

**WRITTEN QUESTION TO THE MINISTER FOR THE ENVIRONMENT
BY SENATOR S.Y. MÉZEC
QUESTION SUBMITTED ON MONDAY 31st JANUARY 2022
ANSWER TO BE TABLED ON MONDAY 7th FEBRUARY 2022**

Question

“Since the introduction of minimum standards in the rental sector and the delegation of responsibilities under the Residential Tenancy Law to Environmental Health, will the Minister provide a breakdown by year of –

- (a) how many complaints have been received from tenants;
- (b) how many complaints were received with a request to remain anonymous;
- (c) how many complaints resulted in some form of action taken against the landlord;
- (d) how many cases have been referred by the Environmental Health Department to H.M. Attorney General;
- (e) how many of these cases were not pursued by H.M. Attorney General; and
- (f) how many cases of minimum standards not being met were discovered through intelligence gathering, rather than through complaints being made?”

Answer

(a)

Year	Public Health and Safety (PHSL)	Residential Tenancy (RTL)
2018	175	43
2019	191	60
2020	124	23
2021	178	63
2022 (YTD)	22	4

Environmental and Consumer Protection (ECP) also receive a number of informal enquiries where immediate advice is given over the phone and clients do not wish to take the matter any further. These are not officially recorded and so are not included in the figures above.

It should also be noted that complaints are only recorded against the primary category of complaint but may also cover other category issues. This avoids double counting.

(b)

When the department receives complaints, they can only log details on the system when a name and address is given. In a vast majority of cases when someone wishes to remain anonymous or does not want ECP to contact the landlord, they will not provide these details and therefore no official record is made of the contact.

Where they do give a name and address, but do not wish for the department to contact the Landlord the action is recorded in the case file. This information is not in an easily retrievable format. To obtain this information an officer would have to review each case file and associated emails, notes and documents over the past 4+ years.

(c)

Action under the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 can include the issuing of Hazard Awareness Advice (provided to the person in control of the dwelling and the occupier), Improvement and Prohibition Notices. If the notices are not complied with this can result in referral to the H.M. Attorney General.

Action under the Residential Tenancy (Jersey) Law 2011 can include compliance advice and referral to the H.M. Attorney General.

For the purposes of this question, it is assumed that action taken against landlords means the service of notices on landlords (as opposed to more informal measures such as the provision of hazard awareness advice).

	2018	2019	2020	2021
Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 – Improvement Notices	0	0	2	5
Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 – Prohibition Notices	0	0	0	2

(d)

Cases referred to H.M. Attorney General can be wide ranging in nature and cover numerous issues. The figures represent the number of advisory case files which have been submitted to H.M. Attorney General.

Year	PHSL	RTL
2018	0	1
2019	0	5
2020	1	0
2021	1	2
2022 (YTD)	0	0

(e)

It should be noted that the cases detailed in (d) above can include requests for legal advice. That does not necessarily translate to instigating proceedings. No cases have been pursued by H.M. Attorney General.

(f)

The records can't be filtered by the category of the intelligence source, therefore, to obtain this information, officers would have to look into each case file. However, the majority of cases of minimum standards not being met relate to planned inspections of lodging houses, where ECP have access to the register of dwellings under the Lodging Houses (Registration) (Jersey) Law 1962. Very few originate from tenant complaints.

The Powers of Investigation under the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 ensure standards in "Rented Dwellings". However, in the absence of a similar Register or Licencing Scheme it is extremely challenging for the department to undertake any intelligence led investigations.