



Environment, Housing and Infrastructure Scrutiny Panel

Minimum standards for rented dwellings: licensing regulations

Witness: Jersey Landlords Association

Tuesday, 7th January 2020

Panel:

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

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

Connétable J. Le Maistre of Grouville

Deputy K.F. Morel of St. Lawrence

Deputy I. Gardiner of St. Helier

Witnesses:

Mr. R. Weston, President, Jersey Landlords Association

Mr. G. Morris, Member 1, Jersey Landlords Association

Ms. E. Paul

Deputy R.E. Huelin of St. Peter, Member 2, Jersey Landlords Association

[10:30]

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

Good morning, everyone, and good morning to members of the public who have come along today to this Scrutiny hearing of the Environment, Housing and Infrastructure Scrutiny Panel. We are here for a public hearing with the Jersey Landlords Association. I am going to start by just going around the table and introducing ourselves for the record. I will start with my colleague here.

Deputy K.F. Morel of St. Lawrence:

Deputy Kirsten Morel, member of the panel.

The Connétable of St. Brelade:

Mike Jackson, chairman of the panel.

Deputy I. Gardiner of St. Helier:

Deputy Inna Gardiner, member of the panel.

Connétable J. Le Maistre of Grouville:

John Le Maistre, Constable of Grouville.

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

Sadie Le Sueur-Rennard, Constable of St. Saviour.

President, Jersey Landlords Association.

Robert Weston, Honorary President of the Landlords Association.

Member 1, Jersey Landlords Association:

Guy Morris, member of the Landlords Association.

Ms. E. Paul:

Emma Paul.

Member 2, Jersey Landlords Association:

Rowland Huelin, I am a member of the Jersey Landlords Association, on the committee, however I was hoping to address you for the final 15 minutes in my capacity as an independent member of the States Assembly, if that is okay.

The Connétable of St. Brelade:

We will see how the time permits. We have a member at the back. You are Mrs ...?

Female Speaker:

I have just come out of interest.

The Connétable of St. Brelade:

You are on the committee?

President, Jersey Landlords Association:

No.

The Connétable of St. Brelade:

You are not, okay.

President, Jersey Landlords Association:

A member of the public.

The Connétable of St. Brelade:

We have Deputy Ahier at the back as well. Thank you very much for coming along. I would like to just start off by asking you to let us know what the structure of the J.L.A. (Jersey Landlords Association) is: how many members you have, what proportion of the landlords in the Island you think you represent.

President, Jersey Landlords Association:

If it is helpful, we view the situation, as regards this particular piece of legislation, believing that we represent every private residential landlord in the Island and some of the public ones as well inasmuch as we have discussed our views with many, many landlords. We have never yet found anybody who disagreed with the principles that we have set out in the paper, which has been submitted to you. As regards actual number of members, we used to be, for 19 years, the Jersey Lodging House Association and when the new laws started coming in a couple of years ago we then changed our constitution to become the Jersey Landlords Association so we and most of our committee and most of our members go back with our Association for 20 years, which is why we have a reasonable level of credibility. But we are very much like the Chamber of Commerce. We represent any landlord who wishes to be represented by us, if they want to become a member as well they can do. Some have chosen to be members, some have supplied us with information but not chosen to be members. It does not mean that we are any less providing information on their behalf. Our administrator lady, who we pay, has been with us for 9 years but 4 or 5 months ago she had a baby and she is still on leave for about another 2 or 3 weeks before she comes back. She keeps all of our figures, which means that at none of our meetings for the last 4 months we have had any figures given to us because she has not been there to do it. So I cannot give you exact numbers but I can tell you as the Lodging Housing Association we always had between 70 and 100 members, who are all lodging house proprietors, and since we opened up to ordinary private landlords, who are not lodging house proprietors, we have had huge amounts of interest and we have now got a website that went live just a few months ago, which allows people to join online. So I do not know the results of those yet.

The Connétable of St. Brelade:

I am going to put you on the spot and just say: what is your impression of the regulations as presented by the department at the moment?

President, Jersey Landlords Association:

We think that they are a huge body of red tape and completely unnecessary because it duplicates what is already in place and some of which has been in place since 1934. As far as health and safety matters are concerned, not all of it has been in place that is now proposed, but we have not been consulted despite protestations that we have been consulted. We have not been consulted on the present regulations and in fact our presentation paper starts off with a page and a half or 2 pages of explaining that we have not been consulted and the nearest we have got to that was a lecture by the consultant to the department to health and safety where he told us what was intended but there was no enquiry as to what we thought about that. It was just: "This is what is going to happen." At that meeting - I attended 2 out of the 4 sessions that there were - there was a total of about 120 people attended, about a third or a half of whom were our own members, and nobody else appeared to attend at all because it was given very, very little publicity. So the consultation level has been very low. In fact your consideration of it as a panel has attracted far more responses than the presentations made by the Health and Safety Department. They kept a log of everybody who attended and I think the total was 120 people.

The Connétable of Grouville:

Do you accept that there is some accommodation that is unfit for purpose?

President, Jersey Landlords Association:

I am sure that there must be and there is no reason why the long-established law, which allows people to phone the Health and Safety Department and complain and have an inspector go round, that has always been in place. It is still in place today. The inspectors have powers to enforce remedial work where there is serious danger to people's lives or health, which is perfectly reasonable. We do not mind seeing some extension of that. What we think is almost unbearable is the suggestion that we now have yet another register of people who are landlords and for which they are going to have the privilege of being allowed to pay up to £200 per unit of accommodation per year in order to remain registered, not to mention things like their tenants being disturbed by inspection visits, which almost invariably prove to be a waste of time. If a tenant complains then so be it.

The Connétable of Grouville:

It is said that if tenants complain there is a risk that they might get evicted or they might think they might get evicted because they have complained. Do you accept that is a possibility?

President, Jersey Landlords Association:

No, because in 2012 a new law came in which is ... may I ask you to answer this?

Member 1, Jersey Landlords Association:

Yes, of course. So the Residential Tenancy (Jersey) Law 2011 provides that if a landlord was to evict a tenant then they have to go to the court to do so. The court under Article 14 of the Residential Tenancy Law has a power to order a stay of eviction if they feel it is appropriate to do so. They can take into consideration a number of matters when doing so, 2 of which are whether the residential unit is dangerous to or bad for the health of its occupants or the public, and the pattern of eviction in other residential units let by the landlord. So what I think that means is that if there is a public health/environmental health issue with a rented unit and a tenant makes a complaint and they were to be evicted for that complaint they could then go to the court and say: "Please would you take this into consideration and stay the eviction against me?" I think the court can make a stay of eviction for as long as it considers necessary.

Deputy I. Gardiner:

Can you see that most of the problematic accommodation with health and safety issues, they are unqualified and when we are talking about unqualified we are talking about people who are not many years on the Island and probably they would not take landlord and would not go to the court. So we do have a problem and fear for this particular people/population that they will be evicted and they are not complaining, they are not coming forward.

