

# STATES OF JERSEY

## OFFICIAL REPORT

WEDNESDAY, 3rd MAY 2023

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[9:30]

**The Roll was called and the Dean led the Assembly in Prayer.**

**PUBLIC BUSINESS - resumption**

**1. Improving Residential Tenancies in Jersey: Residential Tenancy Law Reform Proposals (In-Committee) (R.56/2023) - resumption**

**The Greffier of the States (in the Chair):**

We resume the in-committee debate. Yesterday's first session on tenancy types, notice periods and termination still has 23 minutes left of the hour allocated. Does any Member wish to speak?

**1.1 Deputy A. Curtis of St. Clement:**

I will kick that off. I was not quite ready to speak as soon as that but we will go. I also have not prepared a full speech after I heard some criticisms of those who write more prepared notes for the Assembly. My speaking on open-ended tenancies and the reforms are largely about whether they are required to address the principle, which is to avoid revenge evictions or revenge ends of tenancy, if we want to be precise, and the challenges that occur when a landlord/tenant relationship is not perfect. I think we have heard that what would be needed in any system is a clear schedule as to why you would break an open-ended tenancy. The reasons I think that have been covered include the owner wishes to sell: the owner wishes to move in themselves; the owner wishes to move a family member in. Is that family member a dependent member either in old age, medical condition or young age or a non-dependent? The owner needs to perform maintenance. The word "need" there. The owner wants to materially alter or redevelop the property. Members will have their own views on which of these would be valid reasons to end an open-ended tenancy. Some Members have tweeted that vacant possession on sale of a property is not a must have and we should accept that tenancies move with the sale of a property. Members have the right to feel how they do. I do not think that is personally reasonable. I think good notice periods are reasonable. Others have said it is a reasonable exemption to say you wish to move into your own property. People have used the word "downsizing". So it is purely about downsizing for optimal yield or is it the right of someone to live in their property, no matter the size. Others have said though that they do not believe it is reasonable to ... I think the phrase - and I paraphrase a member who tweeted this - make a family homeless to enable their children, for example, to move into a home. Again, Members will have their view as to whether that is right or wrong. My challenge I have though, is there are so many reasons for someone wishing to legitimately, depending on your values and principles, and somewhat illegitimately, find a way to end an open-ended tenancy should they so wish. The idea that we are trying to protect tenants using an open-ended tenancy I feel does not address the fact that we all want to ensure that a landlord does not have an easy route to an easier tenant or a higher price in their tenancy. Really I think this creates, like many systems we see in play, a game that ultimately when one wants to move on from one tenant to another they can force the install of a new kitchen on certain grounds or they can force another thing. We see this kind of gaming of systems all the time. We need a fairer and more concrete system rather than a game that is just hard to get round and penalises people. With regards to that, when we look at the reasons to have these kind of open-ended tenancies we look at, I know, rent increases and rent control. One thing that is mentioned is the risk that someone says: "Actually my tenancy has gone up in value too much" and the landlord goes: "Fine, I will get rid of you." The White Paper mentions 3 types of rent control. I think they are type 1, type 2 and type 3. I understand the Minister is looking at type 3, which is control measures within a tenancy. Type 2 also looks at rent control measures between tenancies, which I think is something we also may wish to consider, and I think the Housing Policy Development Board did look at and say was probably something advisable. The reason I think this is something to be considered is because in the event that someone complains about the rate of their tenancy, the cost of their tenancy increase, for a start not only should that be controlled within the tenancy based on a good set of principles under whatever rent control

