

3.12 The Connétable of St. John of the Minister for Health and Social Services regarding responses to the consultation document on the draft Public Health and Safety (Dwellings) (Jersey) Law:

Would the Minister state how many responses have been received to date in response to the consultation document on the draft Public Health and Safety (Dwellings) Jersey Law and of these responses how many have been supportive of the proposals and how many have been critical? Would he further state who initiated the drafting of this legislation and what cost has it been to date?

Deputy A.E. Pryke of Trinity (The Minister for Health and Social Services):

The department is reviewing and reflecting very carefully on the outcome of the recent consultation and on comments that are received. There has been some concern and we will be offering a States Members briefing shortly which will outline the next steps in shaping the final draft law ready for lodging. We have received 20 written responses to the formal consultation, 8 were positive, 8 were negative, and 4 were neutral. Including the letters to the *Jersey Evening Post*, emails, phone calls and letters direct to the department, there were an additional 10 responses received in the last couple of days and these are currently being analysed, both supportive as well as negative. Working towards this new legislation was started in 2000 after the then Attorney General ruled that the risk to people in their homes was outside the scope of the 1930 - and excuse my pronunciation - *Loi Sur La Santé Publique* law. This left a gap in Jersey's ability to protect the health of our most vulnerable Islanders from poor, and in some cases atrocious housing conditions. In drafting the legislation the usual checks had been made by the Law Officers to ensure that the draft law is human rights compliant, not duplicating any existing Jersey legislation. The costs have been within the resources of the existing officer's time with an additional £250 per venue hire and refreshments for the consultation. Members, there are a number of examples of people living in quite appalling conditions here and now in Jersey. The aim of this proposed draft law is to ensure that this situation is addressed and so support some of our most vulnerable Islanders.

3.12.1 The Connétable of St. John:

So it appears that some 10 people over and above the 20 that the Minister mentioned have responded only in the last couple of days obviously because of the high profile of the media on this. Given that being the case, would the Minister consider extending her consultation period by another 4 to 8 weeks so as other people - obviously this has been raised - have contacted me and I have told those people to send in comments? Would she consider taking this back and allowing the public that extra bit of time please?

The Deputy of Trinity:

I am happy, and I know there have been raised some issues to extend it say by the next couple of weeks as it has been very high profile, but I would like to make it also very clear that the aim behind this law is to improve living standards. We do not have that bit of law to support the officers. Officers will only go in whether it is tenanted or owner-occupied if there has been a complaint or there has been a referral.

The Connétable of St. John:

Has the Minister ...

The Bailiff:

I will come back to you, Connétable, the Minister has agreed that she will extend the consultation.

The Connétable of St. John:

Yes, I accept that.

The Bailiff:

I will come back to you. Senator Ferguson.

3.12.2 Senator S.C. Ferguson:

Perhaps the Minister would like to give us a preliminary explanation as to why the conservation of energy and water are included, particularly for owner-occupiers, because frankly if I want to turn my heating up and open all my windows to the world, I do not see why anyone should stop me. It is a free world. So, perhaps she would like to explain. Particularly with emphasis on the owner-occupier angle.

The Bailiff:

I think that is going way outside the current question, Senator, which was about consultation and responses rather than the merits of the legislation. So, we will come next to a question from Deputy Baudains.

3.12.3 Deputy G.C.L. Baudains:

The Minister spoke of vulnerable Islanders. I can understand the possible scenarios that are revolving around unqualified accommodation. Can the Minister explain how this relates to owner-occupiers? Surely it is hardly a vulnerability that the department needs to look into to come and see what I have in my loft or whether I have the tap turned on in the bath instead of the sink or something like that, which appears to be what this legislation is all about.

The Bailiff:

Deputy, I think that is the same point. This is really a question about consultations not the merits or detailed merits of the legislation, on which, of course, Members are perfectly free to ask questions, but not as a supplementary to this.

3.12.4 Deputy R.G. Le Hérissier:

In formulating the law, could ... and I do think buried under this is the need to deal with some of the quality and some of the landlords, who sadly have been very rapacious and have made a lot of money off quite poor people, quite frankly. But would the Minister identify what are the areas, when the law was formulated, that it was felt other agencies - like Housing - could not deal with and it was therefore imperative that her own Ministry moved into these areas?

The Deputy of Trinity:

In formulating this, the officers worked very closely with Housing, Planning and Environment - especially the Environment Department - and also Fire and Rescue. Because, obviously, if the fire service go into a house that has had a fire or is unsafe and there are issues then they would ask to deal with it. This would show that there was no duplication from any other department. We are looking back here at houses that have not been properly maintained for one reason or the other and where it is a hazard to people that live in them.

3.12.5 Deputy G.P. Southern:

Continuing on the same theme, the Minister has stated that officers were working closely with Housing officers on this issue. It seems to me that despite the statement that there will be no overlap, this is an area - certainly in lodging houses, certainly in accommodation standards - where Housing has a wealth of experience. I just wonder whether, in fact, she would revisit the allocation of responsibilities within her intentions to replace the health element with one that belongs to Housing.

The Deputy of Trinity:

I can understand where the Deputy is coming from. But, Environmental Health Officers are very highly trained, specific in their area of health and people's well-being. That is not the role of a

housing officer. In saying that, they work very closely together and will continue to work very closely. As I have said, we made sure that there was no duplication of laws.