Deputy K.F. Morel:

But they have to go to court. You are saying the landlord has to go to court.

Deputy I. Gardiner:

They would probably not take the landlord to the court.

Member 1, Jersey Landlords Association:

To clarify, in order to evict someone as a landlord, you need to take them to court in the first place if you did not come to an agreement to end the tenancy between you. In order to get them evicted you go to the court and that is when the tenant can stand up and say, because they are obliged to be there at the court as well to defend their interests: "Well there have been environmental health problems at the property, we reported it to Environmental Health. We are being evicted off the back of this" and the court is obliged to take those matters into consideration. I would say that the court would probably give a lot of weight to those kinds of complaints.

Ms. E. Paul:

Can I answer your question as well? You are saying ...

Deputy I. Gardiner:

They are usually not coming forward. They are not going towards a complaint.

Ms. E. Paul:

What you are saying is the problem is in the registered market and that they would not come forward. Therefore your idea is if we licence and we have these inspections then that would not happen?

Deputy I. Gardiner:

There are more checks in place to ensure that the accommodation according to this other level that complied with, say, health and safety.

Ms. E. Paul:

Okay, but in the market I have just mentioned that you are particularly concerned about there already are those checks. In the registered market we get checked every year. An environmental officer comes round every year.

Deputy I. Gardiner:

The question is if all of them are registered because another concern - this will be interesting to see - and this is what came up from the department, that some of the accommodation that is rented out are not registered. They are part of the housing and people live there in one bedroom that is attached to the house and it has never been registered.

Ms. E. Paul:

You started the conversation just then by saying that a lot of the problems were with accommodation for people who are coming over who are not qualified; they are in registered accommodation not in an entitled market. Specifically you said there was a problem in that market with substandard accommodation. What I am saying back to you is that market is already registered. All units are registered by the Population Office and all units are inspected on an annual basis.

Deputy K.F. Morel:

That is in lodging houses.

Deputy I. Gardiner:

It is in lodging houses, there is unqualified ...

Ms. E. Paul:

So what I am saying is your argument does not run therefore if we register everything.

Deputy K.F. Morel:

But unqualified accommodation which is not lodging houses.

Deputy I. Gardiner:

Yes, that is what I meant. Yes, sorry, I probably did not use the right ...

Ms. E. Paul:

But what is unqualified accommodation?

Deputy K.F. Morel:

It could be my house; a garage conversion on my own house where someone is staying, that sort of thing.

Member 1, Jersey Landlords Association:

That would be governed by the Residential Tenancy Law and the court would give those the protection I mentioned before.

The Connétable of Grouville:

You would not necessarily expect a tenant to know that though, would you?

President, Jersey Landlords Association:

That is the problem, they are not being told by the Citizens Advice Bureau and by the relevant departments: "You are entitled to do this, that and the other." It is rather like where a tenant is responsible for some damage to a problem, particularly for example damp, mould where their bathroom gets black mould in it because they refuse to open a window or switch on the ventilation when they are having a shower and they do not go round afterwards and wipe it, the department will tell you in English and on the website why it is the tenant's fault for not doing this, that and the other and what they must do. After pressure by us they have now increased that to 3 languages.

The Connétable of Grouville:

Polish and what other?

President, Jersey Landlords Association:

And Portuguese. But we have asked them to put it in 8 or 10 languages.

[10:45]

Because that is the biggest problem that we all face as landlords is that they do not keep their own premises to the standard that they want it to be because they simply do not realise the things that they need to know. I am just putting that in as an analogy also to such things as they have the right to complain. They have the right to go to the department and get them to come and look at something which is unliveable or dangerous or anything else. Some people who know it have used it. I have had it used against me. As it happens a particular tenant was doing it out of spite and lost their case but nonetheless we have had occasions, and almost every landlord has had an occasion, where people have complained about their accommodation but the problem was being caused by their own failure to keep to their contract and keep the place clean and tidy and so on. But if I may just address a bit further Deputy Gardiner's question. There are units of accommodation in the Island, many of them I think, which are of not uninhabitable standard but of low standard compared with what you might call basic safety standards. But the quid pro quo is that they are very cheap. To give you an example, some of the summer seasonal accommodation for staff, particularly agricultural workers where they only work in the summer months, it is not really essential to life that their accommodation be completely draft proof and completely insulated with whatever is necessary to keep it warm and hot and so on because they are not there in the winter. They are only there for 7 months or something or 8 months in the summer months. So if they can get accommodation not at the £150 a week that was suggested by the Minister on 3rd December hearing but as low as £60 a week, for example, and you ask them: "Do they want their place improving, in which case the rent will go to £120 or £150 a week or would they sooner continue for the next 4 months or 6 months in something at £60" invariably they say: "I would sooner have the cheaper rent because I want to send all my money back to my family in whatever Eastern European country it is because they have no money, they cannot get work, and so on, and I want to send back as much as possible. At the end of the period I go home and my mortgage has been paid at home" and that sort of thing. There are good reasons for all of that but all of those would go by the board. If everything was inspected all of those cheap properties would certainly disappear off the market altogether.

Deputy K.F. Morel:

Can I just ask: you talk about cheap properties, is there any change in the market at the moment? Do you see there being a loss of any sort of properties currently?

President, Jersey Landlords Association:

Yes. Mr. Chairman, because a lot of questions have already been asked on things that I have prepared, I have got a 2 to 3-minute speech to just cover quite a few of these points. If I may say it and then just carry on with the questions I think it will answer quite a few questions.

The Connétable of St. Brelade:

Let us just get a few things out of the way first because they may be covered and we like to explore as we go through. We have a very finite time.

President, Jersey Landlords Association:

Whichever way you prefer to do it.

The Connétable of St. Brelade:

I think I would like to get back on to our plan to a degree in that you suggested earlier on the absence of your secretary made it difficult to understand where the numbers were coming from. But the indications were from submissions that there are something like 11,000 more dwelling units housing around 25,000 people, which is about a quarter of the population. How have you determined that figure? Do you have any idea?

President, Jersey Landlords Association:

I was going to start by saying thank you very much for looking at our paperwork and so on because you have obviously looked at quite a lot of the stuff; you have picked those figures out for a start. I mean you may not have read it cover to cover but in there at paragraph 17 of our paper that explains the mathematics of how we got to our figures, and it is all based on the 2011 census which identified exactly how many rented dwellings there were in the Island and how many people lived in them. We have extrapolated those figures to take into account the additional population, which has gone up from 97,000 to 107,000 now, and then we have made the assumption ... at that time, by the way, 32 per cent in 2011 of accommodation in the Island was owned by and let out by private landlords. We have now reduced it to 23.4 per cent, I think it is, because we wanted to be on the right side and not claim that there are more private landlords in the Island than there are but the starting point was that 2011 census. Now next year we have got another census coming up and to be passing this proposed law before we have the results of that census is putting the tail before the horse or the cart before the horse or something.

