



# Environment, Housing and Infrastructure Scrutiny Panel

## Quarterly Hearing

### Witness: The Minister for the Environment

Tuesday, 1st October 2019

**Panel:**

Connétable M.K. Jackson of St. Brelade (Chair)  
Connétable S.A. Le Sueur-Rennard of St. Saviour  
Deputy I. Gardiner of St. Helier  
Deputy K.F. Morel of St. Lawrence

**Witnesses:**

Deputy J.H. Young of St. Brelade. The Minister for the Environment  
Deputy G.C. Guida of St. Lawrence, Assistant Minister for the Environment  
Dr. L. Magris, Director, Environmental Policy  
Mr. W. Peggie, Director, Natural Environment  
Mr. A. Scate, Group Director  
Mr. K. Pilley, Director, Planning Policy and Historic Environment

[10:32]

**Connétable M.K. Jackson of St. Brelade (Chair):**

Good morning, everyone, and welcome the Environment, Housing and Infrastructure Scrutiny Panel.  
For the sake of the record, we will just go round the table and introduce ourselves.

**Deputy I. Gardiner of St. Helier:**

Deputy Ina Gardiner, St. Helier, member of the panel.

**Connétable S.A. Le Sueur-Rennard of St. Saviour:**

Sadie Le Sueur-Rennard, a member of the panel and Constable of St. Saviour.

**The Connétable of St. Brelade:**

Connétable Mike Jackson, chair of the panel.

**Deputy K.F. Morel of St. Lawrence:**

Deputy Kirsten Morel, a member of the panel.

**Director, Environmental Policy:**

Louise Magris, Director of Environmental Policy, S.P.P. (Strategic Performance and Population) 3.

**Assistant Minister for the Environment:**

Gregory Guida, Assistant Minister for the Environment.

**The Minister for the Environment:**

John Young, Minister for the Environment.

**Director, Natural Environment:**

Willie Peggie, Director for National Environment.

**Group Director:**

Andy Scate, Group Director for Regulation.

**Director, Planning Policy and Historic Environment:**

Kevin Pilley, Director, Planning Policy.

**The Connétable of St. Brelade:**

Probably going to link into you, Kevin, at an early stage so, Minister, perhaps since our last meeting in June could you just give us an update on the Island Plan, and how it is progressing?

**The Minister for the Environment:**

In a nutshell, business as planned. We are on target. One thing, I want to make it clear there is one more week for the public consultation process so the message to everybody, including States Members, is please have our responses. But on the tea towel, if I may hand over to Kevin who is running the project. May I do that?

**Deputy K.F. Morel:**

Very quickly, maybe it is for Kevin as well. Do you know how many members of the public have been in contact through the consultation?

**The Minister for the Environment:**

When I last heard, about at least 1,500. But Kevin can give us an update.

**Director, Planning Policy and Historic Environment:**

As the Minister said, the consultation is still live on the strategic options and issues. We have held over 50 events over the last 3 months and that involves open public events with spec holder events. This week colleagues are meeting ... well, met last night with the Youth Service and are in schools this week. So the consultation is still ongoing. We have had a variety of responses. Our comms unit have been helping us with ... engaged people through use of social media. We have had over 1,000 responses through social media and we have had responses to the 2 survey questionnaires that we had. We had a summary questionnaire and a bit more detailed questionnaire. So far we have had responses in the hundreds on both of those. But we are obviously getting quite a large sort of swathe of responses towards the end of the consultation period. So we hope to have had a really good response to those questions that we have raised at this stage. We have been busy with consultation and we will then look to move into the next phase, which is the more detailed review of policy and also analysing the consultation response.

**The Connétable of St. Brelade:**

Have you picked up any trends yet that might change direction?

**The Minister for the Environment:**

Two things I would like to say, Chair. First of all, I think the impression I got is that, although I have not got any numbers for this, is that we are ... a very large number of people are raising the issue about our population and the fact that they are raising the fundamental question of how the Island Plan can progress through beyond into a planned drafting stage until the States have set a new population direction and they seem to be ... people are uncomfortable with a plan based on assumptions rather than a firm policy. That is something that I have been very loud in making clear to the Council of Ministers and to the Migration Steering Group, which I am a member. I have asked them to accelerate the timetable to meet the Island Plan process. It is also something on which I publicly commented and I will continue to do so until that issue is resolved because I have not got the numbers on that but I believe all the meetings I have attended, that is fundamental. The other thing I want to say ...

**Deputy I. Gardiner:**

Just to understand, can you give an indication what was the response for your ... when you ask: "Please accelerate it"?

**The Minister for the Environment:**

I think there is movement towards it. It is emerging. I think several months ago there was a very clear well, you know, the Council of Ministers have set this timetable, which would not meet the Island Plan timetable. Myself and the officers had a meeting with the chairman of that policy group and the Chief Minister, and we stressed ... this is a separate meeting recently and we stressed the need to dovetail to these timetables and there was, I think, I came away from that meeting believing there was de facto agreement that the timescales would be merged. But obviously it has not yet been confirmed. I am certainly seeing that and so I am hopeful that is the case. The second thing I would like to say, if I may, is that obviously this is an ongoing process and decisions will need to be made as we then progress about what conclusions we draw in the next stage and so on. Those decisions, as far as far as I am concerned, are yet to be taken. I particularly want to ask for our external partners' advice. As you know we have engaged external partners who are kind of supporting the team about whether or not they see whether a consultation process has been fully adequate, comprehensive. They see any stags, they will try and put those right.

**The Connétable of St. Brelade:**

Can you just elaborate on the external partners?

**The Minister for the Environment:**

The external partners, I am sure you have looked through the papers that were submitted, the various business cases, including one of which was for the Island Plan, which obviously you are going to deal with later because most of that money is in the 2020 plan. But we have got interim money but a series of contract appointments have been made to support us in work. I think maybe if I may refer to Kevin for the brief on our external partners but I can say it is a major U.K. (United Kingdom) practice, which is well experienced in this matter.

