

21.03.02

14 Deputy R.J. Ward of the Minister for the Environment regarding the records kept of incidences where a residential rental property had failed to meet fire safety standards (OQ.62/2021):

Will the Minister advise what records, if any, are kept by his department of incidences where residential rental properties have failed fire safety standards and will he provide the number of any such incidences for each of the last 3 years?

Deputy J.H. Young of St. Brelade (The Minister for the Environment):

Fire safety standards in residential rental properties fall within the scope of the Public Health and Safety (Rented Dwellings) Law, building control regulations and those that require fire certificates for houses in multiple occupation. The Rented Dwellings Law and the building control regulations are within my remit as Minister for the Environment. However, the Fire Precautions (Jersey) Law 1977 requiring fire certificates is the responsibility of the Minister for Home Affairs. Records only exist for properties that the Environmental Health Department know about. This is following the decision of the Assembly to reject the register of such properties to enable the minimum standards. So, those properties comprise registered lodging houses and rented dwellings that came to their attention through either complaint or applications to join the voluntary Rent Safe scheme. In the past 3 years Environmental Health officers have carried out over 3,300 inspections, including 272 registered lodging houses with multiple rented dwellings, and dealt with 491 tenant complaints related to minimum standards under that law. This has resulted in the issue of 74 notices listing multiple hazards which are proscribed within the order. Where officers have any fire safety concerns they will work with the fire service and issue heat detectors. There have been less than 15 cases ...

The Bailiff:

Would you please bring your answer to a ...

Deputy J.H. Young:

A crucial point, Sir: there have been less than 15 cases where they have been issued. There is a lot of information to get across.

3.14.1 Deputy R.J. Ward:

I thank the Minister for his answer, which was detailed. Can I gain from that and ask the Minister: really we are looking at a snapshot there and if you extrapolate across all rental properties, we could have a much bigger problem in terms of fire safety standards unless we have some formal licensing system?

Deputy J.H. Young:

I think the Deputy is right, there is no question fire safety is crucially important. I am very confident that the part of our laws that deal with building by-laws, which set the standards for the construction of new buildings and amendments to buildings, is in a very good shape to ensure that those works do ensure fire safety. However, that law does not deal with existing buildings that do not comply with by-laws. We introduced that law, the Residential Properties Law, to achieve minimum standards and, frankly, I have been very, very disappointed that we were not able to persuade the Assembly of the benefits of having a registration and licensing system to help us follow up. We are having to respond to complaints and I think the level of complaints does seem to be

pretty consistent. The last information was the C.A.B. (Citizens Advice Bureau) in 2018, about 128 cases for various hazards, including fire risk.

3.14.2 Senator S.Y. Mézec:

It follows on from the last part of the Minister's answer just then. Could he tell the Assembly whether he is of the view that without the licensing scheme which he proposed earlier there is every likelihood or possibility that there are people out there living in conditions which are unsafe, which his officers currently do not have the tools they need to identify that and then do something about it?

Deputy J.H. Young:

I think the situation is that the law that was passed by the Assembly in 2018 did provide powers for a register to ensure the safety of rented dwellings and health and safety of persons occupying such dwellings. Having brought forward and had several debates, of course, the Assembly knows I was not able to persuade the Assembly that we had such a need, so therefore we use what we have. I can say there is a gap. When I attended the British-Irish Council meeting this week on the question, I discovered that several jurisdictions have such a register in place and they have introduced it because they see this as a problem. I think this is something where I am determined that this will have to be put right at some point. It may have to wait until there is an Assembly that is prepared to adopt those regulations in the future, but nonetheless the officers will carry on doing their best without it.

3.14.3 Senator S.Y. Mézec:

I just want to push the Minister for a more direct answer to how I phrased my question, which is about the possibilities of people out there living in conditions that are unsafe which we do not know about and that we cannot do anything about without that information. So can he confirm that not having the licensing scheme in place poses a greater risk than is necessary to the health and safety of renters out there and that rectifying that problem by introducing the licensing scheme would enable him to make people safer, which I know is what he desperately wants to do?

Deputy J.H. Young:

I am going to try and measure my words clearly. The purpose of the law and the purpose of bringing forward regulations for a register was to enable us to do what the law requires. Had that been approved, we would have been in a much better way to be able to be sure and confident that there were no such circumstances. At the moment, I cannot have that same level of confidence without that register because properties may not be up to date, we may not know about them, but where we do know about them or we get complaints, these are definitely followed up and dealt with.

3.14.4 Deputy M. Tadier:

Where there has been a fire in a rented property and there has been a fire report, is it the case that it is shared with tenants of the property and, if not, why not?

Deputy J.H. Young:

I think there is an overlap here, a very important overlap, because as I said in my answer, the Environmental Health team work with the Minister for Home Affairs, who is the absolute expert. The experts that we have within Environmental Health and Building Control are about the structure of buildings. When fire actually happens, obviously that is a matter of investigation, which I am sure

our fire service people do. I cannot answer that. I will undertake to find out from the Minister for Home Affairs. It seems to be sensible that it should but I have to make enquiries about that.

Deputy R.J. Ward:

The Minister really has answered as far as, to be quite frank, he could. I would just like to thank him for his answer. I do not have a supplementary.