

States of Jersey
States Assembly



États de Jersey
Assemblée des États

Environment, Housing and Infrastructure Scrutiny Panel

Legacy Report for session 2014 to 2018

Presented to the States on 19th April 2018

S.R.8/2018

Introduction

1. The Environment Panel has reviewed the work it has undertaken since its establishment by the States in 2014 and agreed to provide a report to its successor Panel established by the States in its next session to assist in developing its own work programme.
2. The report sets out:
 - The Panel's remit;
 - The Panel's membership from 2014-2018;
 - The work undertaken by the Panel during the session 2014 – 2018;
 - Methods of working used by the Panel; and
 - Suggestions for issues that a successor Panel may wish to consider in developing its work programme.
3. The Panel has met 144 times between November 2014 and April 2018 (including electronic meetings). Details of minutes can be found on the Panel's web pages.

Remit

'There shall be a scrutiny panel which is assigned the topics of environment, housing and infrastructure ("environment");' (Standing Order 135(1)(d)).

Membership:

From November 2014 to December 2015

Connétable A.S. Crowcroft, (Chairman)

Deputy D. Johnson (Vice-Chairman)

Deputy J.A. Martin

Deputy M. Tadier

From December 2015 to April 2018

Deputy D. Johnson (Chairman)

Deputy T.A. Vallois (Vice-Chairman)

Connétable S.A Le Sueur-Rennard

Deputy M. Tadier (joined the Panel on 14th March 2016)

Work undertaken

The Panel conducted the following reviews in the period 2014 to 2018:

Review	S.R. Number (if applicable)	Presentation Date
2015		
Environmental Policies Review	S.R.1/2015	24th April 2015
Draft Strategic Plan 2015-2018 (P.27/2015): Ninth Amendment	Amendment	14th April 2015
Supply of Housing Review	S.R.5/2015	8th September 2015
2016		
Draft Removal of Vehicles (Private Land) (Jersey) Regulations 201- (P.36/2016)	Comments	10th June 2016
Draft Medium Term Financial Plan Addition for 2017-2019 (P.68/2016)	Comments and Advisor Report	21st September 2016
2017		
Review of Nitrate Levels in Jersey's Water	S.R.3/2017	11th April 2017
Review of User-Pays Charges for Non-Households – Phase 1 (Liquid Waste)	S.R.7/2017	13th July 2017
Jersey Infrastructure Levy: Approval in Principle (P.100/2017)	Comments	4th December 2017
Draft Public, Health and Safety (Rented Dwellings) (Jersey) Law 201- (P.66/2017)	Comments	6th December 2017
2018		
Social Housing in Jersey: Introduction of a Regulatory Framework (P.120/2017)	Comments	16th February 2018
Social Housing in Jersey: Introduction of a Regulatory Framework (P.120/2017) – Third Amendment	Amendment	8th February 2018

The Panel has fulfilled the four main roles of scrutiny (Code of Practice 7.9) by undertaking work on:

- (a) **Policy:** Environmental Policies; Supply of Housing; Nitrate Levels in Jersey's Water (Water Management Plan); Jersey Infrastructure Levy; User-Pays Liquid Waste Charges; Social Housing Regulation.
- (b) **Legislation:** Draft Removal of Vehicles; Draft Public, Health and Safety Law.
- (c) **Annual Business Plan and Budget:** Medium Term Financial Plan: The Panel reviewed aspects of the Medium Term Financial Plan in 2016.

- (d) **Matters of public interest:** Supply of Housing; Nitrate Levels in Jersey's Water; User-Pays Liquid Waste Charges; Jersey Infrastructure Levy; Social Housing Regulation.

Methods of working

Quarterly Public Hearings with Ministers – The Panel invited the Minister for the Environment, the Minister for Housing and the Minister for Infrastructure on a regular basis to discuss topical issues arising in their respective departments.