**Planning Policy and Historic Environment:**

If the panel wants more information on that, other pieces of work we have been doing over the summer is to conclude some of the procurement work that we have been doing. As the Minister said, one of those contracts is with something we termed a strategic partner. They are there to provide us with critical friend advice in terms of the process that we are going to review the plan to make sure it is robust and it meets best practice. They are also there to provide us with some additional capacity and support if we need it through the plan-making process. Obviously, we are a small team and we review the plan once every 10 years. So it is a resource there that we can draw on to support us at key stages of the work. As the Minister said, they are a multi-disciplinary planning

consultancy who have got experience of plan making in the U.K. and in other jurisdictions. So it is a very useful resource for us to be able to draw upon to provide us with critical advice about the processes that we are running.

**The Connétable of St. Brelade:**

Going back 10 years, was that same process utilised then or do you feel you have learnt from the last process and is this an improvement on it?

**Planning Policy and Historic Environment:**

The process of revising the Island Plan in Jersey has been done in different ways. In 2002 it was an entirely consultant-led process with consultants leading and writing the plan with local support. In 2011 we developed it largely locally in-house and this time we are driving the process but we are using consultant support to provide us with critical advice. What I would say is that expectations about plan making, about engagements, about the tests that you run a plan through, are becoming increasingly more rigorous and robust. I think it is useful for us to ensure that what we are doing meets best practice and that the Island has a plan that can stand in comparison with plans in other places.

**Deputy K.F. Morel:**

Can I just ask: what process did you use to appoint this?

**Planning Policy and Historic Environment:**

In terms of the strategic partner, that was through the open tender process on the portal.

**The Connétable of St. Saviour:**

I was going to ask the same as you because the last one, 10 years ago, we did not succeed in accomplishing it so we are playing catch-up now. So do you think this English company will be able to help us play catch up?

**Planning Policy and Historic Environment:**

I would not necessarily accept that the plan has not delivered what it was required to do.

**The Connétable of St. Saviour:**

We have still got a lot of homes that we are waiting for and yet 10 years ago we theoretically were going to have enough homes.

**The Minister for the Environment:**

Can I come in on that?

**The Connétable of St. Saviour:**

Sorry, John. But that goes hand in hand with your immigration policy, you see.

**The Minister for the Environment:**

Yes, it does. The Constable is absolutely right. The advice I have been given because I was not in the States when the last Island Plan was delivered, was that the assumptions in there about population, which were based on States policy at the time, had we maintained that and delivered that population policy then the assumptions have been proved right and we would not be in a situation where we are trying to catch up. If I might add, one of the things I have seen, I think Mr. Pilley is absolutely right, the requirement now is much more rigorous and onerous. The problems are much more severe now that we have got 106,000 populations than they were when we had smaller populations in the past. So that means that we need ... I think we do need to have ... it was me who said: "I wanted to see external support" to help us spot any problems downstream, give us external advice as we go if we need to make corrections because the impression I do think is that doing an entirely D.I.Y. (do it yourself) version is not the best. So I have seen elsewhere they tried to do D.I.Y. versions and they do not succeed. What we have to have, and the key things are not only the plan has to be very well thought, it is essential it has got community engagement because without the ... that is why we are trying to go this way. Some people think you are taking too long, it is step by step by step but I want to get it right.

**The Connétable of St. Brelade:**

Can I just feel in comparison with the plan 10 years ago in terms of community engagement, have you noticed increased engagement, less engagement? What is your feel?

**Planning Policy and Historic Environment:**

One of the challenges in revising the plan is initially we deal with these things of high-level strategic issues and quite often it is difficult to engage people in those high-level issues because we are not necessarily drawing lines on maps, which is when people tend to get very interested because it affects perhaps their home or their property. So I think it is fair to say we have struggled in the past to get Islanders to engage in those big picture questions. I think this time around we have had a lot of engagement in that and I think that has been really helpful. It is important because the big strategic decisions that are made help then to define the direction of the rest of the plan. So it is important that everybody has a chance to comment on those and to help shape those before we get down to the detail. I think on the basis of the engagement that we have had thus far it has been more open and more participative. I think previously in the States we have done what we might call traditional consultation where civil servants might busy themselves, locked away in office and come out with a document and ask people what they think about that; a lengthy tome.

[10:45]

This time I think we have not done that. It is been policy neutral consultation. It is just really trying to layer the issues for people to lay out some of the tensions that we have in the Island that we need to resolve. Just ask people what they think about those and hopefully in a way that is accessible to them. I think it has been more engaging, particularly at this stage of the process.

**The Connétable of St. Brelade:**

In terms of tensions, it takes me on really to the next subject, which we would like to talk to you about, which is the public health and rented dwelling regulations. You recently briefed a couple of us here on the feedback you received from the public consultation. Can you outline what changes have been made to the draft regulations as a result of that public feedback?

**The Minister for the Environment:**

One of the key things for me is the starting point on this is that our record as a Government in ensuring that people have a decent quality of housing, I do not think has been good enough. Therefore my starting point is that the States by a policy have already decided that they want to secure improvements in standards of rental dwellings. The key point being is that when people own their own homes they can make their own choices about the standard of those homes. But when they are rented they will have to take what is and have no control of it. That is point one. The other one is that I was, and this probably predates when I took up my position as Minister, I needed personally to be convinced of the need for a licensing scheme. I can say I am absolutely now convinced and I think there are a number of arguments. Firstly, we do not currently know the number of rental dwellings in the Island. I do see the question, how on earth can we plan to achieve our housing targets if we do not know. So a system of registration seems to be absolutely essential. That is the light in which I have looked at the consultation responses. Clearly we have got divided responses. We have clearly got a body of opinion coming from the landlords that they do not agree with the concept of regulation and they see it as bureaucratic and an expense. What I try to do is to make sure that the legislation is practical, is that people have adequate time to ensure that they can comply. The fees are as low as they possibly can be so that effectively we can run the enforcement because there is no point in having standards if we do not do something about where non-compliance happens and equally does not result in what some people might describe as a tax on those rented dwellings. Those judgments have had to be made in the draft. Where we currently are, Connétable, is obviously we are now ready, following our meeting with several of you ... I accept obviously you were not all present at that meeting with Stewart Petrie, who has been leading this project, and Andy Scate, which I will ask to speak in a minute. Of course we are ready now with the draft as it now stands. The timetables proposed, I think are very practical and work about. At the