measures the Minister does bring, but in the event that the landlord still chooses to find a way to terminate a fixed-term contract, for example, I think the landlord perhaps, under those circumstances, should be bound to a same between or inter-tenant cost on that. So there is no incentive for saying: “Well, actually I do not like that year-on-year increase that is forced by rent control. What I will do is I will exploit the fact that I will end a tenancy and I will then go above market rate or above R.P.I. (retail price index) or the measure and as such I can achieve the desired effect of a higher proportion rent increase.” I think we may need to look at that second type of rent control to ensure that there is no incentive for the landlord to break that tenancy. Likewise, when we look at evictions as the other reason, it was mentioned that, for example, a Member who complained about mould in a house might be considered a tricky neighbour or a tricky tenant and that the landlord would like to evict them or not renew their tenancy. Again this comes back to good systems, and I know obviously the Minister for the Environment will be looking at his systems for tracking the condition of properties. That kind of licensing scheme I think - and I have explained to the Minister - I would really like to see this being detail heavy and using the best technology we have available. I think we are introducing bureaucracy left, right and centre often without leveraging technology to minimise that impact. I will be very happy, and I say this as a landlord, to submit photos of every single part of a building yearly. I would be happy and many people would be happy to say: “If I do not wish that I will be subject to a survey in person” because I think we need to be able to far better track the condition. On that, if someone has reported mould in their property it will have to be dealt with. That property will be logged centrally and should not then be rented out again until it has been confirmed that that issue has been dealt with. When I look at the reasons for an open-ended tenancy, I think the ones around ... it was called no fault or no reason in the paper. I think there is always going to be a reason. The no fault I will agree with, the no reason I am more confused with. I think there are many ways to handle those without creating a system of exemptions so far and wide that ultimately anyone can use those. While I am talking on the topic, under the open-ended tenancy part, the paper references a probationary period of 6 months could be applied or one year. I would caution the Minister that 6 months is a regressive step on tenants’ rights. A tenant who moves in with only 6 months is far worse than a tenant currently who moves in on a typical one year or 2-year fixed term contract. At least the ones I have seen. What I would say is whichever path one takes we do not want to go back any step, and a 6-month probationary period would be less for a tenant. I fear that there would be a risk that there would be a heightened level of scrutiny within a 6-month probationary period to say: “If there was an open-ended tenancy and I have only got 6 months I will really make sure that that is a tenant set for a long period of time”, and you may have a greater period of ending of a probationary period at 6 months than you would under a fixed term. I do highlight those. I do think also when we look at the movements of tenants we do need greater controls on the commercial landlords who have several properties and the ability to use civil penalties and fines and also regulation against those who are repeatedly bad practitioners of the landlord practice. Those who own 5, 10, 20, 100 properties need to be tightened so that we can ensure that some of the most impactful land persons.

[9:45]

I do not know what the term actually is but I am going to try and find, if anyone can tell me, can be applied to make the most impactful owners of property the best because ultimately they have the most to lose if you pull out their entire stock from the market. They are some of our best levers to make them perform better. On those topics I will leave it there. I do think on rent increases there are some topics that the paper calls out that do need to be considered, such as where rent is charged below a market rate. The last bullet point on that page references how in Norway you can retie to market rates every 3 years, and I think that should not be forgotten. That many relationships between tenants and landlord do charge below market rate, and you do not want to hamper them in there. As I say on rent increases, I would like greater protection between tenancies especially to protect the risk of someone, even under an open-ended tenancy, having a reason for removal and then above inflation or above reasonable rent rise. So I will leave it there for now.

**Female Speaker:**

May I raise the défaut on deputy Southern?

**The Greffier of the States (in the Chair):**

Do Members agree to raise the défaut on Deputy Southern? The défaut is raised.