The Connétable of St. Brelade:

You mentioned earlier on the meeting of 3rd December where the Minister for the Environment suggested that it was not going to cost the taxpayer any more in terms of employing additional personnel to conduct inspections. He told us that he expected some 9,000 properties will not need to be inspected, that is excluding social housing, as they have already been inspected through the Rent Safe scheme. What would be your answer to that?

President, Jersey Landlords Association:

Until 6 months ago when they made a concerted effort to get Andium and other trust properties and the J.E.C. (Jersey Electricity Company) and others like that to bring in their properties, and so of the approximately 5,000 or so that are now on Rent Safe, they have come in, in the last 6 months, and they have - mostly particularly Andium - been given a free run at it. They have been assured that they will not pay a penny by way of fees. Andium have made it very clear, in fact my colleague Emma may have some information there on how the figures are made up exactly. But it is quite clear that they have the view, in fact you have a letter there, have you not?

Ms. E. Paul:

The letter came out in the consultation feedback and they had obviously written to Andium Homes and Andium basically said while they are supportive of initiatives improving housing standards they were very keen at first to join the Rent Safe scheme when it was first launched: "As you know several discussions were held with Environmental Health in that regard. It was unfortunate that our initial enthusiasm to join was dampened somewhat when it appeared from a 2017 Scrutiny hearing that a significant charge would be levied for registering with the Rent Safe scheme. The half a million pounds or so of fees indicated in the 2017 Scrutiny hearing would have impacted very significantly on tenants either directly through increased charges or by a reduction in services such as maintenance. Our board was understandably concerned that joining the scheme under those circumstances would have been counterproductive."

President, Jersey Landlords Association:

Of course the result of that was that they are not being charged anything now and I can tell you that all the landlords in the Island would be much happier if they were not being charged anything as to balance with that. But the fact is that they have been given special terms in order to get them to join. As far as other landlords and the housing trusts and Andium are concerned, there are only about, I think, 30 or 40 or 45 that have joined out of 7,000 at least private landlords. It is such a tiny percentage that it is meaningless.

Member 2, Jersey Landlords Association:

Can I be so bold as to give you some up-to-date figures dated 10th December?

The Connétable of St. Brelade:

Please do.

Member 2, Jersey Landlords Association:

These figures are that there are 7,569 properties registered in Rent Safe of which 4,397 are Andium. That means that is 3,172 private landlords. If you take another piece of information which is relevant, it is the amount of properties that are registered currently with the mydeposit scheme, again back-

dated at the last report, which I think is the end of November when that year finished, there are 13,293 properties registered with mydeposits. That does not include the properties where deposits are not held, which are quite high.

Ms. E. Paul:

Not with Andium.

Member 2, Jersey Landlords Association:

No, not Andium.

Ms. E. Paul:

They do not take deposits.

Member 2, Jersey Landlords Association:

That does not include Andium. That is the number of tenancy deposits in private landlords in mydeposit. I would suggest that means there is well in excess of 10,000 properties not yet registered on Rent Safe. So there is an enormous amount of backlog.

Deputy K.F. Morel:

Can I just say as well, this is a slight aside, is your 13,000 figure there chimes in with your submission but the Housing Needs analysis puts it at 10,360. So it makes me question the Housing Needs analysis, how well researched that has been.

President, Jersey Landlords Association:

If we may move on to answering in a bit more depth the question of this number of landlords who are involved, all the figures that have been produced are essentially estimates by either the Housing Department or the Environmental Health Department or by us and by the Statistics Department, et cetera, they are all estimates of one sort or another but they are all remarkably close to each other, within 1,000 or 2,000. We have said 11,000 and somebody there said 10,300. They are all fairly close. The problem is that at the 3rd December hearing your witnesses very clearly stated, in particular the consultant - because I have not listened through to it - that there is no such information available in Jersey. Shall I just say they are clearly mistaken because in 2012 the law was passed which was called ... well part 4. There is 2012 the Control of Housing and Work Law and since it became active in mid-2013, which is 6½ years ago, that law imposes a giant duty on landlords and tenants to notify the Chief Minister on the appropriate form of every new tenancy in a rented property that occurs where the tenant is likely to be staying for 3 months or longer. For the last 6½ years a huge amount of dynamic current data has been sent to the Chief Minister - in that case the Minister is the Chief Minister - so it is sent to the Population Office, and what have they done with it? They

have not collated it into a list. Therefore Mr. Petrie would say: "Oh, there is no such information available in the States." What about the Income Tax Department? Everybody who pays income tax are all lodging their information with the Income Tax Department. The law enables departments of the States to obtain information from each other now. This particular law specifies very specifically, there is an article which says there must be a right for the Minister to obtain this.

The Connétable of St. Brelade:

You are not wrong.

Deputy I. Gardiner:

Just for clarification: is any new property should register or any property?

President, Jersey Landlords Association:

Absolutely any property every time there is a change of tenancy it has to be ...

Deputy I. Gardiner:

No, if there is no change of tenancy.

President, Jersey Landlords Association:

If there is no change of tenancy, you mean where there is an existing one?

Ms. E. Paul:

It is only triggered on change of tenancy.

President, Jersey Landlords Association:

Change of tenancy. But every time there is a change of tenancy that happens. But if you collate these several lists that exist already, even Parish rating lists know where every rented property is in the Island. If they were all collated together you do not have to develop a whole new register at £200 per year per unit ...

The Connétable of St. Brelade:

I think it is quite clear there is a disparity in the figures being utilised in this law and I just want to take us on to the money side of it. The suggestion is from the Treasury estimates that approximately £600,000 income will be raised through the scheme and costed against all environmental regulatory schemes rather than the money being applied to fund these regulations.

President, Jersey Landlords Association:

We calculated it is up to £2.5 million per year if they were to charge every private landlord of every unit every year and they did not get discounts for being in the Rent Safe scheme it would be over £2.5 million a year. Of course they say this is going to have no impact on manpower. If there is no impact on manpower there is no additional cost. If there is no additional cost what justifies them making a charge? It is just a taxation, it is stealth taxation.

The Connétable of St. Brelade:

There is a suggestion that the charge would be the same for a one-bedroom flat as it would be for a 4-bedroom house; what would your observation be on that?

President, Jersey Landlords Association:

That is probably ridiculous but there should not be a charge at all. In which case it would be the same for everybody of no charge. The States does have to do something to control, if you like, the population. That has to be accepted. Whether we allow it to grow or whether we do not allow it to grow is all dependent on such things as the ageing nature of the population, which nobody was even aware of the ageing nature of the population until 1997 and that was when I published a paper on it and it is still followed to this day that paper; what is in the paper about ageing population. Nobody knew about it but the fact is that most of our economic needs and housing and so on is caused not by immigration but by (a) a successful economy and we could get rid of all of those people overnight by just letting the economy collapse.