end of our conversation we do need to know from you whether you will allow us to go ahead and lodge that or whether the message that we got, you are asking us to secure a 3-month delay. I wonder if having said those things perhaps we can revisit that point at the end of our discussions.

**Deputy K.F. Morel:**

I was going to ask you if you could answer the question that was asked of you, if possible, about what are the differences.

**The Minister for the Environment:**

I cannot list the detail myself; I am going to ask Mr. Scate, if I may, to talk us through.

**Deputy K.F. Morel:**

That is fine.

**The Minister for the Environment:**

What I have tried to do is give you the viewpoint that I try to take as a Minister responsible. The judgment I have got to make where we have got opposing views, what response to make and to me those questions about the policy preference what I judge the States has made and the need to be able to have a better firm planning basis to achieve those standards and for new homes to me is more significant than the other arguments. Because I think those have been moderated by very low amounts of fees and what I regard as a very workable arrangement. I do not see it as onerous. But could I please ask Mr. Scate to pick that up?

**Group Director:**

We have not made any fundamental changes to the regulations. The regulations are in certain terms of what the scheme is intending to cover. We have however taken on board some more detailed recommendations that people have made in terms of clarification, in terms of possibly taking stuff out of regulations that you must do this to more advisory areas. We can give you a detailed list of some of the more detailed changes. I am just trying to find the actual detailed list but we have not made any significant fundamental changes to the purpose of the regulations or what they are seeking to achieve. Again, it is more around what we are asking landlords to provide to their tenants as advisory areas. So I can give you a detailed list of that.

**Deputy K.F. Morel:**

I have got a few questions, if you do not mind. Partly because I was not here at the briefing, I was one of the people who could not make it. As part of this will people have to register short-term rentals?

**Group Director:**

Anything which is rental, yes.

**Deputy K.F. Morel:**

So that would be your Airbnb-type?

**Group Director:**

So Airbnb is an interesting area for us because it is currently not regulated at all. A lot of jurisdictions ...

**Deputy K.F. Morel:**

Airbnb itself provides the regulation mechanism through feedback.

**Group Director:**

It does indeed so I think anything which is rented for a period of, I think we are saying 30 days, it covers that period.

**Deputy K.F. Morel:**

Is that 30 days in a year?

**Group Director:**

It is, yes. It will capture some Airbnb activity. That is an area we are currently looking at developing further advice out to both Jersey Tourism but also owners in terms of what the requirement is. Ultimately the standard that needs to be met is a minimum standard for people in a rented home or rented property. Whether that is 25 people in that rented property because it is effectively a tourist Airbnb or if it is a family renting it for a period of time ultimately the standard is the same. It will capture some of those rentals which are beyond the *de minimis* period. If it is a house share for a couple of weeks which sometimes get holiday exchanges, that sort of thing, it is not of that level, but if it gets over the 30-days and beyond then it certainly will be covered, yes.

**Deputy K.F. Morel:**

How will the inspection regime operate for this? Are you looking to inspect all rented dwellings in the Island?

**Group Director:**

We will eventually. I think we are going to take a risk-based approach so we have got resources in the team who have previously worked in the private sector rented market here. So the honest answer is we will focus on those areas we think need most regulation upfront and there are certain

sectors and types of accommodation which need more of a focus. There is a big proportion of rented accommodation here which will meet the standard and we will get round to visiting, but we are not so worried about that because they are good quality.

**Deputy K.F. Morel:**

Why do you need to visit those which meet the standard? Why are you not just taking a risk and complaint-based approach?

**Group Director:**

I think honestly so we can answer have we regulated, have we visited. Some properties may not get a visit for some time because we know they are good standard and it is very clear in their Rent Safe application that standards are being met. But we are going to concentrate ... certainly we have seen for instance in the lodging house end of the market where we have seen through recent visits over the last 3 to 6 months, that is where we are going to need to put some tension. We also wanted to be practical that we obviously ... there are a number of properties that are rented in the Island so we need to just focus on the ones that really need to make the difference first.

**Deputy K.F. Morel:**

How many extra staff is the department going to take on to do this?

**Group Director:**

We have a team of around 4 staff doing housing matters. That varies now. I think one of the big debates we have got going forward is if we are going to grow that into a wider housing regulation team, which it has got the potential to become.

**Deputy K.F. Morel:**

There is the issue indeed to grow it into, some might say, empire building.

**Group Director:**

What I would say it is about co-ordination. So at the moment, for instance, we have taken on lodging house visits from the Social Security Department. We have taken on some of those visits from fire. We have taken over some of the work around tenancy deposits because a lot of these areas do overlap. While we are doing a minimum standards visit we do need to cover fire safety, we may well need to cover some tenancy rights and tenancy issues as well.

**The Connétable of St. Brelade:**

Just going back to Airbnb, would that include Airbnb and I think almost just to confirm it exists. I think I saw it in the Sunday papers where people arrive and it does not exist.