**1.1.1 Deputy R.J. Ward of St. Helier Central:**

A few things to speak about on this. First of all I would like to start by saying thank you to the Minister for engaging with Reform at our monthly meeting. We have sent out invitations to all Ministers and we are gradually getting through everybody. An effective way of engaging with 10 Members of the Assembly. Another reason that is important, and we cannot dismiss, and I hope it is not dismissed, is we represent in a large extent St. Helier. There were 22,000 renters. I note the galleries are not packed with those who rent during the Assembly yesterday probably because they are all out at work earning the money to pay their rent. I raise that as an important issue. I raise that as an important issue because we have to represent those people too. Because those are the people who do not have power in this relationship. They have a need, a basic human need for a home. Those basic needs, if we cannot meet those as a society we are failing as a society. We cannot pat ourselves on the back and enjoy ceremonies when we have members of our society who cannot reach the basic needs of housing. I, having been around central St. Helier and knocked on every single door, have seen some of the standards of accommodation that people are living in and they are simply not adequate. What we are getting to is a bureaucratic nightmare as to how do we deal with that situation. The biggest issue in this is the role of this market that we keep talking about. It is a fixed market. We are a small Island with limited accommodation and massive need. Therefore it is a completely fixed market. That ideology of market fixing the problem is simply incorrect. It will not work. It needs leadership from Government. It needs leadership from the States Assembly and it needs leadership in terms of legislation. Let us talk a little about that. I want to mention one other thing that perhaps is not on the 4 areas to discuss because it is vitally important. This is going to consultation and this is part of that consultation. Now part of the consultation is, I sent to all Members and to the Minister for Housing and Communities, Reform Jersey's housing action plan that we stood on in the election. It went to every one of our constituents. We spoke about it repeatedly on the doorstep. That cannot be dismissed just because you do not like Reform, whatever that means. But that was the reality of the politik real of that time and that campaign. So that it is there and it is real. So you have had a document which is detailed, and I hope it will not be dismissed simply because we do not fit into what you want to do because of who we are. Let us move forward into a more intelligent debate on that. When we talk about consultation, and this is the problem Government and Scrutiny face all of the time, in order to consult you need to consult everybody. So I ask the Minister, and I will be following up with a written question and probably oral questions in this Assembly, on how you are undergoing that engagement and consultation. There are 22,000 renters in St. Helier alone. What is a valid number of responses to get a genuine view of what they think. If you cannot answer that question your consultation is dead in the water. It is skewed, it is not valid data and it is bias in the truest sense of statistical bias. So we have to address that issue. How are we going to engage with our different communities? It is simply not good enough to print something in another language because we have no notion of what level of literacy there is. We have no notion of what type of engagement that is. That is a token gesture towards consultation. If we have not learnt that in the last however many years we have learnt nothing about consulting with the public. Then the question is, and I am going to stay on this topic of consultation because it is vital, then the answer is what happens to those answers if you do not like them. What happens if the vast majority of those responses, if we can get them, and we will be encouraging people to respond, if the vast majority do say yes we need rent controls, yes, we need longer tenancies because we need some security, and I will come back to those in a moment. But you do not want to do that because the political ideology of the Government at the time is we are not interventionists. What happens when those 2 surfaces,

those frictional surfaces, rub against each other? Because if you do not have an answer and if you are going to genuinely say what we are doing is all about consultation and we are listening and then you do not listen, that is why people become disengaged from this Assembly. What we are doing is we are selling something that is simply not valid. That is the problem that we are going to face. I make a prediction on Hansard, that is why I am saying it, that is why I am speaking today because it is in the public record, I predict that that is exactly what will happen. Or you will simply not have responses from people who are renters or are in trouble. People who are living in a single room cooking their dinner from their bed, and I have seen it when I have knocked on doors. Somebody who was not registered to, vote by the way. "I am not registered to vote, there is no point." They were registered to vote by the end of the conversation because you can do it online. But they were not engaged. They did not have a say in this. They were not talking about the esoteric nature of whether you take pictures when you are a landlord. They did not have the benefit of owning one home and living in another. They were renting a small room to survive. Now I am happy to stand up and speak for those people because they need a voice and if Government are talking about consulting, how are you going to hear those people's voices? I asked the Minister that directly. I will ask you again, and I will ask you again ...

**The Greffier of the States (in the Chair):**

Through the Chair.

**Deputy R.J. Ward:**

Thank you, sorry, Ma'am. I will ask again and again the Minister that question in this Assembly because unless we have a proper consultation we will get skewed answers. Let us look at tenancies. I think there is something we need to think about, a wider context, a human context of what tenancies are about. First of all, I think there is a difference between longer-term and shorter-term tenancies. Longer-term tenancies are about living in a home. Shorter-term tenancies are just about being. About temporary. "I am here for 6 months, I can live there and we will see what happens." Perhaps if you are younger, if you are single, if you have not got a family. that is more meaningful. However, if you have children ... when I had my children the last thing I wanted to do was move. Moving is a chaotic process anyway and one of the most stressful processes on the planet. They make their friends, they are settled. they go to school. they had a home. they had a community to live in. If you do not have the permanency when you are doing that then there is a real problem for you. Perhaps what we need to say to landlords is if you are renting to families you need to be prepared for that because that is a family's life that you are talking about. You have to remember one thing about being a landlord, which is that it is not like hiring a car where the value of the car depreciates as the car is used. So if you sell that car at the end you lose two-thirds of its value. What we have had in the last 20, 30, 40 years - I do not know, 20, 30 years let us say - is that if you bought a house or a flat or an accommodation unit - that is the newest phrase that we have - then the value of that has gone up exponentially as the rent that has been paid on that has gone up exponentially. So not only are you making money week to week but you are also increasing the value of your asset massively. It is a hugely successful investment. But as soon as that level of investment perhaps is not as good as it should be, what we get is: "But we have to increase rent to keep our investment going." Perhaps what we have is an unsustainable model for our housing on the Island. That is the problem and that is the really difficult one that is not going to be taken on by this Government. That will not be taken on because to say to people: "I am really sorry but you cannot make as much money as you did before because our society simply cannot handle it"; is the Minister brave enough to take that on? Because that is the really big elephant in the room that we are not addressing. Because as soon as you say that you are anti-landlord. I am sorry, I going to say it again. It is not anti-landlord, it is pro-sustainable society. It is pro-long-term thinking. It is pro what type of society are we going to live in for all the members of our society? I will take the opportunity again, we should judge our society on how the most vulnerable are looked after not how many yachts we have parked in the marina, because that is

