

STATES OF JERSEY



ACCOMMODATION FOR TEMPORARY WORKERS (P.62/2022): COMMENTS

Presented to the States on 21st April 2022
by the Council of Ministers

STATES GREFFE

COMMENTS

Although the Council of Ministers recognises the issues raised in P.62/2022, Ministers strongly oppose parts (a) to (c) of this proposition on the grounds of policy, planning, and health and environmental standards.

Role of Government

Parts (a) and (b) of the proposition require the Government to undertake work on behalf of private businesses to both identify sites and sources of private funding to enable a commercial organisation to provide a new commercial service.

Regardless of the circumstances, this is not the role of a government.

It would set a very dangerous precedent for the States Assembly to agree that public resources should be allocated to supporting a commercial venture.

Ministers strongly urge members to reject parts (a) and (b).

Role of Planning

Part (c) of the proposition seeks to bypass the current planning system, by guaranteeing that an application for temporary accommodation would be approved. It may be that the intention of the Proposition is for the Minister for the Environment to make Orders under the Planning and Building Law exempting temporary accommodation from planning or building control.

Ministers strongly reject this option. The Planning Law is there for a reason: to control development in the interests of the whole population and not to by-pass important considerations, as this proposition seeks to do.

Minimum Planning and Building bye-law standards, relating to size and amenities, safety and environment, set standards that all proposals for new development must meet. It would be wrong to support a Proposition that could result in sub-standard living accommodation. Good-quality accommodation is just as important for temporary workers as it is to all Islanders, and the Planning Law ensures a minimum quality that meets our community's expectation of standards of living.

The Assembly has recently completed an extremely thorough set of debates on the new Island Plan. These debates have included the provision of housing for the Island and the possible rezoning of green field sites to provide homes for local families.

The sites mentioned in the report accompanying P.62/2022 have not been tested for their appropriateness for housing development. Whether for temporary or permanent housing, the sites would need to be subjected to the same sustainability and site-selection criteria that Members saw in the Bridging Island Plan debate.

The Island Plan identifies public land that can deliver much-needed homes during the Plan period, and Members will recall the specific challenges of the debate in seeking to meet the needs of housing requirements. The Assembly also spent a number of days discussing the potential release of greenfield sites that had all been through exacting assessment and examination requirements, to determine their suitability to help meet the

need for affordable homes. It was a challenging process, and those sites that have come forward in the new Plan were hard won.

Policy provision is made in the new Island Plan to encourage and support the provision of staff accommodation in the built-up area, with exception for provisions to be made in the countryside where this appropriate. The Plan requires, however, that any such homes provided should be of a size and scale proportionate to the functional need, whilst meeting minimum housing standards.

The sites identified for P.62/2022 were not considered for inclusion in the Bridging Island Plan, and their use for housing – temporary or not – would be a very clear and substantial departure from the Plan.

Nevertheless, in purely practical terms, it is impossible for the current Minister for the Environment to make legal changes to the planning system in the very short time remaining before the election period begins.

Therefore, Ministers urge Members to reject part (c).

Statutory nuisance

Any proposal to bring together a large number of people to live in one place could significantly impact on those living nearby. There is a potential for a variety of situations to be created at the site which could constitute a statutory nuisance:

- The site will likely house people working in a variety of occupations, with different shifts across different days. Therefore, there could be activity at the site 24/7.
- Cars coming and going from the sites at unsociable times could impact on those living at the site and nearby, including noise and light, particularly at unsociable times. Residents living along traffic routes could also be impacted by increased car or van use.

Having large numbers of people living together could adversely impact on neighbours.

- The close proximity to residential properties and levels of sound insulation within the properties could lead to unreasonable levels of noise.
- The levels of internal and external lighting at the site would need to be carefully considered so as not to cause excess light emissions from the site.

Location

Within the Deputy's Proposition, the use of the d'Hautrée site is identified as a potential location for temporary worker accommodation to be constructed.

Ministers reject the suitability of this site on the basis of safeguarding, as the d'Hautrée site forms part of the Highlands College campus and is the location of La Sente, the Island's school for pupils with social, emotional, mental health and well-being needs.

It would not be possible to safely co-locate temporary worker accommodation on the grounds of a school, which is what the Proposition is suggesting.

Health and environmental standards

‘Minimum’ standards are laid down in law, and Ministers do not support the argument that temporary workers can live in accommodation that is a poorer standard than what is expected for residents. The proposal is for workers to remain in this accommodation for up to nine months, not a few days or weeks.

The standards in force are related to health and safety – both physical and mental wellbeing. Therefore, private and amenity standards need to be upheld.

Bypassing the normal planning system to provide for temporary accommodation on an open site raises significant issues across many health and environmental areas.

There are minimum standards for rented dwellings that will need to be met by any owner who will become a landlord under these proposals. Any proposed temporary structures will need to meet the requirements of the [Public Health and Safety \(Rented Dwellings\) \(Jersey\) Law 2018](#) and the associated [Public Health and Safety \(Rented Dwellings – Minimum Standards and Prescribed Hazards\) \(Jersey\) Order 2018](#). Most notably, the minimum standards relate to:

- i. Excess cold or heat
- ii. Crowding and space
- iii. Entry by intruders
- iv. Lighting
- v. Noise
- vi. Domestic hygiene, pests and refuse
- vii. Food safety
- viii. Personal hygiene
- ix. Sanitation and drainage
- x. Water supply.

Housing: tenancy-related laws

It is likely that tenancy-related laws would be applicable, therefore an individual or organisation at any such proposed site would need to take on the responsibilities of the landlord and comply with relevant requirements laid down in the Residential Tenancy (Jersey) Law 2011 and subordinate legislation. Areas to be clarified include:

1. Who will have responsibility for providing tenancy agreements?
2. What agreements will be provided, in line with legislative requirements?
 - a) Tenancy agreements
 - b) Deposits
 - c) Supply of Services
 - d) Condition Reports
3. How will tenants be charged for use of supplies such as electricity?

4. What happens if someone living on site loses their employment, and how will this affect their housing rights?
5. How will these units be classified under the Control of Housing and Work Law?
6. What will be the procedure if an individual is evicted from the site? What housing will be available to them?

Conclusion

Ministers acknowledge the need for more housing across all types of household, including temporary workers. Work is ongoing to improve housing supply to provide more homes for local families. Ministers will also set in progress work to develop options in respect of worker accommodation that meets local building, environmental and health standards.

Ministers cannot support (a) (b) or (c) of this proposition and strongly urge members to oppose these parts. However, the Council of Ministers can support part (d) as amended.