3.12.6 Deputy J.H. Young:

The Minister has given us a wider view, which is very welcome, of her purposes in also answering the question about consultation. But, in hindsight does she not feel that the low level of response initially received, before the publicity, illustrates that the problems of going out to consultation with simply a draft law, without giving any explanation, rationality or purpose. In hindsight, does she think that was the right thing to do? Would she not reconsider that approach in future?

The Deputy of Trinity:

Before the *J.E.P. (Jersey Evening Post)* had commented on the last couple of weeks there was an article in the *J.E.P.* I know one of my Environmental Health Officers did a media interview. We have had 2 public consultations and also the environmental officers have talked to other organisations. This law is needed. Organisations, like the churches and what have you, have responded. As I said, I am happy to keep it open for another couple of weeks. I suggest that if anybody has any comments, both positive and negative, then please do submit them.

[11:15]

3.12.7 The Deputy of St. Ouen:

Given that the Minister stated earlier that work was started on the legislation in 2000, could the Minister tell Members what has caused the delay in introducing this law?

The Deputy of Trinity:

That is a very good question and when I found out, I thought that it has been unacceptable. But, the Environmental Health Officer team is a very small team, and their remit is very broad. Unfortunately, it just got slightly side-tracked by more pressing issues. Saying that, that is why this law is important. It is only a small amount, but it does affect the lives of Islanders each and every single day, when you see the photos that I have sent Members.

3.12.8 The Deputy of St. Ouen:

Supplementary, sir? I was quite shocked at the Minister's response. On the one hand she says that her department is obviously limited in size and is very busy. Yet, on the other she said this is extremely important and she has pictures of the very poor conditions that exist in housing on the Island. Surely if the Minister had these concerns, this matter should have been brought to this Assembly far earlier. Could she properly explain why that decision was not made?

The Deputy of Trinity:

I was not Minister back in 2000. But, we are where we are, so the saying says. But, I am determined to bring this forward, because we do need this bit of law. It has taken a long time. I know law drafting, *et cetera*, and working with the department and other organisations does take time.

Deputy G.P. Southern:

Sir, I have a point, I believe, of clarification.

The Bailiff:

Well, I think Deputy Trevor Pitman next.

3.12.9 Deputy T.M. Pitman:

Sir, I know you have ruled a couple of questions out of order, but we are talking about consultation or the Constable of St. John was. Given the clear anomalies the impact this law

would have on owner-occupiers, does the Minister really think that she has taken the right route? Because surely this should not be about, say Deputy Tadier, owning his flat and whether he has stored his barrels of gunpowder safely. I mean, that is not the same as appalling conditions, which we all obviously want to see eradicated.

Deputy M. Tadier:

Can I just clarify, I do not own my own flat, Sir? [Laughter]

The Deputy of Trinity:

I hope I am not at the end of the Deputy Tadier's gunpowder. I have been into situations in my former life as a nurse in owner-occupieds as well as tenanted. Some of the conditions I think you would be absolutely surprised at. You think in this day and age people cannot live like that. But, rest assured, it does happen. With a briefing, the officers would be very happy to give Members actual descriptions of what they go and see. It is down to the complaints that they have received and referrals, be it from uniformed organisations, churches and whatever. This is not about investigating Deputy Tadier's flat. This is about referrals and complaints that are made every single week. The department gets about 3 to 4 complaints or referrals every single week.

The Bailiff:

Deputy Southern, you have already asked a question. I think there is really time for the Connétable to ask his question.

The Connétable of St. John:

I will give way because I think the Deputy had a clarification requirement.

The Bailiff:

Well, if it is any better than his last point. [Laughter]

3.12.10 Deputy G.P. Southern:

I accept the reprimand, Sir. It is wicked of me. But the Minister did talk about the size of her department. Will she confirm that the size of her department - Environmental Health - is smaller than it was previously because she cut, under C.S.R. (Comprehensive Spending Review), the number of Environmental Health Officers?

The Deputy of Trinity:

No, it has not. There has been one officer down, because that officer has been on T.A. (Territorial Army) duty, if that is the right phrase, in Afghanistan. As a good department, we have been supporting that officer through it. [Approval] The Environment Department is a busy department. It is a small department. I can reassure Members even when this law, hopefully, is approved there will be no increase in environmental officers.

3.12.11 The Connétable of St. John:

That gets me nicely to where I wanted to go. Is the Minister aware that once this law is in place it becomes law and it is black and white? Unlike many old laws that she was referring to, there were shades of grey, where people could deal with it in slightly different ways. Once penalties are in place, they are there and they are enforced by your officers. The officers cannot see shades of grey. They will only be allowed to see black and white. Is she aware of that? Anything she puts in place has to be user-friendly for the Island of Jersey not for some borough in the United Kingdom.

The Deputy of Trinity:

This is specific to Jersey. The problem is here today. We need to sort that problem out. Appalling conditions as I have seen would turn my hair grey. [Laughter] The department is

very good at negotiating and working with landlords or owner-occupiers. That is their role. But they need this bit of law to support them in doing that. It will not increase the number of staff, as I have said, and it also will not increase the cost. I would like to think that the cost will be reduced. If we can improve those conditions and it saves even one person from being admitted to hospital with a broken leg, because they have fallen through floor boards, or a child developing asthma because they are continually living in damp and mouldy conditions, then that is a cost saving to the health of this Island.