skewed and that is wrong and I do not agree with that. There are a couple more things before we go. In terms of rent increases, the real question we need to ask ourselves is where does this stop? Where do we stop? Where do rent increases stop? At what point do we say there is a limit now? There is a limit to what we can do and what people can afford regardless of how much they are earning, because they are not going to be earning more. Their incomes are staying almost static, perhaps going up a little, and it will be interesting to see whether the Government give a cost-of-living pay rise, which was 12.7 per cent, to teachers and public sector workers. I do not think they will. A lot of them will still be paying their rent or paying more in their mortgage. But that is okay, they can take the hit. We are quite acceptable to take a hit because they have a pension. That is the argument. It is a false argument. It is a flawed argument. But that is what the argument will be. But as soon as we talk about the language they say: "That is our pension. We have to protect that." Which is it? Which of the 2 are we protecting? Which of the 2 are valid? Because there is an inconsistency there. So I ask the question at what point does it stop? I mention, and I finish, because have we got 15 minutes because I would like to get this out the way once and for all, because to be quite honest we have engaged, you know our policies. I would say it again to the Minister, the Minister should be bringing the legislation forward, then it will go to Scrutiny, and then it will be looked at, then it will go to us, rather than having this talking shop. I do not know what you are going to achieve from this. Hopefully you are listening to my speech and you will get somewhere. At what point do we actually do something about the level of rent? The one area that we can control is social housing. I mention here you talk about 80 per cent of market rates. I think we have to uncouple social housing from market rates. As soon as you keep it attached to market rate we are going to have people who simply are going to be driven into higher and higher levels of poverty because their rate is still going to go up and the model of funding and building our social housing provider needs to be looked at. I would suggest in order to deal with this a moratorium on the return to Government for 3 or 4 or 5 years so that money can go directly back into building and Andium do not have to charge rents to pay back a loan to Government. That would give us an opportunity for a break from the link to market rates and give people a chance to catch up with their incomes. Remember this: if you are in social housing and you are not the highest earner, virtually all of your money goes back into the local economy. It does not go on luxury goods from abroad. It does not go on luxury holidays abroad. It is not trips to wherever to spend your money in the cities of Europe on nice fine wine and whatever and espresso martinis. I have always wanted to mention an espresso martini, I do not know why. Perhaps I should have been a barman at some point in my life, I do not know. But that does not happen, so there is an economic sense to that and we are just not thinking long term. Oh, but we cannot take that hit now, we cannot do that with the money; where will the shortfall come from? We have been told we do not need to take the cap off social security payments because there is enough money in the Social Security Fund. So on the one hand there is enough money but if we want to make an impact on people's lives, I am sorry, there is no money. That leads me to the final inconsistency, which I do agree with the Minister. It is an easy thing to do. I think landlords or renting is mentioned 28 times across 28 different laws. That is insane. We need to just put that together and make one sensible package and we totally would support that; absolutely support that. If you look at the things that we have put forward, that is exactly what we would say to do. So we need some consistency but we need to think about where our baseline values are.