Advisors - The Panel appointed expert advisors to assist with the majority of its main reviews. In addition to providing briefing notes on evidence received and assisting with question plans, advisors have been able to meet with departmental officers on a number of occasions to discuss important background to the reviews being undertaken by the Panel.

Briefings – The Panel has invited Members of the Executive to give informal briefings on a particular subject for background information at the start of a review. Briefings were also used to determine whether the Panel wished to carry out any further work on a particular topic. Briefings received included ones on the proposed taxi regulations; draft sea fisheries regulations; and the regulation of social housing.

Suggestions for future work

This section identifies possible areas for future work by a successor Panel:

- **Water Management Plan:** The Panel examined the Water Management Plan as part of its review of nitrate levels in Jersey's water. It was recognised by the Panel that an imbedding period was needed before an assessment could be made as to the impact of the Plan and its objectives on the quality of the water in the Island. At the time of the review, the Panel's expert advisors suggested that it would be appropriate to re-evaluate the Plan after a 3 year period.
- **User-Pays Waste Charges:** In July 2017, the Panel undertook a review of the proposals to introduce charges for liquid waste for non-households. It was also the Panel's intention to review the proposals for solid waste charges when they were finalised and lodged in the States Assembly. However, due to a number of concerns raised by States Members during the debate on the liquid waste proposals, the States Assembly agreed to refer the Proposition back to the Minister for Infrastructure for further consideration.

Following this decision, the Panel was advised that, going forward, the proposals to introduce both liquid and solid waste charges would be led by the Minister for Treasury and Resources. The Draft Budget Statement 2018 confirmed that the introduction of liquid waste charges was to be deferred until 2019 and that a decision on liquid and solid waste charges would be made during 2018. At the latest Quarterly Hearing with the Infrastructure Minister (8th February 2018), the Panel was advised that further consultation would be carried out in 2018 and that the consultation would consider whether the charges needed to be broadened to include households as well as non-households.

The Panel would encourage its successor Panel to scrutinise any further work in respect of this matter and to follow-up on the recommendations that were made by the Panel.

- **Residential Tenancy (Jersey) Law 2011:** During its review of P.120/2017 – Social Housing in Jersey: introduction of a regulatory framework – the Panel raised concerns with regards to the current legislative framework for housing and, in particular, rented accommodation. The Panel recognised that there did not seem to be much of a joined-up approach to the enforcement of individual pieces of legislation and, therefore, raised questions regarding their effectiveness.

The Panel found that the Residential (Tenancy) Jersey Law had not been reviewed since it came into effect in 2011. In a letter to the Panel on 19th January 2018, the Minister for Housing accepted that there were a number of areas to the Law where changes could be made in order to strengthen the legislative framework for rented accommodation. The Panel believes that a scrutiny review of the Residential Tenancy Law would be a worthwhile piece of work.

- **Greater provision of accommodation for specific groups:** The Panel received correspondence from a member of the public stating concerns regarding the availability of suitable housing for people with autistic spectrum disorder. The Housing Strategy, which was published by the Minister for Housing in 2011, identified a need for developing detailed housing plans for specific groups, in order to provide them with the right accommodation. The strategy specifically mentioned: people with mental illness; physical and learning disabilities; autism spectrum disorder; ex-offenders; young people; older people; key workers; young parents; the homeless; and victims of domestic abuse.

At the time of writing the legacy report, we understood that this piece of work, identified in the Housing Strategy, had not yet been undertaken. The Panel would, therefore, recommend its successors to investigate this matter further to ensure that appropriate action is taken in providing vulnerable groups of people with suitable accommodation.

- **Draft Regulations – Draft Health and Safety (Rented Dwellings) (Jersey) Law 201-:** The Panel undertook a review of the primary legislation and presented Comments to the States Assembly on 6th December 2017. During its review the Panel highlighted a number of areas where it was felt that the draft Law could be improved. The Minister and his Officers worked with the Panel to make these changes and lodged amendments which were subsequently approved by the States Assembly. At the time of the Panel's review of the draft primary law, the Minister for the Environment expressed his desire to lodge and debate draft Regulations, associated with the Law, prior to the general elections in May. The Panel, therefore, committed to undertaking a review of the Regulations when finalised.

