

**WRITTEN QUESTION TO THE MINISTER FOR THE ENVIRONMENT  
BY DEPUTY S.Y. MÉZEC OF ST. HELIER SOUTH  
QUESTION SUBMITTED ON MONDAY 14<sup>th</sup> NOVEMBER 2022  
ANSWER TO BE TABLED ON MONDAY 21<sup>st</sup> NOVEMBER 2022**

**Question**

“Will the Minister provide a breakdown, per month since the States debated and rejected the [Draft Public Health and Safety \(Rented Dwellings\) \(Licensing\) \(Jersey\) Regulations 202- \(P.33/2021\)](#) in which it was proposed to introduce a landlord licensing scheme, of –

- (a) how many inspections of rental properties have occurred;
- (b) how many of any homes inspected were found to have fallen below statutory minimum standards;  
and
- (c) what action, if any, has been taken against those found in breach of the rules?”

**Answer**

**Context**

The Housing and Nuisance team within Environmental and Consumer Protection undertakes inspections of rented dwellings for a variety of reasons. This includes but is not limited to:

- following up on complaints or requests for advice in relation to the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 (minimum standards and prescribed hazards)
- in line with the registration, renewal and inspection provisions contained within the Lodging Houses (Registration) (Jersey) Law 1962
- progressing applications under the Rent Safe scheme
- following up on complaints received in relation to the Residential Tenancy (Jersey) Law 2011 and subordinate legislation, for example, in respect to the conditions report at the start or end of a tenancy
- following complaints received in relation to the Statutory Nuisances (Jersey) Law 1999; specifically relating to premises prejudicial to health, for example, relating to noise, odour or pest infestations
- as part of multi-agency safeguarding work where there are concerns for a tenant or neighbours due to the condition of a rented property.

In answering parts (a) and (b), it has been assumed that the reference to falling below minimum standards relates to a failure to meet one or more of either the minimum standards or prescribed hazards outlined in the Public Health and Safety (Rented Dwellings – Minimum Standards and Prescribed Hazards) (Jersey) Order 2018.

**Data**

P.33/2021 was debated on 20 July 2021. The data for 2021 is not in an easily retrievable format. It is anticipated it would take 4 weeks for officers to retrospectively examine inspection records to extract the information requested.

(a) The figures in brackets in the table below relate to the number of dwellings where one or more matters fell below minimum standards or where prescribed hazards were present at inspection.

Not every case would have resulted in an inspection.

Inspection Type	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22
1. Minimum standards and / or prescribed hazards complaint / advice	18 (14)	13 (12)	15 (11)	8 (7)	7 (7)	12 (10)	7 (6)	4 (3)	4 (4)	7 (7)
2. Lodging House - individual dwellings	45	35	101	103	127	25	26	44	69	88
3. Rent Safe	16 (1)	71 (5)	61 (4)	39 (5)	19 (1)	6 (0)	19 (8)	38 (0)	161 (9)	36 (6)
4. Tenancy related complaint / advice	1 (0)	8 (1)	3 (1)	5 (1)	8 (1)	3 (0)	6 (4)	7 (3)	3 (1)	5 (0)
5. Statutory nuisance complaint / advice	2 (1)	0 (0)	8 (6)	7 (6)	6 (3)	3 (1)	9 (6)	7 (3)	10 (7)	2 (2)
6. Safeguarding	1 (0)	4 (1)	6 (4)	2 (1)	2 (2)	2 (2)	1 (0)	0 (0)	0 (0)	1 (1)

(b) Rented dwellings falling below minimum standards or where prescribed hazards were present at the time of inspection for the period 1 January to 31 October 2022.

This data has been split out into 3 categories in the table below. The data is not in an easily retrievable format. It is anticipated it would take 4 weeks for officers to retrospectively examine inspection records to extract the information requested by month. The table below indicates the hazards and instances of falling below minimum standards by category against the source of inspection.

### 1. Complaints / Service Requests

The data relates to 217 rented dwellings, of which 139 (64%) had one or more matters falling below minimum standards or where prescribed hazards were present at the time of inspection.