**Group Director:**

It certainly does exist. Airbnb is a growing area. It depends on how we have counted them but I think the expectation is we have got about 150 properties also. Because you can go on Airbnb and find them, they are being advertised. That is a growing area and what we are keen to avoid is people using an Airbnb route to rent out, which then means that we have not got tenancy protections, we have not got minimum standard protections and other things like that. We cannot see Airbnb being used as a way around regulation. Airbnb's concept originally was very short term, very sort of shred holiday exchange stuff but it will cover ... if a property is being Airbnb for 26 weeks a year, which some of the Airbnbs are in the Island, we will need to regulate it.

**Deputy K.F. Morel:**

How many rented properties do you think there are?

**Group Director:**

We do not know the honest answer so I think we have got between about 11,000 to 15,000 rented properties in the Island.

**Deputy K.F. Morel:**

So over what period will you inspect 100 per cent of those properties?

**Group Director:**

I think some of those may not get a visit for 2 or 3 years. I think some of them are of a good enough standard where we know that the minimum, i.e. they may be recently built properties, for instance, and they have just been signed off through building control, building bylaws. So some of those will not warrant a visit but some of them will need ...

**Deputy K.F. Morel:**

If we are talking about 5 inspections a day, there are kind of 200 or so working days in a year, 220 working days in a year, that is going to be 1,000 a year. If one person can do 5 properties that would be 1,000 so I am just trying to get a sense of how many people you are going to hire in order to do this because that would take them 15 years if that one person was to do 5 a day for 220 days of the year. That would take 15 years so you are going to have to hire a lot of people.

**Group Director:**

A lot of our visits again will be risk-based targeted visits. So some properties may not get a visit for some time because we are confident of the quality of that property.

**Deputy K.F. Morel:**

I would argue why you would have to inspect them at all. Why not just do risk and complaint based? If 100 per cent of properties and let us say even 20 per cent, you are basically wasting your time inspecting 80 per cent of them.

**Group Director:**

We will need to reserve the right to enter and visit any property.

**Deputy K.F. Morel:**

But you will legally have the right to enter any property; your risk and complaint-based approach will do that?

**Group Director:**

It would. Yes, it would.

**Deputy K.F. Morel:**

So why go to the full extent of looking ...

**Group Director:**

For instance, if we are visiting a block of properties that are newly built so we are having this conversation with Andium, for instance at the moment, a newly built we would visit a sample of their properties because they are all being built at the same time to the same standard. We would not need to visit every one of those. That is the sort of approach we have adopted through Rent Safe. So we feel confident at the moment. I have got no doubt that resources there are certainly under pressure. I can certainly say that for sure. We have a small team. But I think where we want to focus is down that bottom end of the market where we think there may be poor standards.

**Deputy K.F. Morel:**

My last question on this is: have you looked at the idea or are you considering at all having private third parties able to certify this happens and not other areas as well?

**Group Director:**

Yes, we have considered the role of letting agents in this. It obviously is a brand new area of regulation for us so I think at this stage we certainly want to run that as Government. If we have a trusted inspector's scheme, I would call it something like that, whereby we need to make sure that they are ... we regulate the regulators then, sort of thing. Or regulate inspectors. It is possible to do that.

**Deputy K.F. Morel:**

The trouble with that is that means other people who create the law basically set up a reason for them to set up their own businesses, which we have seen happen in other areas.

**Group Director:**

Unapologetically, this potentially has got some economic growth implications to it because we are ... when we introduce new regulation the industry will need to respond to some things that they are not currently doing. There is a lot of rented property in the Island, which is a great standard and it meets the minimum standard. There are some properties we have seen which are not meeting those standards and undoubtedly will result in further building work or further servicing or further maintenance work is required.

**Deputy K.F. Morel:**

Do you think the construction industry can cope with that, given that it is overheating and it is not meeting demand at the moment?

**Group Director:**

I think it will keep them busy. It may mean that some people employ some more staff. I think we would see potentially some of the smaller maintenance building companies picking up more work because of this, which I would hope they would then gear up their staffing accordingly.

**Deputy K.F. Morel:**

It will be interesting how that fits with the migration policy as well, will it not?

**Group Director:**

I think for the majority of work we anticipate will be work that we should be able to source locally with our existing local workforce.

[11:00]

**Deputy K.F. Morel:**

I cannot get an electrician today that I want.

**Group Director:**

We will have working with our landlords, as long as the landlords are on ... unless it is completely dangerous, we have the power to close a property if it is a dangerous and a threat to health, threat to life, if it is work that can take place between 3 to 6 months we will work with the landlord to achieve compliance. If we see anything immediately dangerous those properties can be taken out of the

market until the changes have been made. So, yes, there will be positive reasons for economic pressure. I think we can see some local maintenance and building companies potentially hiring more people as a result.

**Deputy K.F. Morel:**

Can I go back very quickly: how many staff do you think you will take on because that is really what I am trying to look at? You must have an idea of how many staff.

**Group Director:**

At the moment, we have taken an additional member of staff. We have 2. I would say we potentially could take on another 2, depending on other bits of housing regulation that could find its way to us. If we are going to be the single housing regulation team for Government, which we have got the potential to do, I would say it is potentially another couple of members of staff.

**Deputy K.F. Morel:**

So it would be 3 or 4 new members of staff.

**Group Director:**

Yes.

**The Connétable of St. Saviour:**

Could I ask you something? Sorry, John, you wanted to say.

**The Minister for the Environment:**

Yes, I wanted to say 2 things. I think the questions are very good ones. Obviously in introducing these regulations we are going to have to see how they work, where the problems are. I think Mr. Scate is right, that potentially flagging it up in the future depending on what proposals the migration group come up with, as to whether or not that does start to flag up a kind of a wider regulatory housing role, in which case the kind of staffing implications to make sure that we get joined-up administration, that is done efficiently, may be possible. But as we speak at the moment, I am assured there is no open-ended commitment for additional staff. We have got to make this work to start as it is. On the second point of building work, I have absolutely expressed concern about that myself. That the industry is very severely stretched and one of the things I have asked to do, and one idea I have asked to be explored, is a dialogue with Andium, as to whether or not Government can come forward with some kind of negotiated arrangements with approved private contractors on economic terms. Because my concern, if we do not do that potentially people could be faced with extraordinary high bills with people taking advantage of that. I do not want that to happen. So I think there is a lot of work that we need to make sure we get that right but I think the starting point

has to be that we need to make this decision or at least present it to the States to go ... it is their choice. What we are bringing forward is regulations. Obviously the regulations empower us to have a licensing arrangement. I think most of the stuff we would be talking about is the licensing arrangement that sits below the regulation.