[10:00]

Are those values in providing and making sure that everybody in our society has a decent home and a right to a home that is habitable and affordable so they can live their lives and our society does remain one of the best to live in? Because if we do not do that, long term we will not survive as a small Island in the way that we want to. It is unsustainable, it is unworkable and it is not good for people's lives. So those are the points I would make in terms of tenancies. They are vital to have longer tenancies. It is vital that we have some control over rental and it is vital that we take away the link between the market, the fixed market, and our social housing provider. Otherwise we are just

planning to fail and for the last time ... no, for the first ... for the many times we have mentioned, we cannot do that. So I urge the Minister to take on board the things that we have said. Please do not dismiss Reform simply because we are Reform. Please let us make for more intelligent politics than that. Come and engage. We are willing to engage and we have some ideas. Thank you. That will do for today.

**The Greffier of the States (in the Chair):**

That draws to an end the first hour session. Minister, did you want to introduce a second session on rents and charges?

**1.2 Deputy D. Warr of St. Helier South:**

Thank you, Deputy, for that very deep and meaningful speech, and I genuinely say that. The second part of the debate will focus on rents and charges. The cost of private sector rents in Jersey has been rising faster than earnings, making Jersey's private rental market unaffordable to many Islanders. I am proposing limiting the amount and frequency of rent increases. I would not only like to see rent increases capped but also restrict rent increases to once per year. There should also be a strict minimum notice period of 2 months for any rent increases to take effect. Similar measures are already prevalent in many residential tenancies, but making them mandatory would extend the level of protection for tenants while allowing landlords a stable and fair rental return. I propose that increases will be limited to a maximum of Jersey's Retail Price Index, but a more nuanced approach could be adopted such as averaging annual R.P.I. changes and/or using additional index measures to specifically help during times of high inflation. I do think it is important that we make sure that any prevailing economic conditions are considered when deciding how a rent increase should be capped. This will require careful consideration and consultation to avoid negative unintended consequences. There may be circumstances where it is justifiable for rent increases to deviate from the sorts of measures I have highlighted. These circumstances may come to light during the consultation period but I also believe a future housing tribunal, which we will discuss in more detail later, can play an important role in considering these types of circumstances. I am also proposing that new emergency powers are introduced that will allow for rent freezes in very exceptional circumstances, such as those we experienced during COVID. I also think it would be best if these powers are introduced through regulation, requiring approval of the States Assembly, rather than being introduced by order at the prerogative of the individual Minister. In terms of our collective attitude to rents, I think we need to remember that this is fundamentally the money someone spends to live in their home and have security. We should not simply see rents through the prism of being a financial investment or a commodity focused solely on the bottom line. I fear I am copying Deputy Ward's speech here. Practically speaking, there needs to be a balance between making sure landlords can charge appropriate rent while ensuring that tenants are not facing unreasonable hikes. What I am saying is not about hard rent control and more about stabilising the amount by which rents increase. It is vital that we ensure there is stability for tenants throughout their tenancy. It should be clear from day one what they will be paying, when any rent increases will be implemented and by how much or by what measure. There should be no surprises. With that in mind, I would like to hear your comments on rents and charges.

**1.2.1 Deputy M. Tadier of St. Brelade:**

I think that in all of this we cannot get away from economics and there is a fairly well-known saying that was around post-war and it is a liberal maxim, which is: as much market as possible and as much state as necessary. Today we need to ask ourselves the question when it comes to housing, let us call it the housing market, let us call it the provision of homes for Islanders, whatever we want to, whichever way we are looking at it: what is our appetite for free market and what is our appetite for as much state as necessary? So wherever we lie on that economic spectrum of politics we do have to recognise that the market is broken, that the free market is not solving all of the issues or, indeed,