### 2. Lodging House inspections

The table relates to 663 rented dwellings in 66 lodging houses. Of these, 59 (89%) lodging houses had one or more matters falling below minimum standards or where prescribed hazards were present at the time of inspection.

### 3. Rent Safe Inspections

The table relates to 466 rented dwellings, of which 39 (8%) had one or more matters falling below minimum standards or where prescribed hazards were present at the time of inspection.

There are a few points to note when looking at the figures.

1. There may be multiple defects leading to a hazard. For example, damp and mould could be caused by one or more of water ingress, poor ventilation, and insufficient heating.
2. The figures relate to matters where landlords had responsibility.
3. The data does not indicate the severity of the matter.

Hazards and Minimum Standards	1. Complaints / Service Requests by primary theme								2. Lodging Houses	3. Rent Safe
	Disrepair	Drainage	Overcrowding	Residential Tenancy	Minimum standards	Safeguarding	Premises prejudicial to health	Noise		
	Frequency of occurrence found on inspection									
Smoke detection	4				7	4			30	2
Carbon monoxide					1	1				
Gas certificate / inspection	1									
Electrical certificate / inspection	10			4	15	2			153	2
Damp and mould	30	1		5	27	4	1		91	2
Excess cold	16			4	16	2			178	8
Excess heat				1	1					
CO and fuel combustion products					1					
Radiation						1				
Volatile organic compounds					1					
Crowding and space	1		2		3				1	
Entry by intruders	5			2	4				6	
Lighting	1			2	3	2			17	3
Noise	1			2	3			33		
Domestic hygiene, pests, and refuse	3			3	5	3			12	
Food safety	2				4	1			38	
Personal hygiene, sanitation, and drainage	4			1	6	2	1		16	7
Falling on level surfaces etc.				1	4	1			48	1
Falling on stairs etc.	5				6	1			20	12
Falling between levels	5			1	11				92	17
Electrical hazards	3			1	9	1			70	5
Fire	6			2	13	1			18	
Collision and entrapment	3				3					
Position and operability of amenities etc.					3					1
Flames, hot surfaces etc.					1				1	
Structural collapse etc.	4	1		1	3				9	3

(c) Action taken is dependent on the specific circumstances of each case.

They broadly fall into the following categories.

1. Tenant requesting inspection and advice but no officer communication with the landlord

This is linked to tenants' real fear of revenge evictions and being asked to leave on the expiry of the tenancy. In some circumstances, they may not have an agreement so are more vulnerable. The Residential Tenancy Law only requires agreements after 20<sup>th</sup> March 2013 provided the property is 'self-contained'.

Officers respect these requests and do not take matters further unless there is a significant or immediate risk to health.

2. In some circumstances, officers are asked to inspect properties on an informal basis by the tenant. During / after the inspection, officers will discuss findings with the tenant and agree on next steps.

This can range from officer intervention to assisting the tenant in respect of how to address issues with their landlord and / or managing agent. Some choose to decline assistance. Tenants are asked to come back to us when they eventually vacate, but in practice this does not happen.

3. Where tenants are happy for officers to raise matters with their landlord, and during / following Lodging House and Rent Safe inspections officers will:

- Provide advice during the inspection and are happy to walk through the property discussing each point in detail
- Following the inspection, provide a follow-up report with one or more of:
  - Hazard awareness advice
  - A list of hazards / potential breaches of the legislation along with a schedule of required works
  - A list of recommendations
  - Timeframes for a response to be provided and / or relevant matters to have been completed.

Environmental and Consumer Protection adopts a four-phase approach to enforcement: engage, explain, encourage and enforce. Initially officers will try to work with relevant parties to ensure matters are dealt with in appropriate timescales, safeguarding the health and safety of tenants. It should be noted that in determining relevant timescales, consideration is given to the risk to health and safety of tenants, potential delays obtaining materials and availability of contractors.

Where such measures are unsuccessful, or significant risk exists, officers can serve improvement or prohibition notices requiring steps to be undertaken in specific timeframes. Within the timeframe requested, one improvement notice and one prohibition notice were served, both in September 2021.