**The Connétable of St. Saviour:**

It is all going back to the immigration policy really, is it not?

**The Minister for the Environment:**

It does link in. It has to make sense, yes.

**The Connétable of St. Saviour:**

What I was going to ask was: if you find a property that really is in a very bad state, so the landlord will have approximately maybe 6 months to put it right or you will close him down. What happens to the tenants? Have you got a plan B?

**Group Director:**

It depends on the state of the property. If the property is dangerous to life then we would prohibit it being used for residential purposes until the change has been made. The majority of changes that we are anticipating will not be of that nature. This is an area where we are acting in terms of health and safety and minimum standards. We are not the service that then provides a service to tenants to find other property.

**The Connétable of St. Saviour:**

So they are out and you are on your own?

**Group Director:**

There is a potential for some tenants, if they are living in dangerous accommodation I would contend they should not be in that accommodation anyway because if it is affecting their life ...

**Deputy K.F. Morel:**

But they still need a roof that night.

**Group Director:**

Potentially.

**Deputy K.F. Morel:**

You put them on the street, what are you going to do?

**Group Director:**

Potentially, yes, that is ...

**Deputy K.F. Morel:**

What is the Government going to do if you put them on the street?

**Group Director:**

We would therefore have to look at other services that we provide in terms of people who are immediately homeless, which the current processes and conversation with Andium in terms of emergency housing.

**Deputy K.F. Morel:**

I suggest you make sure that is sorted. Two question as well: I am worried about the affordability of homes. I am worried about this all pushing up the price of rent in Jersey because affordability is a massive issue for housing in Jersey. The second thing that I think still needs to be addressed in this, is ... What are you going to do about the affordability first of all? How are you going to make sure it does not push up the price?

**The Minister for the Environment:**

Can I deal with that point?

**Deputy K.F. Morel:**

Also would not a quicker way from a policy perspective, this is to the Minister, if you just abolished the 2 tier housing system where you have unqualified accommodation because most of this poor accommodation is in the unqualified area, if you abolish the 2-tier housing system would that not be instantly put ... (1) it would open up the market so you would then see a reduction in affordability. You will see, sorry, a reduction in cost increasing affordability. It would also immediately improve the standard of much of this accommodation because all these people, these landlords who have this neat little section of the market where they can basically mistreat people through the accommodation they provide, that would be against the open market and so standards would automatically rise as well. Would that not be a much quicker and easier way to deal with this issue than going through this inspection and maintaining a segregated ...

**The Minister for the Environment:**

Perhaps I can deal with that one first. Obviously I am a member of the housing group, and that work is ongoing. Under a former Greffier, Michael de lay Haye's chairmanship, it is extremely thorough. Those options are likely to come through very soon. The issue I think that has been mentioned, the

possibility of replacing our current 2-tier structure. But it is a much bigger issue. I do not personally see that is instead of. What we have got here is a single ...

**Deputy K.F. Morel:**

It should come first though so you will then see what path it is.

**The Minister for the Environment:**

The way I see it, is that the States have passed a law to set housing standards. We have produced regulations that enable us to have a scheme. They do not cast all the details of the scheme in stone. This is what the regulations do, give powers to do that. I would expect that that system will change, as indeed in the future when we change housing policies. Indeed the points of Mr. Scate's discussion. We may end up with a broader regulatory role. I do not know. But I think at the moment ... so I think if we are faced with that choice given the fact that Government made a decision to do this, in fact before my time it was done and made by the previous Council of Ministers that we need to do something about housing standards. My job has been to ... in fact I got the Appointed Day Act for the law through and then now, we are at the regulation stage, is to bring that to the States. It is not the panacea for all housing issues.

**Deputy K.F. Morel:**

My concern is it is the most expensive way to do it because if you went and changed the policy in the first place you would immediately get a market-based approach, which is much cheaper and more effective.

**The Minister for the Environment:**

On expense, and I think you have heard the modest scale of the existing team. That team is there and they have got enough work already. What we are doing is refocusing it to try and deal with more problems earlier on. Also the sort of fees we are talking about, £50 per year. I mean I do not know what a standard rental would be on a house, say £1,800 a month, we are talking £20,000-odd a year, £50 a year is that really going to drive up cost? I do accept your point ...

**The Connétable of St. Brelade:**

That is at the better end.

**The Minister for the Environment:**

I made the point that everybody ...

**Deputy K.F. Morel:**

What is the highest?

**The Minister for the Environment:**

I have asked the team ... the highest is £200 but I said I want to have ...

**Deputy K.F. Morel:**

That is an extra £200 which the landlord pay.

**The Minister for the Environment:**

When it is introduced, if the States approve it, that those people that have what I call grandfather rights, existing properties, will pay the £50. That is what I am saying should happen because I do not think we can impose that, the higher charge, on people that have got existing tenancies in place, that are well-regulated. It is the problems we want to deal with. Once that becomes clear people are going to bring their properties up and they will be paying £50. So I think it is a small cost. But I am worried about the economic effect about the works that are required. For example, I raised a particular issue about electrical certification. How much does this cost? What the rate is, is that if somebody has an electrical check for electrical safety on a property for compliance that certification lasts for 5 years. That is the first thing. So it is not an annual cost. Secondly, if people are inclined to do works I want to, and have asked for, discussions with Andium and some ways that we can find where people can get help with appointment of contractors on cost-effective terms to do some of those things, to avoid an escalation in just being driven by excess costs on that. So that is work that is in progress. I would like to think you can give confidence to us to go ahead with the regulations and I give a commitment that in those practical details I will make absolutely sure that we do not impose excess costs and create a bureaucratic overhead. I do not want that. I want it to focus on delivery. I think if you have heard Stewart Petrie on the subject, he is absolutely adamant about that. He is very clear.