[11:00]

Stop doing finance industry and so on and soon there would be loads of houses available at half the price that they are at the moment. Is that what we all want? I do not think so but maybe it is. But it is things like that plus the ageing nature of the population where you need to have 2 taxpayers for every pensioner and at the moment we have only got 1½ taxpayers for every pensioner. That means officially we need to get a lot more immigrants, maybe another 20,000 or 30,000 in who are working taxpayers in order to generate enough revenue to keep paying pensions, healthcare, residential ...

The Connétable of St. Brelade:

And they all need to be housed. You suggested earlier on that that you had not really been consulted as you would wish from the Government's point of view. It is quite difficult for Government to consult these days, is my opinion, because there are so many different channels in which you can do that. What would be your suggestion as to how they could consult better?

President, Jersey Landlords Association:

It happened in 1997, I have already blown my own trumpet on notifying Jersey of the commencement of the ageing population problem. At that time, Frank Walker was the president of the relevant committee, which was the Policy and Resources Committee. He called a seminar which was attended by all major civil servants in the Island, all politicians - literally every politician in the Island - and a lot of other stakeholders. There were between 70 and 100 people in the room. I was invited to address the room on my paper for half an hour or so, which I did, and apart from one or 2 sceptical politicians, I will not name them, but there were one or 2 sceptical who said: "Oh, we all know Mr. Weston's views, we do not need to hear it all over again" and Frank says: "No, you are going to hear it whether you like it or not" so they did hear it. That worked extremely well because all the key players were in the same room at the same time and there was a meaningful debate for about 3 hours where people were listening to what other people were saying. That has not happened in this consultation process that is alleged to have taken place on this law. Even the previous laws when the definition was going to be agreed as to what would constitute a basic minimum standard, Deputy Luce, and following him Deputy Young, stood up in the States and assured Members that, by name, Jersey Landlords Association would be consulted on what would be deemed to be basic standard information. We were never consulted.

Deputy K.F. Morel:

Have you received any written communication from the department with regard to asking for your views on these regulations?

President, Jersey Landlords Association:

No.

Deputy K.F. Morel:

Any verbal communication?

President, Jersey Landlords Association:

No, we invited ourselves and asked ourselves for meetings and that sort of thing. Never granted.

Deputy K.F. Morel:

You say you have not had any meetings?

President, Jersey Landlords Association:

Not on these issues. We have had discussions and meetings on various issues but on that particular one that I have just mentioned about definition of basic minimum standards, never been discussed and I notice at the hearing on 3rd December new issues are now starting to creep in, particularly about, for example, insulation and heating costs and so on. Is the question of heating costs a life-

threatening scenario on safety? I would say not because a person in that sort of situation who cannot afford their electricity can go to the States and get money, help, to pay their electric bill and that sort of thing. So it is not life threatening unless the States lets it be. On the other hand, they are now suggesting that that is necessary, just as they are saying that even modern new properties are to have their electrical infrastructure wiring checked every 5 years because of electrical safety, to make sure they are safe. I have asked over and over again for indications of house fires or accommodation fires that have taken place in Jersey or anywhere in the last 25 years since modern electrical wiring came into place. Nobody can identify one. There just has not been one like that. There have been loads of fires from people buying a laptop and putting it on charge and it bursts into flames in their room, but that is nothing to do with the infrastructure wiring in the house or their home. The Grenville Tower thing was caused by a fridge produced by somebody, it was not ...

Deputy K.F. Morel:

But with regards to figures, and I have asked and I will ask but do you know how many evictions took place last year?

President, Jersey Landlords Association:

I do not know how many there were but the year before I asked the question and there had been 4 court cases on the issue of eviction. I do not know what the outcome was but I think 2 of them were evicted. But that is it. It is very, very low numbers.

Deputy K.F. Morel:

It is just when we talk about revenge evictions, if we are talking about 4 cases that is not a big epidemic or anything.

The Connétable of Grouville:

You said before, and just to pick you up on something, that poorly insulated houses were acceptable.

President, Jersey Landlords Association:

I do not say that they are acceptable. What I am saying is that they are not life threatening. What it does is cost extra money to heat them and that sort of thing. It is nice to have but it is not something that is a basic minimum standard. It is a standard which is nice to have.

The Connétable of Grouville:

But surely it should be a standard to have a properly insulated house?

President, Jersey Landlords Association:

That is for debate. But we have never had the debate. That is the problem, is that the consultation and the debate has never taken place. All of my property is highly insulated but that is me; I am just one person out of 7,000.

The Connétable of Grouville:

Surely everybody should have a properly insulated house?

President, Jersey Landlords Association:

It depends. I have made the example that in the case of property which is only used in the summer months, and there are many people with chalets in their back gardens, already private households who have waitresses from nearby hotels who are there seasonally come and live in them and use the house toilet, for example. All legal. Nothing illegal about it. But they are not highly insulated. They are wooden garden sheds. But they are comfortable. They have got a decent bed in there and they have got blankets and sheets and so on but they are not up to the standards that we would all like to live in. Of course they are not. It is a question of degree, it is a degree of having flexibility built into the system and then applying it appropriately so an inspector brought in to look at one of these by a complaining tenant might review it and say: "Well it is not very well insulated" and the landlord might say: "Yes, but it is only occupied from March to September every year and it does not need to be. In any case they share the kitchen and they share the toilet in the house and so on."

Member 1, Jersey Landlords Association:

I think the J.L.A. does get behind the Public Health and Safety (Rented Dwellings) Law 2018 and the basic principle behind that.

President, Jersey Landlords Association:

Yes, we do.

Member 1, Jersey Landlords Association:

I do not think anyone at the J.L.A. would take any issues with those basic environmental health concerns. I think what we do have an issue with is the bringing into force of a new piece of legislation which does no more than what is already in existence. The 2018 law certainly has a great deal of teeth. Environmental Health officers can, of their own volition, go to check out a property and inspect it with any other tradesmen they feel they need to bring into the property. They can shut a property down if they feel they need to do that. The experience I think the J.L.A. has had so far is they are always very, very helpful in doing so and they do have a very light touch when doing so. But the concern is that why bring in a further piece of legislation which does no more than that really.

President, Jersey Landlords Association:

At a significant cost.

Member 1, Jersey Landlords Association:

If those powers are already there.

The Connétable of St. Brelade:

Could I just say the indications are that you disagree with the Minister's comments in the report that registration without licencing does not work? Could you expand on your reasons why you disagree with that?

