

# STATES OF JERSEY



## **DRAFT PUBLIC HEALTH AND SAFETY (RENTED DWELLINGS) (LICENSING) (JERSEY) REGULATIONS 202- (P.33/2021): AMENDMENT (P.33/2021 AMD.) – COMMENTS**

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**Presented to the States on 15th July 2021  
by the Minister for the Environment  
Earliest date for debate: 20th July 2021**

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**STATES GREFFE**

## COMMENTS

The Minister, taking into account the Comments ([P.33/2021 Com.](#)) made by the Environment Housing and Infrastructure Panel ('the Panel') and members during the debate of P.20/2021 ([Public Health and Safety \(Rented Dwellings\): Request for new Licensing Regulations](#)), decided to present Comments to the Assembly to aid the debate of P.33/2021 Amd.

The following Comments are in response to [P.33/2021 Com.](#) and the Recommendations referenced that were previously presented to the Assembly in S.R.1/2021.

### **Recommendation 1**

“The Minister for the Environment should explore the possibility of combining the Rent Safe Scheme and the proposed licensing scheme, following a bedding in period of the draft Regulations.”

If the Regulations are adopted, the Rent Safe scheme is expected to continue.

The Rent Safe scheme ('the Scheme') is a voluntary scheme which encourages and rewards landlords who wish to differentiate themselves in going 'above and beyond' the legal minimum. Through accreditation, a five-star property not only complies with legal standards but has energy efficient measures in place. This provides benefits to tenants who may enjoy reduced bills and is beneficial for the environment. The Scheme continues to receive applications, and landlords and letting agents use the Rent Safe branding for advertising and marketing purposes. Potential tenants have access to the list of landlords that have reached accredited status on the Rent Safe scheme.

The Minister rejects the comment by the Jersey Landlords Association ('the JLA') that establishing the scheme has been a “waste of time and money”. To reiterate, via the Scheme landlords and agents market properties using the branding, and officers receive positive comments on the help they provide to landlords and tenants alike in meeting legal requirements and the simple steps that can be taken to go 'above and beyond'.

### **Recommendation 2**

“The Minister for the Environment must publish an annual report to the States Assembly, detailing the amount of income generated by the proposed scheme.”

The Minister agrees with the Panel that further consideration with regard to fees is needed. Consideration should be given, but not limited to, fee to be levied, cost recovery/user pays, impact on landlords and tenants, and fees charged to social housing providers.

The Minister is confident that P.33/2021 as amended will enable the Scheme to operate and for data to be gathered with which to inform further discussion between the Minister, the Panel, and other key stakeholders.

The Amendment to P.33/2021 includes a provision for the Minister to publish by way of a Report to the States Assembly any proposed charging regime 6 weeks in advance of their introduction. It is proposed that any fee structure would utilise the data gathered during the initial operating period of the Scheme. Proposed and actual income would be published annually in the Government Plan.

**Recommendation 3**

“Before the debate of the draft Regulations, the Minister for the Environment must provide the States Assembly with further clarity as to the costs of operating the scheme.”

The Report accompanying the [Amendment](#) to P.33/2021 gives clarity to the costs of operating the proposed licensing scheme.

**Recommendation 4**

“The Minister for the Environment must publish a report to the States Assembly per annum, detailing how the income generated from the scheme has been spent.”

Please see above response to Recommendation 2.

**Recommendation 5**

“The Minister for the Environment must consult with the Panel prior to setting and publishing the finalised fee structure for the licensing scheme. This will enable the Panel to ensure that the licensing scheme will not be generating more income than the amount it costs to operate.”

Please see above response to Recommendation 2.

**Recommendation 6**

“The Minister for the Environment should undertake further work to ascertain the impact of the proposed licence fee on seasonal businesses and how the fee structure could be amended to ensure fairness and proportionately. The Minister must report back to the States Assembly with the outcome of the work prior to the implementation of the scheme.”

Please see above response to Recommendation 2.

**Recommendation 7**

“To ensure a level playing field across all housing providers, the Minister for the Environment should ensure that rented dwellings defined as ‘Social Housing Providers’ under the proposed scheme are not exempt from being charged an annual licence fee if they are Rent Safe accredited. Similar to private landlords, social Housing providers should be awarded discounted licence fees depending on their star rating under the Rent Safe accreditation scheme.”

Please see above response to Recommendation 1.

**Recommendation 8**

“The Minister for the Environment should amend the current fee structure to ensure a graduation of fee charges according to the size of the property and the number of occupants the property is capable of housing.”

Please see above responses to Recommendation 1 and 2.

It should be noted that feedback received expressed a view that the proposed licensing scheme should be as easy as possible to administer and apply. Whilst there are several suggestions as to how a sliding scale could operate, care should be taken not to introduce a measure that would require significant burdens. This includes the size of the property

or value. Size is not an accurate reflection of rental income and value would impose a burden on landlords to obtain recent valuations.

**Recommendation 9**

“The Minister for the Environment should amend the type of properties captured under the licensing scheme to include private house lodgings.”

The Minister believes the position to be very clear. The proposed licensing scheme would apply to any rented dwelling as defined in Article 2 of the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018.

For avoidance of doubt, as defined in Article 2(4), this includes 3 or more lodgers in a private owner-occupied dwelling.

**Recommendation 10**

“In order to reduce the level of bureaucracy and costs for landlords, the Minister for the Environment should amend the proposed licensing scheme and extend the validity of a licence from one year to five years in line with the current practice in the United Kingdom.”

The Amendment to P.33/2021 implements this recommendation as part of the decision of the States Assembly to adopt P.20/2021.

**Conclusion**

The Amendment to P.33/2021 fulfils the requirements of the Assembly’s decision to adopt P.20/2021 and recognises the need to further consult on charges.

The Minister recommends that the Assembly adopts P.33/2021 as amended.