I would say, addressing the fundamental issues, but it is actually making things worse. Yesterday there was lots of talk about unintended consequences of propositions of people who want to make things better, but we know that the unintended consequence, if we call it that, of the invisible hand of the market has been that over decades in Jersey properties have become difficult to afford for people who want to become homeowners, but also renting has become even pushed out of the affordability of Islanders. This is the bottom line. You have to live somewhere. I mean, you do not have a choice in it. You have a choice maybe about what your tenure is and you can try and become a homeowner or you can try and do your best to find somewhere to rent, but it has become so ridiculous now that you have to provide references to even rent a property. You almost have to supplicate towards the landlord to say: "I promise you I am a good tenant." It is not sufficient to say: "Here is the money. Here is the contract. Let us enter into an agreement so that I can rent this property and it can become my home for a fixed period of time." So that idea of security of tenure is very relevant because I think the Minister talks about rents as an investment but, of course, a rent is not an investment, it is an unavoidable cost over which you have no control and you are completely at the mercy of the vagaries of economics. If the Government refuses to do anything to intervene in that, you are completely at the mercy of the market. What happens in a market where you have limited supply, which I believe is constantly suppressed deliberately in Jersey to benefit those who already own capital ... and I am not just talking about small landowners, small property owners, I am talking about those who do very well from it. Let us get down to the nuts and bolts of it. In a recession or at times of severe inflation like we are seeing at the moment, to use a bit of Latin, *cui bono?* Who benefits from it? Who are the winners and losers? There are a group of people in society who will always win during high periods of recession because what happens if there is a recession, if mortgage prices go up, if interest rates go up and mortgages become unaffordable for the masses, then house prices come down, and I think that is what we are starting to see at the moment. If you look at where house prices were maybe a year, 18 months ago, I have only done some anecdotal, quick, rough calculations in my head, but just looking at it, it seems that there may be a 10, 15, 20 per cent reduction in certain properties compared to a year or so ago. Now, if you are somebody who does not have capital and you rely on your income to take out a mortgage, and that is fixed as to what your affordability is, you are probably going to find that it is not a great time for you if you are a first-time buyer. But if you already have 10, 20 - shall we go higher? - 50, 80, 100 properties and you also have liquid, as the French would say, in the bank, you might have £100 million sitting in a bank account somewhere which you can access readily, it is a great time for you because you can just buy up another 10, another 20 properties. The poor renter, of course, who says: "I cannot afford to pay my rent", the Government, via Social Security, say: "It does not matter, we have some taxpayers' money here and if you cannot afford to pay your rent, we will top it up and we will give it straight to the landlord." Then the landlord is thinking: "This political lark is great. I love the free market. I love the fact that government is not just ... not interventionist but it intervenes to my benefit and now I have all this money which I do not actually need but they are giving it to me. I am not going to refuse it. I can now buy some more properties." So I ask: is this ideology where we should not intervene in the market at all ... can it be credible when we already accept other interventions in the market and we do not seem to have a problem with it? I know it is not comparing like for like, but taxis, are there a shortage of taxis in Jersey? It depends who you ask and it depends what time of night it is, it depends if it is the daytime. You either seem to have a surplus or not enough, but I do not think there is a shortage of taxis there. There are lots of people who can become taxi drivers, but we do regulate. We tell taxis how much they are allowed to charge. Free market is not good enough for taxi drivers. We could say let the market decide how much somebody should charge for a fare from the airport to town or from Gorey to St. Aubin. We do not do that. We could say it should all be dependent on quality, so provided the minimum standards are met and somebody has a P.S.V. (public service vehicle) licence, the person who has the most salubrious vehicle and who has the most charming personality might be able to command a higher rate for their services for taking you around the Island, whereas somebody with the Robin Reliant, who likes to complain about the

state of affairs in Jersey, might find their customers drying up. But we do not. We say that you just pay one fixed rate for everything. So we have fare control when it comes to taxis. I do not see any of the Ministers up in arms about that, saying: "This is a terrible thing because it is not good for economics and it means that the world is going to end and tourists might leave the Island." Going back, we also do it with cows. We do it with milk. We say you are not allowed to import other types of milk into Jersey because it would be bad for the dairy industry, because it would be bad for milk, and we want to make sure that our milk industry is protected. But we do not say that for tenants. We do not say: "We need to look at rent controls of some kind because tenants are being" ... I have been talking in the coffee room about how we speak differently in this Assembly to what we might in the coffee room. Certainly, the members of the public would not be as polite as I am having to be now by saying the fact that they are being, I think, pressed down. They are being treated, I think, terribly by conditions which we just say: "Those are just market conditions" as if there is no human hand in all of this. But the *laissez-faire* attitude of successive Governments - and it is not just *laissez-faire*, it is, as I said, pro landlord, it is pro capital - this is what is having the effect. We are going to be celebrating and remembering Liberation Day, because I remember Liberation Day is not always a celebration for everyone but it is a mixture of celebration and commemoration. What happened during the Occupation is that there was a shortage of lots of things, of lots of rations, especially after the D-Day landings to that very difficult period until 30th December 1944 when the SS Vega Red Cross ship finally came in with the first lot of provisions, the first lot of 5 or 6 journeys that it did to bring much needed provisions to the starving Islanders. Even before that happened, when there was a shortage of butter, you were told that you were only allowed to buy so much butter. You could not simply hoard all the butter. Even the Nazis realised that was not acceptable for somebody to buy all of the butter and then to let it potentially waste and fester while other people had empty larders. That just was not acceptable. So they rationed butter so that even though there might not have been enough to go round, everybody had some butter. I think that is what we need to start looking at. Is it okay for somebody in Jersey to own 100 properties and to effectively be subsidised by Government if they need to, if people cannot afford to pay their rent, while other people cannot even find an affordable room to rent in the Island, somebody with quallies, perhaps, somebody without quallies? That is another issue which we need to get to grips with because there has been a historic what I will call - and I make no apologies for it - underclass in Jersey because they are treated and they are kept as an underclass by I think the 10-year quallies rule. I will just introduce that idea tangentially.