President, Jersey Landlords Association:

The first thing is that they have not proved it does not work. They only anecdotally said it does not work. One example that when they first brought out the Rent Safe scheme I wrote in on behalf of J.L.A. following one of our committee meetings to point out that they would get very, very few landlords who would take it up because the demand for rented accommodation is so high that it did not need the extra publicity of being a 5-star accommodation. They went ahead with it anyway and after the first year and a half they still only had 10 landlords out of 7,000. They did not have the big ones like Andium and so on. When this was all pointed out to them they then started to make an effort to get some of the bigger names but still there is only maybe 70 landlords in total out of 7,000 on it. The point is there is no demand commercially to have what they are offering. This is, again, a nice to have thing but involves load of red tape. A nice to have thing which if people want to participate let them participate, that is fine. But to force them to participate, and it is not proposed that they are forced to participate but they are being told that if they do not participate they will not get the 50 per cent discount on the charge that is to be made for registering everything completely unnecessarily because figures could be collated by different departments to come up with the same thing and there is the census coming up.

Deputy K.F. Morel:

The full charge of £200, it has been put to us that if these regulations come in as suggested that landlords will leave the industry, that they will stop renting out; £200 a year is £4 a week. Understandably landlords are also saying that they will pass it on to tenants. But would an extra £200 a year charge really put landlords out of the industry?

President, Jersey Landlords Association:

This is not a personal view on my part. I am going to pass over to Emma in a second on this one, if I may. But I will just say that Deputy Young, as Minister, at the 3rd December hearing said that he had a close well-respected friend who was a landlord who had said to him that he thought that that

was going to have a detrimental effect on investors in the accommodation industry. You cannot go much higher up than the Minister admitting that himself. But we certainly hold that view. It is happening in practice. I should also add, before I hand over to Emma, that I receive about 3 or 4 calls per month, and have for the last 2 years, from people who say: "I am a registered lodging house proprietor or I am landlord with flats and other such things but I am thinking of getting out of the industry because of all of the new legislation." I gave a list of it in the presentation that we made on behalf of J.L.A., all the reasons why people say that they want to leave the industry. I get these calls, and I advise everyone the same. I say: "I think you should sit back and wait a little bit longer until we know what legislation is going to happen" because, again at the hearing on 3rd December, Senator Mézec talked in terms of having to adopt other ways of keeping down rents if rents were to go up as a result of market forces. "We will address those issues." He is talking in terms of rent control tribunals and so in our paper again we have referred to the library in the Commons, which gives the history from 1914 to 1984 approximately of what happened with private landlord lettings in that period when rent controls and other such things and permanent tenancies and so on all came in. Private landlords went from approximately 90 per cent down to under 10 per cent, down to about 8 per cent. They are today only back at 21 per cent because now so many people have bought their own houses. 92 per cent of people lived in rented accommodation prior to 1914. All that information is there but none of it has been ...

Deputy K.F. Morel:

Can I just get the information?

President, Jersey Landlords Association:

Yes, please. Move on to Emma.

Ms. E. Paul:

Sorry, Kirsten, you said the £200. It is not the £200, £4 a week. Yes, I might swallow it, I might pass it on. It is not that. It is a change of behaviour of what happens from this whole legislation. I can give you an example. In the Minimum Standards Order 2018 that came in, as we all know it says electrical checks every 5 years. It does not. It is wrong. I know we have had this conversation. That is what is being said by Environment. It is electrical checks every 5 years or every change of tenant. So if you have a tenant moving every 6 months that would be 10 electrical checks. The fact is that it is drafted wrong. It was not intended like that and the Environment Department says: "Oh no, it does not mean that." I have got a very different story if somebody gets a shock because the courts would do that. That is as may be, that is one side, but why does this relate to money and the £200? So I get my flats electrically checked. I had one done I think it was early December.

[11:15]

Deliberately I used a different electrical checker from the person who historically has done all of mine. Historically it is £200 a flat. This guy walked in, he looked at one switchboard, that is fair straightaway. Before I knew it it was £1,200. So what was the £1,200? It is £400 for checking. This is the electrical check. I changed to R.C.B.O.s (residual-current circuit breaker with overcurrent protection), I do not know whether you know; it is a modern-day standard, it is fine. But I do it anyway. I do not think I have to but I do it. £40 each, there is at least 10 on each circuit; 12. He said £40 each. They are not, they are £20 each from the last check, you know, then they will always find something because they want to bring it up to modern day standards. So in the bathrooms, not ventilation, to put the lights - they have to be up to an IP65 standard, I think - before I knew it, it was £1,200, now some of that I did not need to do.

President, Jersey Landlords Association:

It was recommended rather than ...

Ms. E. Paul:

It was recommended. There were no fails of one and 2 standard fails, I would not have got them. It is £1,200. Now, next time if I do it in 6 months' time there will be another standard, it will be more. It is not the £200 ...

Member 1, Jersey Landlords Association:

I think the £200 ...

Ms. E. Paul:

Can I just finish? So that is one and in a way, with electrics I do not mind, I do not care. The other example I have is fire certificates. All my buildings hold fire certificates, they have to hold fire certificates. At one time the fire officer used to come around every 3 years and check everything and it was okay if you had your fire certificates. There is no capacity for him to do that now so what you do is you put in your application every 3 years and you have to prove that you had, by a competent person, everything checked every 6 months. Every 6 months they check and if an emergency light goes out they will put that on the worksheet and then I say: "Go and fix the emergency light" and I have to prove to the fireman that the emergency light has been fixed in time. All jolly good but it changes the behaviour of the guy I am using, the commercial guy I am using. Suddenly he says my drain down lights are not bright enough after 3 hours or whatever, you know, I then get a second guy in to check the first guy's work and he says: "No, it is fine." But at the end of that ... I mean on one I had recently within 6 months they said 10 emergency lights went: "Oh, we will fix them, £1,000." He will never get that work. I got them done for £400. But do you see what I mean? It is a change of behaviour, not so much on the landlord but also on the people the landlords

are using to fix the properties because they know they have the force of the law ... we are not even talking the tenants or the Environment Department or the Fire Department or whatever other department you want behind them, and that is where the cost comes in and that cost will be passed on to tenants. We are on the tip of the iceberg, you have not seen anything about rents going up compared to how they are going to go up if this relentless kind of governmental intervention continues.

President, Jersey Landlords Association:

May I ask Emma to also address the question of who is leaving the industry?

Ms. E. Paul:

Have we seen anything about people leaving in the industry? Yes, definitely. There are lots of different reasons. This law is one, the planning laws being a complete nightmare is another. I do not know whether you are aware that in the registered market you are registered and here is a list of all the lodging houses in Jersey, it is published, it is very hard to find but you can find it on the net. So when you register ... the forms have just come out and we fill them in and we pay a fee per bed space. It has been like that for evermore. It says that every lodging house in Jersey will be on a public register, this is it. Okay, every lodging house is assigned a number so at the moment we are up to 311, there are not 311 because one drops out the numbers do not match back up.

President, Jersey Landlords Association:

The numbers are not reused.

Ms. E. Paul:

So you get your number and that is your number. In actual fact I did a very brief count, I think there is about 267. This is the latest list. This is last year's list. Everyone starred is lost, is no longer on the latest list. There are 2 on that page, one on that page, quite a few on that page.

The Connétable of St. Brelade:

The panel is mostly interested in what is the total.