**The Connétable of St. Brelade:**

I think the concern of the panel is really in the detail, quite frankly. The regulations have been an awful long time coming to us and we really have not had sufficient time to get into the detail. So we feel we really do want to spend a little bit more time.

**The Minister for the Environment:**

What are you asking of us, Chair?

**The Connétable of St. Brelade:**

We will have to draw up a scoping document in terms of reference and put a bit of time into it because we feel that we are not in full possession of the linkages with immigration, which are quite crucial. There is no question about that. We are concerned about the charging mechanism and the detail

and the effect on those who may find themselves put out on the street. We want to see that linkage in place, certainly ...

**The Minister for the Environment:**

I thought Mr. Scate had dealt with that.

**The Connétable of St. Brelade:**

We have spoken of how it might happen, we have not seen exactly what will happen.

**Group Director:**

I think we are unapologetically focusing on the health and safety of people living in properties here. Where Government also needs to act and where we are seeing action, for instance on our homelessness strategy and other areas in terms of tenancy, advisory service, they are in the Government Plan as wraparounds, areas of action outside of our area of regulation. But we are facing on the standard of properties. This is the first time Jersey has had a housing standard and a housing regulatory standard to meet. In terms of rental impact, I think there will be ups and downs. We are seeing rents currently being charged for properties which are poor quality and vice versa. So I think there will be a levelling of rents personally.

**Deputy K.F. Morel:**

If I could just ... and this is a matter of policy and I will not go further. But until the 2 tier system is gotten rid of, I completely disagree with you because why set a segregated term of that market? If you are a landlord with an unqualified plan, if it is not in good enough condition, the inspector comes and tells you you have got to get it up in quality, totally agree, they will. So they will bring it up to standard. That will cost them X amount of money to do it. But because that remains in a segregated part of the market they will pass that entire cost on to ... because they have got a captured market. They will pass that on to the tenants and you will see that across that segregated part of the market. That is the issue. This is why I really feel that until you get rid of that segregation and we saw it with J-cats. The cost of J-cat flats came down when they were gotten rid of and they became part of the open market or the wider open market. Until that happens you are going to have this squeeze, the poorest people in Jersey are going to be squeezed. I completely agree with you but it is about doing it hand in hand and not maintaining a segregated part of the market because that will just push those buttons up.

**Assistant Minister for the Environment:**

I had a feeling that the J-cat accommodation pushed the whole market up when they were gotten rid of and that the large rises in rent and property prices that we have experienced in the last few years were all done to opening up this market.

**Deputy K.F. Morel:**

I did not think so.

**Assistant Minister for the Environment:**

So I think a very small contained one would just open it up and then all the prices went up.

**Deputy K.F. Morel:**

I think other things have pushed the prices up.

**The Minister for the Environment:**

That may be but I certainly heard reports from one particular landlord's agent that it has happened, it is a driving force for the pushing up of property house purchases. For people on short-term contracts who can come here for 2 years or 3 years or what, they can buy a house and sell it on after and they are competing with ...

**Deputy K.F. Morel:**

That is different to renting. I am talking about rentals.

**The Minister for the Environment:**

No, but the way you were buying it absolutely affected ...

**Deputy K.F. Morel:**

They are 2 very separate things.

**The Minister for the Environment:**

I suggest they ...

**Deputy K.F. Morel:**

They are separate markets.

**The Minister for the Environment:**

I think it has caused the market. Could I ask if Deputy Morel has had a dialogue with the Housing Policy Group? Because it seems to me that what is being raised here are much more bigger issues. Whereas we have come to the table to deal with the panel on the question of fulfilling ...

**Deputy K.F. Morel:**

My concern is that it is not thought through how these regulations will work in the housing ...

**The Minister for the Environment:**

Could I ask: has there been that ... are you going to have that? So that your review will extend into that work?

**Deputy K.F. Morel:**

We have written to you 3 times about having a review for ...

**The Minister for the Environment:**

I beg your pardon. Sorry, my apologies.

**Deputy K.F. Morel:**

We have written a number of times saying that we will need time to review this policy.

**The Connétable of St. Brelade:**

I think it is quite clear what has come up subsequent to the meeting we had, and Deputy Gardiner and I have spoken about it subsequently, that other panel members are concerned in certain areas of this. So we are obliged to ...

[11:15]

**The Minister for the Environment:**

Okay.

**Deputy K.F. Morel:**

But we did write to you before that meeting.

**The Minister for the Environment:**

No, I accept that there is a ...

**Group Director:**

Yes, we have shared the detail as we have developed it. I think we just want some clarity as to whether the panel are happy for us to lodge or wait for lodging until the review is ...

**The Minister for the Environment:**

I think we have got that, Andy, that we are being told no, we cannot.

**The Connétable of St. Brelade:**

It is up to you. Effectively you can lodge it and then it gets drawn in or we do get through it as quickly as we possibly can but we do need to set out a time. We have discussed that at length.

**The Minister for the Environment:**

If you are able to give us a timetable. The timetable that I am told at the moment we could achieve, if without the issues we have raised, is that we would be able to bring that regulation system in from next year and with the grandfather rights that people on existing tenancies would be able to slot into it, would last until the end of March. So I think that was in terms of ...

**The Connétable of St. Brelade:**

I think it is probably better we deal with this in correspondence and then we can firm down, if you are happy with that.

**The Minister for the Environment:**

I am fine, we will go for that.