[10:15]

Does the quallies serve any purpose anymore? Do the 5 and 10-year rules have any reason for being disparate? Who do they benefit? Again, *cui bono*? I come back to that. I leave that for the Minister, but I know that it is not an idea that is dominated by one wing of the Assembly. It is something that a previous Minister for Housing - I think it was Deputy Pryke - was already thinking along those lines and asking those questions about what effect that would have if we simply got rid of or changed the quallies. I can hear people shouting at the radio when I say that because there is a feeling that we look for over-simple explanations, I think, in terms of economics, but I would suggest it is not the poor immigrants who come to the Island and rent in often poor or limited quality accommodation, which they do not have much choice about that are the economic problem here. I think it is much bigger than that. Why should rent increases be fixed to inflation at all? Why should they even be fixed to a guaranteed income for the landlord? Because when you are a tenant, especially if you have been renting for 30 years of your life, what do you have to show for it, especially if you are somebody who has been renting and not having any security of tenure? So you might come to Jersey and in the first 10 years of your life in Jersey you move 10 times, and then at the point of 10 years you are told: "Well, now you have your quallies so you can buy somewhere if you want." You laugh to yourself. You think: "Oh, it is my 10-year anniversary. Maybe I should have" ... I know somebody who is coming up to his 10 years and works in a good job. You might say to that person if you did not know him: "Why do you not go and buy your own property now?" He will say: "What am I supposed to

buy it with, all that rent that I have given to the landlord for the last 10 years, which I could have been using to buy my own home if you had let me buy at 5 years or if you had let me buy when I came in.” All that has happened with that 10 years of money that he has paid in is that has gone to somebody else, who may already own lots of property, to buy another property. It does not really help anyone. It does not stop him from being in the Island because he is already here. It does not stop him from driving a car round the Island or consuming or paying G.S.T. (goods and services tax) or contributing socially in his church that he goes to or whatever he does in his sporting groups. It just means that he is isolated. He is not allowed to participate economically in the fruit of his labour that we allow other members of our community purely by chance. It is not just by chance, it is because we put these deliberate and constructed and false obstacles in the way that determine that some people will always be better off than others. So I get back to the point that this is not the free market that we have. We have deliberately put these obstacles in people’s way that stop them getting up the ladder. That is completely contrary to the free market, which the Ministers up until now seem to have absolutely no problem with. If they want free market, I would respect them more if they allowed the free market and did a free market experiment in Jersey, but we do not have a free market. We have a controlled ... and I think all these artificial constraints that we have have a perverse effect on the housing market. To get back to the point, after those 30 years the landlord has taken all that rent as interest and his argument will be: “Well, I need to invest in property because I cannot get those kind of returns at the bank.” But the property remains, so he still has the property, which has then gone up exponentially in value over the years, which might be worth 15 times, and it is that property which is probably the only thing which has held its value, because wages have not held their value in those 30 years. The car that the landlord or the tenant bought 30 years ago has not held its value. That has depreciated. Strange that, is it not? The car depreciates but there is this expectation that property should perpetually go up by at least the rate of inflation. I think therein lies part of the problem. Why is there this assumption that property must at all costs go up in value every year beyond inflation usually, beyond wages certainly, and everything else must depreciate, including currency and hard money itself? So I think we need to be much more imaginative and I think we should not be scared of saying to landlords, or just saying to people generally, we live in a small Island where land is scarce. We cannot go on reclaiming land all the time. Are we still on the 15 minutes, Ma’am?