Ms. E. Paul:

Sixty-seven.

The Connétable of St. Brelade:

Would you not agree that the lower grade lodging houses are probably the area where the landlords will have the most hassle because it is dealing with those who require the lower standard or are

happy to accept the lower standard. We have had submissions from guesthouse owners and it is a lot of work to maintain properties at that level ...

Ms. E. Paul:

It is an awful lot of work.

The Connétable of St. Brelade:

... because of the constant turnover of tenants.

Ms. E. Paul:

But what is your point?

President, Jersey Landlords Association:

The fact is that there is 20 per cent being lost in the last year or so, gone out of the industry. Now, for what reason they have gone out of the industry, that is another question but a lot of them are people who said: "I do not want to be in it anymore, I am retiring" or: "I am going to put my money in the stock market."

The Connétable of St. Brelade:

Picking up that point: at what point will people get out? Do you expect a 5 per cent return, do you expect a 10 per cent return, more, from your properties? At what stage will you be tipped into just investing into equities?

President, Jersey Landlords Association:

At the moment, anybody with any money, the sort of money that you would put into buying a house, say £500,000 or more, you can put that with any one of half a dozen loan brokers in Jersey who will give you and guarantee you something like an 8 per cent secured return based on property owned by individuals. So they are giving real security and still giving an 8 per cent return. The owner of the money does not have to do all the work involved in maintaining and keeping occupied a registered lodging house. There is now a serious incentive for people to take their money out of the industry and the proof is there in the department's own figures.

The Connétable of St. Brelade:

Yes, I can see that. I just want to take you back the Association; is membership of the Association open to the major providers, the trusts, the Andium Homes ...

President, Jersey Landlords Association:

Yes.

The Connétable of St. Brelade:

Have any of them come in with you on this?

President, Jersey Landlords Association:

One of them was one of our founder members, that is the one called ... they have now subsequently matured into one of the trusts, Clement Court was their original place. I have forgotten the name of the chap, he was on our committee for quite a long time. But now they are so big that they do their own thing, getting their own publicity and they respond as big players in the market.

The Connétable of St. Brelade:

In terms of the J.L.A., you elect your committee from within the members?

President, Jersey Landlords Association:

We have an A.G.M. (Annual General Meeting) every year and the committee is elected, yes.

The Connétable of St. Brelade:

Yes.

President, Jersey Landlords Association:

I have personally been on the committee since it was first founded back in ... whatever it is, 21 years, 22 years ago.

The Connétable of St. Brelade:

Has the Association ever been involved with its own inspection of members' properties?

President, Jersey Landlords Association:

We have had complaints and we have spoken about people who are our members. I have to say that has only happened in all of those years about 2 or 3 times. I immediately am delegated to ring them up and say: "Come on, you have to play the game here, you are causing problems for everybody" and we have ... the question was asked, I think, at some stage of do we impose any discipline. We have said to such people if you do not do something about it we would ask you to resign from the Association otherwise we will chuck you out. Our constitution allows us to do so if people bring disrepute to the industry.

The Connétable of St. Saviour:

Would you feel like you would like to report these people?

President, Jersey Landlords Association:

Report them in what way?

The Connétable of St. Saviour:

Well, if they are not complying to your regulations and they are going to drop out.

President, Jersey Landlords Association:

We do not have powers like that really. All we can do is say to them either resign or we are going to resign you and you are going to be out of our Association. But we have never had to impose that on anybody because everybody wants to be a part of a body that has a political say. That is the way it has been, and that is in 21 or 22 years.

Member 1, Jersey Landlords Association:

Robert has made the point before and I think it is worth saying that we are a private association that represents the interests of landlords but it is important to remember that no landlord is interested in getting properly represented unless we care for our tenants. No landlord wants a void or an upset tenant or someone who is going to cause trouble, the ideal situation for a landlord is to not hear from a tenant at all apart from a yearly inspection. That is ideal for everyone. I am just making the point that the regulations that have come into force so far look to be all great, fantastic, they will create a great standard for Jersey property and Jersey landlords but I think what we are saying is that the new legislation that is coming in goes further than what is required and its impact on landlords and tenants is simply not what we need.

President, Jersey Landlords Association:

It also duplicates quite a lot of existing legislation.

The Connétable of St. Brelade:

Indeed. Deputy Huelin, I know you have a few words. I know States Members can go on a bit so I would ask you to be quite succinct if you would.

Member 2, Jersey Landlords Association:

There are a couple of points. We were talking about the point at which you leave, get out. Lodging houses are advertising an 8 to 10 per cent return, that is an absolute fallacy. For the last 3 months I have had no return on my lodging house, mainly because I have been doing, hopefully short term, work on electrics, fire alarms, et cetera, et cetera. So there is an enormous amount of cost, especially if you have a relatively old one, like a Victorian one. When you are talking about electric charges, it is not the charge, it is the time it takes the electrician. I asked my electrician to have a very quick look at my cottage when they were doing something else and they said: "We do not have

time.” I said: “Why, how long is it going to take you?” Four hours to do a small 3-bedroom cottage. There are not enough electricians around to do that sort of work in order to enable landlords to fulfil their obligations, certainly without having to do it every year, as you point out. Also the gas charge every year, £89. The reality of the situation is, it is not these small piecemeal charges that matter but if you go and talk to a managing agent who ultimately has to open the doors, talk to the tenants, get permission for access, they will then have to put their managing fees up and that is when it really will be a financial burden on the tenant and that is when the costs will escalate, in my opinion. Just very quickly at the end, I wrote to you all, and I am sure you all read it, every single word and kept yourself awake all night, the point is there are now 4, 5 registers, including the register which is the 2012 law that you are referring to. Why do we need to have a register for mydeposits, a register for lodging houses, a register for Rent Safe, a register for the law and then a third register here? Having spoken to the officers concerned they believe they can manage this whole process, including mydeposits, including arbitration on mydeposits, with the existing staff that are there. My suggestion is ... and I am different to the J.L.A., I do not have a problem with the register but let us have one register, decide how it is going to be done, take it as the Rent Safe scheme, make the Rent Safe scheme mandatory, and work from there downwards. Then that register means that if there are the few and small number of poor landlords there they would easily be found out because the tenants will then be able to complain, as they can by law, and be protected without fear of eviction if we use the laws properly. Also, it is £2.5 million because 10,000 land properties have not yet been registered and they will be £200 a year, therefore it is an enormous amount of money that does not have a definitive home to go to. My recommendation is that the Rent Safe scheme is free to join for a certain period of time. Make it 9 months, make it a year, I do not mind whatever it is. After that point then new entrants to the market and those that did not take up the opportunity for the free period can be charged a one-off £50 and that £50 is only payable again on the point of a property changing or a new £50 when a new entrant comes into the market. That can then go towards the I.T. (information technology) systems that enable an annual registration, the landlord can then go in and say: “Nothing has changed within my property.” That is a very simple process, it is done at the lodging houses today anyway so can be done. I would say we can streamline it, it would be a lot more effective over the landlords and tenants, clearly easy to understand for both parties, not have a huge cost that that is involving.