**The Connétable of St. Brelade:**

I am conscious of the time. I am going to move on to our plastics review, which was published some 7 months ago. Could you give us an update on our recommendations that have been delivered? There were a few issues that were brought to light.

**The Minister for the Environment:**

The first thing to say obviously is just to remind you, as I am sure you will realise, that waste management policy sits within the Minister for Infrastructure, not mine. I understand he has been here and he has had a session with you. I am sure he has been able to answer all your questions. The Minister for the Environment operates a waste regulation system, which regulates those people who process waste and there were 3 matters on that report, which I am going to ask Mr. Peggie to deal with, which were only 3 in that ... it is through our Eco Active scheme.

**Director, Natural Environment:**

So the Minister is right, and as you know obviously there are 3 recommendations coming out of the *Reducing Use of Plastics* report. Recommendation 6, which was that: "The panel recommends that as part of public awareness campaigns, it is important that a clear message is given to the public as to why it might not be possible to recycle other (lower) grades of plastic." This is an ongoing bit of work that our Eco Active team are engaged in. We are working with Sheena Brockie and Plastic Free Jersey. We have attended a number of events during the course of 2019 and will continue to do so to spread exactly that message. At these events our team (or the team of one) at the moment plus Sheena Brockie is talking about waste reduction, which we all recognise to be the top of the

hierarchy. But also I am picking what other challenges of recycling, including the lower grade plastics, that we are concerned about. Two Parishes have gone on to develop carbon neutral working groups and our officers are in discussion with those groups to discuss recycling as well and we are investigating the Parish networks and newsletters to help with the promotion of the message as to what can and cannot be recycled. Recommendation 13 was that: "The panel recommends that initial discussions are held with the department and Jersey Water regarding the installation of public water fountains and how a partnership approach might work in the outcome reported back to the panel." So this work has been done. Our Eco Active officers have investigated installing public water fountains but following discussions we recognise that these were in place previously but were removed due to Legionnaires disease risk. We have though met the recommendations we think through working with Jersey Water and Plastic Free Jersey. Jersey Water has lodged a free #Refill Jersey app that informs users where free drinking water refills are available including ... and since that launch of the app we have had 21 local businesses sign up, including Jersey Airport, Costa coffee shops and some members of the Liberation group as well. The app has been supported by water authorities across the U.K., so will be also familiar with anybody who is coming into the Island as a tourist or coming to live here from other jurisdictions. Recommendation 14 was that: "The panel recommends that the department consult further with Jersey Fishermen's Association, boat owners and yacht clubs to work out how a 'Fishing for Litter' scheme could operate effectively in Jersey." We have had historic reviews of "Fishing for Litter" which were not particularly successful because that was based on an older view and indeed one that is still commissioned in the U.K., which is larger fishing boats go out and take tonne bags with them and if they pull in anything through nets or through gear they will fill up those tonne bags with plastics, bring them back and dispose of them and recycle them in a sensitive and appropriate way. The size of the fishing industry here, the size of the boats rather used in the fishing industry here, are not necessarily conducive to that. So we recommended or we discussed that we bring in a separate global consultant who has been working on our behalf with the fishing industry to work out how best to progress this. A company called Protect Blue, they have had some very positive discussions with our fisheries sector, promoted along the way by the Jersey Fishermen's Association, who have been particularly helpful in getting the message or getting the buy-in rather of their membership. This is a bit of a long one we are trying to establish what types of plastics are out there. It is not just ... I think we went in in a previous Scrutiny hearing I remember talking about the different types of plastics and it is not as easy as you would initially envisage, just pulling plastics out of the water.

**The Connétable of St. Brelade:**

I fully agree with that. I think you have got to walk along the beach and you will see what we have on the beaches and our concern is, apart from the pollution aspect, the effect on our beaches, which are a strong tourism point.

**Director, Natural Environment:**

Absolutely. I think you have got the visible effect on beaches. You have also got the effect of plastic pollution being a vector for invasive species and disease as well nowadays. They are natural environments for some particular types of diseases and invasive species. That is something we will be addressing again in the construction of an invasive species strategy this year. As we know, in the environmental field many things are linked. But that, as I say, is currently ongoing. We are still speaking to the fishing community. We are speaking to those who are also responsible for the disposal and collection and recycling of whatever materials are pulled out of the sea or indeed to try and prevent them being used in the first instance with a view to getting a better solution all round.

**The Connétable of St. Brelade:**

So we have not really got a timescale on that?

**Director, Natural Environment:**

Really it is ongoing. It is in progress and it is ongoing, I would say.

**The Connétable of St. Brelade:**

Thank you. Soil strategy, Minister.

**The Minister for the Environment:**

Well, we have taken the principles of making sure that we look after our soil quality onboard but obviously we have heard differing opinions about how best that be done and so we obviously made it clear, as far as I am concerned, that we need to be driven by science. Science needs to be up to regulatory standards. So we have commissioned research on this and Mr. Peggie, if you are prepared to let him explain what we have done.

**Director, Natural Environment:**

We are in discussions between officers and department, with Cranfield University, which is the home of soil science in the U.K. I would say that, I was there at one point. We are also commissioning assistance from industry. The soil health debate is wrapped up in sustainable agriculture as well. So not only are we looking to see what types of soil science, we need to establish what our soil health is. I think you have heard from correspondence that we are looking at soil or organic matter and that being the determinant of soil health. We would argue through conversations with the scientific community, that is one determinant of soil health. Others may be identification of macroinvertebrates in soil and so we need to establish what the correct measure of science is and what the correct sampling regime is going to be in order for us to improve our understanding of the soil science.

**The Connétable of St. Brelade:**

That seems to be the issue. The sampling regime seems to be a bit spasmodic and loose. Are we focusing on ...

**Director, Natural Environment:**

I think in our defence I think "spasmodic" might be slightly ...

**The Connétable of St. Brelade:**

That was from one of the consultants at Cranfield and it was, shall we say, had not followed a regular pattern over the years.

