as the Minister has asked us, on open-ended tenancies because I support the introduction of open-ended tenancies but the detail is key here, not the overarching policy direction itself, and I feel there is not enough detail in the White Paper at this moment. I would like to see a clear list as soon as possible from the Minister of the possible specific reasons for termination, as I believe this is a crucial pinpoint that will be the sticking point for any legislation moving forward or making open-ended tenancies a success. We have already seen comments, especially coming from landlords and the Landlords Association but also from fellow Members now, that there are overall concerns about open-ended tenancies but without weighing up the different nuanced policy proposals. This is a shame as it will keep the level of debate at sensationalism rather than go into a deeper evidence-based discussion around open-ended tenancies. So it needs to be ambitious enough to ensure security for tenants while flexible enough to ensure landlords are able to reasonably terminate agreements with enough notice and evidence provided for the reasons for termination. I think it is also important to have enhanced tenancy agreements with clear lines of responsibilities and easily understood explanations offered to tenants. Language of agreements is important, especially when they are framed in legal language. This is often a huge barrier for many ordinary people who could get caught out in an agreement that they do not fully understand. Thank you, I will leave it at that for now, with a few minutes to go.

#### **9.1.5 Deputy M.R. Scott:**

Yes, the open-ended tenancies, are they expected to be an option or are you abolishing periodic tenancies? That was not clear to me but part of my difficulty in understanding the objective of much of this legislation was a lack of a clear problem statement, in other words, we had a response that legislation has been modernised, so was it the Scottish legislation that caused problems? So just, again, I think it would be useful to refine what we are addressing. Is it the abuse of power, is it power being abused because of greed, because that is where we should focus if that is the case. I really would like us not to be in respect of this idea and concept of revenge evictions, of which I am unclear how many there are. It seems strange that landlords would instantly serve notice in response of complaints and there is that question about what would be the real reason and what is the actual reasoning behind certain evictions but what is really important is that legislation is not produced that is revenge legislation. It needs to be proportionate to the problem. So, clarifying how the open-ended tenancies are to be introduced: are they an option and the consideration in fact of how periodic tenancies themselves can be adapted at the option of both landlords or landlords and the tenant?

[17:30]

So this is the sort of mechanism that I think needs a bit more focus. There is still this underlying issue I think in terms of the options and the ability to walk with the feet that really do need to be addressed: the social housing, the planning system. We must not lose sight of the problems that it is currently causing and I believe it goes far beyond how things are processed. The actual discretion in the way that things are perhaps not clear is not really serving developers and the public alike. There was a comment I had in the Residential Tenancy Law. There is something about giving one day to reach an agreement. In some cases I would suggest that is not reasonable; in some cases I could see why that might be the case. There is a reference to L.L.P.s (Limited Liability Partnerships) and body corporates where we have many more vehicles now. There is a proposal to force the landlord to provide alternative accommodation for gross misconduct while a matter goes to court. It might not go to court; I was sort of a bit uncomfortable. I understand in some circumstances, yes, that is perfectly reasonable but then one needs to be careful how that is framed. Occupation of uninhabitable properties. Yes, I generally get it and the Minister for the Environment has some powers there. But what about a situation where you might have a builder who is living on site while renovating of which is technically uninhabitable but there could be some special arrangements going on there. Parameters for discriminatory treatment needs to be considered more. Certainly tenancy agreements are really



welcome, the idea of them beginning to include content that talks about the rights of the tenant and particularly to go to a tribunal and in terms of recourse. Also, I was not too clear how many properties are non-self-contained and whether that just refers to lodging houses but, again, once you have more data and, boy, do we need that data, and, boy, does this Council of Ministers need to work a bit more on giving us this data, that is basically where I am. Thank you.

**The Bailiff:**

We are now slightly past 5.30 p.m. Is the adjournment proposed?

**The Connétable of St. Helier:**

Can I propose the adjournment, please?

**The Bailiff:**

The adjournment is proposed. Very well, the Assembly stands adjourned until 9.30 a.m. tomorrow morning.

**ADJOURNMENT**

[17:32]