The Connétable of St. Brelade:

Thank you. Robert, I am conscious of the time, there is one question I would like to ask you for your view. The Jersey Citizens Advice Bureau have indicated in the last year they had 128 clients with issues that directly related to housing conditions. How would you suggest that that be addressed? Basically damp, mould, leaks, inadequate or non-existent heating systems, dangerous electrical systems, not wind or watertight. This is an unbiased department having to deal with these things.

[11:30]

President, Jersey Landlords Association:

I really regret having to say this but the statistics provided by the C.A.B. (Citizens Advice Bureau) are very loose and inaccurate. We raised the same issues when the mydeposit scheme was originally decided to be adopted because the Citizens Advice Bureau said they were getting 180 complaints a year relating to deposits and landlords and we asked for evidence of this. What it turned out to be, first Francis Le Gresley told us and then Malcolm Ferey confirmed afterwards, was that they have a sheet by their phones when they answer the phones and it has about 10 or 12 columns in it, divorce matters, brutality, deposit schemes, other such matters that people ring in about. What they do is they put a tick in the appropriate column when somebody rings in. If they ring in about conditions of their accommodation they put a tick in that slot before they even start talking to people. At the end of the conversation they then invite those people to come into the department to give more detail about themselves and to give more explanation and receive advice as to what they should do. In fact, only a tiny percentage, maybe less than 10 per cent, possibly only 5 per cent ever turn up at the department and take the matter any further. They are just a tick on preliminary piece of paper. The same thing applies to this 128 that you have just referred to. In practice the C.A.B. should do just one thing: "Please ring the Environmental Health Department about that, goodbye." End of story. Because they are the people to talk to and if they speak with Environmental Health they will send an inspector around and do it under the old laws - back to 1934 - who will look at it and now the inspectors have the ability to enforce some sort of compliance if they see that something is unsafe or does not comply with minimum standards.

Member 1, Jersey Landlords Association:

I think most landlords in Jersey would welcome that. Certainly the evidence I have heard from different people is that when Environment Health officers do visit properties they are extremely helpful, they point things out, they send a notice to the landlord and that notice sets out exactly what the landlord needs to do and then they enter into a very amicable dialogue with the landlord and the landlord is asked to get on and fix the issues. Some things I think were mentioned in the 3rd December Scrutiny hearing may take some more time to fix, like a roof should not be taken off in the middle of winter therefore the Environmental Health Department will allow more time for that to be done. But the evidence we have had is that the Environmental Health Department is doing a very good job in terms of working with them.

President, Jersey Landlords Association:

There is no evidence that there have been any revenge evictions where somebody has complained. In fact the open and transparent way of doing it is for a tenant who has got a complaint to put that complaint in writing to their landlord and say: "Look, if you have not done anything about this within

a month, I regret having to do it but I will be reporting this to the appropriate department, the Environmental Health Department.” If that was done and a landlord has ignored it the Environmental Health officer who then visits has a very good starting point. Why hide it? Any sensible landlord is going to say to the tenant: “I am really sorry, I will knock £20 a week off your rent” or: “I will do it within 3 months” or: “I will do half of it this year and half of it next year.” They will come to some agreement because the livelihood of the landlord is having a tenant in there and not having a void, not getting rid of somebody to replace them with somebody who could be worse.

Deputy I. Gardiner:

I wish it would be the situation. I think for 90 per cent this is the situation.

President, Jersey Landlords Association:

99 per cent.

Deputy I. Gardiner:

Maybe 99 per cent but since I have been elected, not a long time ago - I live in Districts No. 3 and 4 - I have had conversations with tenants at Elizabeth Place, Rouge Bouillon, because this is my area, and they said: “Please do not bring Environmental Health in, I will lose the house, I am not going to complain, how can I deal with electricity, et cetera.” Again, it is not many, I am not saying that it is hundreds, but it is still there. Me, as a Deputy, receiving these complaints from the parishioners living there, how are they dealing with it.

President, Jersey Landlords Association:

I understand what you are saying and it happens. But to how many of those tenants have you said: “Well, the 2011 law will protect you if they try to evict you, so please do not worry about evictions, go and speak to the Environmental Health Department, you will not get evicted because the law will protect you.”

Deputy I. Gardiner:

I realise but this is the reality on the ground that we are trying to ...

President, Jersey Landlords Association:

We cannot be cradle to grave people ...

The Connétable of St. Brelade:

Can I just take you on to disability? Does the Association have any policy regarding making recommendations for adapting properties for tenants with disabilities in any way? Does that come into your sphere?

President, Jersey Landlords Association:

I do not think it has. Funnily enough, on my way here this morning my wife said to me: "You know that we ought to be now looking at disability matters." I said: "Well, we do have things like grab handles in bath" and what have you extra to make sure that anybody who is a bit infirm has that sort of thing but where you have a place, for example, that does not have a lift, how do you get up to upper floors? You just have to say: "I am sorry, we are not suitable for people with disabilities who cannot climb stairs. We do not have a lift." That is the end of the matter. As an Association we have not done anything to pressure on that point but it is something we will be considering in due course. We are trying to deal with this one at the moment.

The Connétable of St. Brelade:

I am conscious of the time. Anything else? Do you have any further points or comments? Maybe you would like to send us that submission?

President, Jersey Landlords Association:

I have gone through ... almost all of the things I would have said have now been covered, I am happy to say. One thing we would like to see is some evidence of tenants who fear eviction or have been revengefully evicted in the last 3, 4, 5 years because we have not seen an incident that we are aware of where there has been a revenge-type eviction. If people have been evicted by the courts, and there have only been about 3 or 4 a year that even come before the courts, in those cases the court is very mindful under that 2011 law to ensure that there are no other offences on the part of the tenant that would warrant an eviction before they would evict that tenant. If the tenant has said: "I have knocked £10 a month off my rent because my light was not working" or something, then the court would not evict for the fact they have been in breach of paying their rent because there was a good reason for doing so and it has now been fixed. We would like to see some real evidence of that and would have thought maybe this committee would like to see some real evidence of how many times this happens because it is back to sledgehammers and cracking nuts and so on.

The Connétable of Grouville:

The first half of that, if people are scared of being evicted, if they complain, they are not going to come to this public forum, are they?

President, Jersey Landlords Association:

No, they are not going to come to this public forum but a Deputy or a Connétable who gets a complaint should be saying to them: "You are protected under the 2011 law, here is a copy of the page." It is only one page.

Member 1, Jersey Landlords Association:

There was something mentioned at one point during all the paperwork being generated on this about a piece of paper that needed to go on the front of a lease that simply says: "These are your rights as a tenant under the laws of Jersey." Would that not be a fantastic thing? I do not think anyone would argue with that at all. This is the number to call to. I will be happy to put on front of a lease. "If you have complaints about these issues, please call the Environment Department." Make it a part of the new law.