Unfortunately, due to a number of reasons that were out of the control of the Minister, the draft Regulations were not finalised in time to allow the Panel to undertake any work before the general elections. At the time of writing this report, the draft Regulations had not been lodged in the States Assembly. The Panel would therefore ask the next Panel to continue our work by undertaking a review of the draft Regulations to help inform States Members prior to the debate.

- **Regulation of Social Housing:** On 16th February 2018, the Panel presented Comments to the States Assembly in respect of P.120/2017 – “Social Housing in Jersey: Introduction of a Regulatory Framework”. The Panel concluded that, in light of the evidence it had obtained and in the absence of strong evidence to support the introduction of statutory regulation for social housing or the establishment of an arm's-length regulator, the framework was not appropriate to introduce at this time.

The Housing Minister's Proposition was subsequently rejected by the States Assembly during the debate on 20th February 2018.

In March 2018, the Housing Minister advised the Panel that no further consideration had been given to the introduction of a regulatory framework for social housing. However, it was also advised that the Minister was of the opinion that social housing did require a proportionate form of regulation in order to protect the interests of tenants and safeguard public/private investment. The Panel noted that any decision regarding the regulation of social housing would be made by the next Minister for Housing.

The Panel was advised that preliminary discussions had taken place regarding the establishment of new Memorandum of Understandings with the Housing Trusts and a high level discussion had taken place with regard to amending the Andium Homes Memorandum of Understanding, in order to secure additional oversight and powers for the Minister for Housing. The Panel would recommend for its successors to keep abreast of the work in respect of the above and to review any new Propositions that are brought to States Assembly on the regulation of social housing in the future.

- **Island Plan:** Throughout the last term, the subject of a new Island Plan has been discussed on numerous occasions and particular consideration has been given to its potential impact on the supply of housing on our Island. At a Quarterly Hearing with the Environment Minister in September 2017, the Panel was informed that work would begin on developing a new Island Plan post elections. The Department has an obligation to deliver the Plan in 2021 so the debate would most likely take place in 2020. When the Panel asked the Minister to identify fundamental aspects that would need to be considered whilst developing the new Plan, he advised:

“There is going to be some fundamental questions to be answered in the next Island Plan about building in the green zone; population will have to be involved in forming an Island Plan; how many houses are we going to want; where are they going to go; are we going to continue to look to St. Helier; are village communities going to expand; how are we going to protect the countryside and the coastline? The Island Plan could be a much more inclusive document for other policies that sit outside of the Environment Department and I think we need to do some serious thinking about how we use it in the future.”¹

It was also advised that the Housing Strategy was a key policy which was needed to help inform the new Plan about housing needs and numbers. The Panel considers the new Island Plan an extremely important policy and would encourage its successor Panel to undertake work on this matter and to work with the Department to ensure that the best Policy for Jersey is developed.

Further Suggestions

In addition to the above, the Panel would also highlight the following:

- The Panel would recommend the use of expert advisors for reviews, when appropriate.
- The Panel found the provision of questioning training to be of benefit and would recommend that its successor take advantage of such training (including follow-up training).

¹ Transcript, Quarterly Hearing with the Environment Minister, 21st September 2017, p16

- The Panel would recommend its successors to follow up on recommendations that have been made in previous reports and to keep abreast of any matters that arise in respect of the topics that have been referred to above.
- The Panel, throughout its term of office, held concerns regarding the resources and funds available to the Environment Department. It was found on many occasions that the Department had insufficient resources available for the implementation and delivery of its vast work programme. The Panel would therefore recommend its successors to keep abreast of this matter, particularly when the next draft MTFP is brought to the States Assembly.