

# STATES OF JERSEY



Jersey

## **DRAFT PUBLIC HEALTH AND SAFETY (RENTED DWELLINGS) (LICENSING) (JERSEY) REGULATIONS 202- (P.33/2021): AMENDMENT**

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**Lodged au Greffe on 12th July 2021  
by the Minister for the Environment  
Earliest date for debate: 14th September 2021**

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**STATES GREFFE**



DRAFT PUBLIC HEALTH AND SAFETY (RENTED DWELLINGS)  
(LICENSING) (JERSEY) REGULATIONS 202- (P.33/2021): AMENDMENT

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**1 PAGE 14, REGULATION 3 –**

- (1) In paragraph (2)(b) for “3” substitute “5”.
- (2) In paragraph (3) for sub-paragraph (a) substitute –  
    “(a) make arrangements for the inspection of the dwelling; and”.
- (3) After paragraph (5) insert –  
    “(6) However, before the charges are imposed the Minister must give 6 weeks’ notice to the States.”  
and renumber the following paragraph accordingly.

**2 PAGE 14, REGULATION 6 –**

- (1) In paragraph (1) for “31st December 2022” substitute “30th June 2022”.
- (2) In paragraph (2) –
  - (a) for “July” substitute “March”;
  - (b) for “2025” substitute “2027”.

**3 PAGE 15, REGULATION 7 –**

For “30th June 2022” substitute “1st March 2022”.

MINISTER FOR THE ENVIRONMENT

## REPORT

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The Assembly [adopted](#) P.20/2021 on 8th June 2021. The [Proposition](#) requires the Minister to lodge the Draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 202- (previously lodged under [P.106/2019](#)) with several amendments.

This Amendment to [P.33/2021](#) would achieve the requirements of P.20/2021 without the need to lodge the Regulations anew.

### **Additional Information**

Although this Amendment meets the requirements placed upon the Minister by the Assembly's adoption of P.20/2021, the Minister is cognisant that the matter of fees remains and is not addressed by this Amendment nor by P.20/2021. It should be noted that the Environment, Housing and Infrastructure Panel presented a Comment to the Assembly with regard to P.33/2021 unamended ([P.33/2021 Com](#)) which touch upon the matter of fees.

It is clear that the Assembly agree with the need to regulate rented dwellings, however, that the matter of fees needs further consultation.

The Law allows the Minister to impose a charge in respect of issuing licences via a Ministerial Decision. This Amendment to P.33/2021 maintains this position except for one additional requirement that if the Minister wished to impose charges the Assembly must be given six weeks' notice.

The Minister is satisfied that P.33/2021, as amended, would allow for the Regulations to be adopted whilst also enabling the Minister to separately consult on the matter of fees. This approach would prevent the need to delay the implementation of a licencing scheme any further.

### **Financial and manpower implications**

Currently the Environmental Health team within Infrastructure, Housing and Environment have a historic deficit of £1,000,000. A Government Plan bid has been submitted for 2021 onwards to address this deficit in lieu of an income stream being established via various licensing schemes.

For context, this deficit is due to an assumed income from earlier iterations of a rented dwellings licensing scheme considered under previous MTFPs. The situation arose where the team was required to meet the requirements of the Primary Law, which was adopted by the Assembly, without an income stream being established via Regulations.

See Appendix which details the current budgetary requirements. If it is the view of the Executive and the Assembly that they maintain a user pays/cost recovery position, the funding would need to be met by any future fee structure proposed by the Minister.

## APPENDIX

### Present budgetary requirements

*Note: The Environmental Health Team perform various functions under various ministers. The costings below relate only to the responsibilities of the Housing Team.*

(a) Staff costs: £503,100

This cost is derived from a team of 6 officers, 1 admin support, and 0.2 management.

(b) Non-staff costs: £125,000

This cost is derived from miscellaneous costs for the team to perform the functions required. This includes transport, IT systems etc.

Total cost per annum: £628,100.00.