President, Jersey Landlords Association:

Also for all States Members to reinforce it with their constituents. They should give them assurances. Most landlords would never dream of doing a revenge eviction these days, especially in a small place like Jersey. If they are a delinquent or uncaring tenant who leaves their place in a dreadful state, yes, we are entitled to get rid of them. That is not a revenge eviction, it is because they are a lousy tenant. They will complain to you that they have been evicted, but there was a justification. They are not going to tell you what the justification was so you then have a duty to speak to the landlord and say: "Did you know what you were doing here?" The landlord will tell you just what sort of person they really were. The final point I have, Mr. Chair, was the mydeposits scheme was exactly the same scenario as here. We begged and pleaded and wrote papers and all sorts of things in consultation with the various officers who wanted to bring in the mydeposits scheme and now the department and the officer who was pressuring for it and so on has now admitted that it has to end. He admitted it at your hearing last week. We were right all the way along, it has been a huge failure and an economic disaster where some £15 million has been taken out of the Island and deposited in a bank in London. Why? It should be being used by landlords who now do not have adequate funds to remediate their properties as may be required and so on, although deposits are not to be used for that sort of purpose. So long as they are always able to repay deposits - and on a number of occasions when it has happened, minimal - all that we have said and asked, and we still ask it now, this committee is going to get faced with it in the next few months because this contract is coming up again, so if I could just take the opportunity to say that our recommendation was that the law should be adjusted slightly that says that if a tenant complains that his landlord is refusing to pay back all or part of the deposit that landlord should be required to lodge that deposit immediately, thus protecting it, with the Housing Department or somebody who is appointed by the Housing Department until such time as the problem has been resolved but at least the money is safe and protected.

The Connétable of St. Brelade:

I am sure that will be the subject of further discussions.

Member 1, Jersey Landlords Association:

I want to make 2 very small points about the finance of this scheme. The first one is that I think some of the mistrust that has been generated between the Environment Department and the J.L.A. over the last 6 months or so has been in relation to the cost of it and where the money is going. Having looked at the previous Scrutiny hearing and it is still, at least to me, very unclear as to where the cash accumulated by these new fees will go. There was mention of cross-subsidisation; I think that is unfair. So other projects in the Environment Department will be cross-subsidised by fees generated from this. I think that would be unfair. Once the scheme is established it should be relatively easy to maintain as an ongoing scheme. Why do these fees need to be paid on an annual basis? The other point that leads on from that is that there is a feeling among the J.L.A. that it is unfair and disproportionate that the fact that someone has 3 stars in the Rent Safe scheme, for example, who is complying with the law - or even 4 stars because all you need to get 4 stars is have a compliant lease - why would one be punished in a financial way for compliance. If there are bad landlords in Jersey, which I am sure there are, those are the ones that should be paying fees or fines or being penalised in some way. Tackle the offenders. Why are the - I would say - majority of the Jersey landlords who are either there already or desperately trying to get there with the influx of new legislation that has come in recently being punished by paying fees for the scheme.

Ms. E. Paul:

I am very conscious of time but can I just quickly pick up on a few things? You said about C.A.B. I am a great supporter of C.A.B., they are fantastic, but what happened with the deposit scheme, they were very for the deposit scheme, the deposit scheme came on board, it was in England, they soon found out that did not work because of your point that lots of people do not speak English, they were not getting their deposits back. So I think a co-operative bank was set up or had a manned co-operative bank where people could go to directly. They very quickly fell by the wayside and now it is C.A.B. C.A.B. had said they wanted this thing because they got so many complaints about deposits and that it would lessen their workload, et cetera, but it went straight back to them in a roundabout way anyway. That is the first thing. Revenge evictions, I do not think revenge evictions are your problem. I think the problem that you missed really is that most tenants that I see, and I get phone calls every other week, have I got any properties, and they are not from revenge evictions, they are from sales. I received one in November and my first question is why do you need housing, why are you moving? If they say: "Because I do not pay my rent and I trash the place" then suddenly I am quite full. They say: "The whole block has been given its notice." "Why is that?" "It is being done up for sale." That is what is happening.

[11:45]

Once every 2 weeks, once every 3 weeks, I will get a phone call on that, it is not revenge evictions, it is sales. That is people coming out of the market and that is because of what we are doing here.

It scares me. So where do those people go? Well, I will leave you with this: over Christmas I just went on - I was obviously bored - to Jersey Insight to see where these people went, basically it is rooms in people's houses, totally unregulated, will not be regulated under any of your ... this is your point and that is why I wanted to circle back around, some of them .. the nicest ones, I do not know, £850 a month. The best one that came up is this, and this is really scary so I will leave you with this: "Got 2 rooms available in a recently renovated unusual Victorian building [I really hope the landlord is not here] friendly, co-operative, reliable people wanted who like historic houses and dogs. Each room is for single occupancy and has simple cooking facilities, including a new microwave and kettle. A new fridge and toaster are shared with one other lodger on the landing directly outside the rooms. The owner will clean your rooms and do bed linen. The lodgers will share the bathroom with the owner and there will be 3 lodgers in total and the owner." So that is 4 to one bathroom. "Lodgers can access the kitchen at fixed times in the morning and evening to cook. £700 a month, £500 deposit." That is what you are going to force people into.

The Connétable of St. Brelade:

Indeed, I think that is a very good point to conclude on.

Member 2, Jersey Landlords Association:

May I just add something? We have talked about the 2011, 2012 and 2018 laws, there are plenty of laws in place to protect the landlords and the tenants. What we are doing is adding to the complexity of the landlord/tenant relationship and I think this is a great opportunity, and happy to work with you, Chair, to simplify that process. The simplification is the benefit, it will take costs out of an already heated market and bring clarity for the tenants that Deputy Gardiner is concerned about, and many other benefits.

The Connétable of St. Brelade:

It certainly seems to be needed.

President, Jersey Landlords Association:

May I ask you, Chair, to accept our thanks for inviting us because I know you did not have to, it is much appreciated and if we could avail of you to please read that section of our presentation report between paragraphs 22 and 40, which is all about the loss to the industry of housing and the need of the economy to have private residential landlords, otherwise it is all going to have to come out of social housing and they have to be given a couple of billion pounds to do that. If you would not mind just reading through all those reasons again because while landlords get upset by being charged this, that and the other it is the enormity of the approximately 7 pieces of legislation in this suite since 2011, pieces of legislation that relate to landlords indemnity, and in those there is not a single piece of additional protection for a landlord. There is nothing that says: "However, it will be the

responsibility and duty of a tenant not to trash his landlord's property." There is no protection in there at all and that sort of thing would be worthy of consideration.

The Connétable of St. Brelade:

We shall incorporate as much in our report as we can. Thank you very much indeed for coming along and thank you to the public as well.

Member 1, Jersey Landlords Association:

Thank you.

[11:49]