**Director, Natural Environment:**

It was of its time, I think. It followed the industry's requirements at the time certainly.

**The Connétable of St. Brelade:**

So in order to move ahead is that something you are focusing on to get that?

**Director, Natural Environment:**

Absolutely.

**The Connétable of St. Brelade:**

So we know what we have got and can make decisions?

**Director, Natural Environment:**

Absolutely. That forms a baseline for future work. It also then underpins a much more robust understanding of how we might want to tackle the agriculture model across here. We are working it in tandem with conversations with industry who are recognising that a standard potato industry rotation is not necessarily the best health-giving product for our Island soils. They are very much engaged with us on that in terms of what else can they put in the soil. We are looking at diversification away from traditional agriculture. We are looking at diversification and more careful use of pesticide products and nitrate products out there. This is all part of a much wider area of work now. I think ultimately what we would like to put in place, and I think we mentioned this one time when we met before, is either a Masters or a PhD into soil and health on the Island, which will form the basis, as I say, of much better information into our agriculture and into our understanding of the soil.

**Deputy I. Gardiner:**

Can you give me the indication of the timescale for going forward?

**Director, Natural Environment:**

Yes. We are talking to Cranfield University at the moment. Throughout the course of 2020 we will establish through the conversations we are having, what is the best plan of action. We will be able to say within the first 6 months we will determine whether we need to have a PhD, a Masters process ...

**Deputy I. Gardiner:**

So basically by May 2020 we will have a plan how it would go forward?

**Director, Natural Environment:**

Absolutely.

**Deputy K.F. Morel:**

It is taking a long time, is it not? Because the question - the Minister did not let the chair finish the question - the question was going to be an update on the work with Cranfield University. It appears that the work has not started.

**Director, Natural Environment:**

I would say the formal PhD work or MSc work has not begun but there are conversations along the way. We are engaging about getting quotes in for those PhDs and MScs. We are looking at how we might get the best value for those quotes. So the conversations are happening. The physical end product is not there yet and I think, as you rightly say, we will likely have something towards the middle of next year as to what the plans will be.

**The Connétable of St. Brelade:**

It is going to the testing regime, if you like. It was indicated at an early stage that a student, maybe as part of her PhD or an MSc, would come over and do the sampling. Or they could be part of their studies. Surely we can move ahead a bit quicker on something like that? The sooner we get going the better.

**Director, Natural Environment:**

We have got good baseline results for the quality of our soil anyway. So we are relatively comfortable with any potential questions that come out of that. This is a much more advanced bit of science, I suppose. What we are looking to do is not necessarily bring somebody in from the U.K., but try and perhaps give an MSc or PhD of a local student who would wish to take that forward as well, as part of being mentored by Cranfield University.

**The Connétable of St. Brelade:**

What is your relationship with the 2 large potato marking companies in this?

**The Minister for the Environment:**

Perhaps Gregory could come in here because Gregory attends on those meetings with the industry, particularly on where we meet with them on water pollution. One thing I would like to say is there is this whole body of work that fell within what we call looking at innovation and change in our Common Strategic Policy, particularly in agricultural practice. This is one aspect but we are looking at changing land use laws and so on because obviously at the moment we want to make sure that we use our land well and its quality is right. So I think this is one part of it. We need to link all these pieces of work together before we go into ...

**The Connétable of St. Brelade:**

It will form part of our discussions later with regard to what is going back into the soil in terms of the carbon.

**The Minister for the Environment:**

Exactly. It is obviously a part of an element of it. I do not know if Louise wants to add anything there.

**Director, Environmental Policy:**

I think the Constable is right. There are opportunities to talk about the carbon merits and of course healthy soils are absolutely vital for good agricultural growth, for carbon sequestration and for biodiversity in health. So we are all on the same page there. I think the initial results from the work that we have done would suggest that Jersey is not particularly terrible. It can always be better. There could be more organic matter in the soil and we always strive to make that happen. But in terms of the baseline that we start from, things are not as bad as perhaps they are in some degraded soils around the world. So I think that would be where the priorities would lie, which is maybe why perhaps obviously we would all like to see progress as quickly as possible. I think the burning platform is not as strong as other areas where there is environmental harm going on, I think. But that does not mean this is not a priority and everything Willie has explained is not happening. But I think the point I would make is that we are not starting from a terrible base.

**Director, Natural Environment:**

I think to answer your question that you directly put: there was a relationship with the 2 potato companies. We have had through our agrieconomic officer over the last week, very successful discussions with them, with regards to the long-term sustainability of business. So that is work that is ongoing. I would say at the moment extremely good is how that goes.

**The Connétable of St. Brelade:**

I would just like to get one in before we move on to the Government Plan hearing, Minister. It is really just to give us an update on the Elizabeth Marina pollution scenario. If you have got anything else you can tell us on that.

**The Minister for the Environment:**

My understanding is that papers went to the Attorney General and I am told that charges have been laid. I do not know if Mr. Scate wants to ,,

**Group Director:**

That is correct. The charges should be made this week and then we are expecting a court date to be finalised.

**The Connétable of St. Brelade:**

We look forward to it.

**Deputy K.F. Morel:**

Are we still satisfied that there is no continuing pollution?

**Group Director:**

Yes, so in terms of the site itself, the site has now got a sea can pile around it. There is a discharge consent in place for any arising from the site itself, which then get pumped out into a settlement tank and filtration system effectively before they are then discharged to the sea.

[11:30]

We have had no reports of any pollution since.

**The Connétable of St. Brelade:**

That concludes the quarterly public hearing and I am going to move straight on.

**Deputy K.F. Morel:**

Is there value in us sending these questions for written answers?

**The Connétable of St. Brelade:**

Yes, indeed. We have got a few, we have run out of time, as we tend to do.

**The Minister for the Environment:**

We would be pleased to try and help you.

[11:30]