

To the members of the scrutiny panel re our meeting on 25.7.23 with JLA committee members.

Thank you for the meeting, it was good to get involved but I felt my contribution was possibly not as coherent as it could have been and hope that the notes I put together for the meeting, as below, will clarify some of my concerns.

I am not on the JLA committee; I'm here because I'm typical of many private landlords in Jersey. My husband & I over the course of our working lives have invested in property to supplement our States of Jersey pension and to help our children & grandchildren in the future.

I wrote to you all setting out my concerns in relation to the proposals for new licensing laws, and had a reply from the Housing Minister, in which he genuinely appeared to believe that I am 'fighting a monster that does not exist!' (his words) He referred to filling in a form every 2 yrs at a cost of £60 which he said was very **little regulatory burden** and he was very focused on having 'an effective way to deal with the minority ... of **squalid rental dwellings**'. None of us want anyone having to live in squalid conditions. The trouble is, his letter to me is not an accurate representation of the effect his proposals will have on landlords. Why?

The 2018 law and Order set out the required safety standards. Some are detailed (smoke alarms, carbon monoxide alarms, electrical condition reports and lots to do with gas). This is fine we all know where we stand BUT there is a list of 29 different categories of matters and circumstances (Schedule 1) which as I read it are the areas which could cause a health & safety problem for which there is no detail whatsoever as to what is an acceptable or unacceptable circumstance.

For example - category 13- lighting, it notes, A lack of adequate lighting. What is adequate lighting?

Category 14 Noise, it notes, Exposure to noise. We are all exposed to noise (live near a road, dawn chorus, dog barking next door,)

These are very subjective and with the new proposals if we get it wrong, I assume we'll be prosecuted.

This is probably why in the law under 2 (3) b it says

"the risk of harm, and the seriousness of a hazard, are to be assessed in accordance with such guidance or code of practice as may be issued by the Minister under Article 4 of the Law for the purposes of this Order".

I see 2 problems here-

1) the interpretation of the Order and the assessment of a hazard / risk of harm, which are both highly subjective, are down to one person, the Minister.

2) the law says 'may' which might be why we currently don't have any guidance or a code of practice but we need it especially as I believe we are apparently going to be self-certifying. How can we do that when we don't know what we are certifying?

The situation gets worse as the Environment Dept use the HHSRS safety rating frame work for their inspections. This UK rating system isn't part of the law and the vast majority of us have never heard of it let alone know any of the detail within the system.

So, we have no detail on the majority of 29 matters and circumstances, we have no guidance or code of practice and the dept are basing their inspections on a rating system which the majority of us have never heard of. I don't think this is a sensible way forward.

Another concern is that the code of practice, which the minister has committed to before licensing goes live, is probably likely to be cribbed from the HHSRS rating system, because that's what the dept are using, which on the basis of reports produced by officers in the environment department (you were given one at our meeting) is, in my opinion and that of many sensible people, way over the top of what we need to keep people in a healthy and safe environment and I don't think anyone could dispute that the HHSRS rating system goes far beyond preventing squalid living conditions, which has been put forward as the driving force behind the proposals.

Please note that many UK councils have stopped licensing. Woking stopped in March of this year as "the amount of work required to implement the scheme was underestimated", instead it was proposed that an updated set of amenity standards be adopted which would provide a consistent set of requirements for the private sector. I assume this would be similar to a code of practice. Should Jersey be copying licensing if it hasn't worked elsewhere? Should we perhaps be looking at using systems which have replaced licencing?

The report, handed to you at the meeting illustrates my concerns, as in it the landlord is having to undertake 'Required work' which is nothing to do with squalid housing conditions. To give one example from the report: point 2 notes that a 100mm sphere can pass through the gaps between the bannisters, which is a hazard under the HHSRS frame work re falls on stairs. The officer has noted that the building is new (I believe completed in May 2022, so 1 year old) and passed the building regs at the time but has asked for a plan to address the matter, in other words has asked for the bannisters to be replaced. The owner/managing agent was given 14 days to agree a timetable, with the dept, for the work to be carried out, otherwise further action would be taken under the legislation. To me this is definitely an example of increased **regulatory burden**, and both these points have nothing to do with **squalid living conditions**. From the evidence I've just presented a potential monster definitely does exist despite Deputy Renouf's reassurances to me in his letter.

There are lots of older properties in Jersey, whether rented or owner occupied, and they will not comply with all the standards as set out in the HHSRS frame work especially those that appear to be based on the more recent building regulations, such as the maximum width between bannisters. Think about historic and listed buildings, many of which are currently rented; they will never be able to comply, and shouldn't comply, Historic section at planning will not allow it. This doesn't mean that they are not safe to live in or that they pose a risk to health. If any of you live in an older property, it is unlikely to comply. Are you putting your family at risk? Per the framework you possibly are. May I suggest that the scrutiny panel speak to Tracey Ingle (principal historic environment officer) or at least someone in her department.

I believe it is really important to get the level of standards right. They must prevent squalid conditions but should not create a 2-tier society where the bar for tenanted properties is set much higher than that for owner occupied which is what the HHSRS rating framework does.

Hopefully this 1 example (which is the tip of the iceberg) will help you to understand why many landlords are so concerned about these proposals. The Irony of it all is that the vast majority of landlords have good and safe accommodation and they will have:

- 1) Additional regulatory burden, not because they have to fill in a form every two years, but as a result of the HHSRS rating system which is currently used.
- 2) Additional expense, not because of the £30 fee per annum, but as a result of required work under the HHSRS rating system which is nothing to do squalid living conditions and in my opinion some of it will be unnecessary.

Thank you for reading these notes

With kind regards,

Jo Banks