**The Greffier of the States (in the Chair):**

You are indeed.

**Deputy M. Tadier:**

So we need to have what might seem radical policies as to how many properties you can own and what you can charge for those properties. I will leave it there.

**1.2.2 Deputy L.V. Feltham of St. Helier Central:**

I will try and keep this short as I was not intending to speak because I did heed the Minister’s words yesterday when he said that he wanted to hear from the many and not the vocal few. I took that as: “Pipe down, Reform Jersey”, but as our policy is so clear I do not feel the need to repeat it. But what has brought me to speak is the absolute absurdity of hearing the Minister’s speech just then. If only he had made that speech yesterday. If only his party whip had whipped the party to vote in favour of all of the things that the Minister has just said he is in favour of. Then we would not have to be wasting our time just with talk today. Last night Deputy Alves sent me a photo of my mum and it was from the 1970s when she was out in the Royal Square campaigning about the cost of rents. So, for everybody that is saying we need more talk and more consultation, this discussion has been going on since the 1970s, almost 50 years. So, let us not make this a waste of time because there are many Members in this Assembly who have yet to make their maiden speech. Any Member who is yet to

make their maiden speech I call upon to speak today and speak on this, one of the most important topics that is facing Islanders today.

### **1.2.3 Deputy M.R. Scott of St. Brelade:**

Sorry, this is not my maiden speech. I just wanted to make a small point for the Minister before I was taken on that long journey by Deputy Tadier, which included into the past. I went by taxi, on the ship Vega and into the world war to butter rationing, and it seemed partly to be a speech against mass property ownership, which I just want to point out that a proposition has not been brought against that and that the Deputy could bring that and we could see what happens. It is not a proposition about the way in which funds are made available to Islanders to buy properties either. I would like to invite the Deputy to join me in my efforts to explore how my Parish can produce an assisted housing scheme within this term because that really could produce real results. I do very much support much of the content of the Minister's speech. I am sure he would have made it yesterday if the Assembly had not been distracted by a proposition that more or less was saying the same thing as the actual paper that we are discussing today. The Assembly has accepted that there should be no intervention ... I am sorry, has accepted that there should be some sort of intervention in the rental market. I believe that much of the discussion is really the nature of that, whether you have some sort of blanket provision that might cause difficulties, rebound on the rental market and encourage people to leave. In fact, at one point I will admit that as I was contemplating the problems that some of my parishioners have been having, our parishioners, Deputy Tadier, that I did think, gosh, do we need to have some sort of rent freeze? But basically that really could lead to some landlords having to exit the market, which at this time would exacerbate the problem. We had a long discussion about economics and including about the taxi drivers. Well, there is an example of a control that is quite unsatisfactory to a lot of Islanders, who complain about the prices of taxis, some of them pointing out that that can, if you are going from one side of the Island to another, be the actual price of a meal in a restaurant. In fact, I have even looked into this area and it has been suggested that there perhaps are too many taxi drivers for the too few jobs and that there is some issue of licensing, which I will be very happy to bend the ear of the Minister for Infrastructure next to me at some time if he does not run away in the meantime. Now, here is the thing. I am not a landlord. I could be a landlord. I even have been a landlord. Why am I not a landlord? When I have looked at the ... and I do very much look at data and statistics. When I have looked at and gone to investment seminars I have been convinced, in fact, that that is not the most reliable way of making money so, in fact, I do invest in a different way. In addition to that, if you are a landlord you have a lot more management that has to be done, unless you get a managing agent, which will be a cost that will eat into any return you have. Now, you have the costs of maintenance to consider. There is quite a bit of time that needs to be taken up attending to the issues that can come up. Now, the very sad fact is the cost of maintenance and of building has been pushed up and is affecting the ability of landlords to rent out in a certain way. We have problems and the world has had problems in terms of supply chain issues, some of it just going back to some boat being stuck in the Suez Canal. We have seen local construction firms fold, and I would say that a lot of that is to do with contracts that really perhaps tied a construction company - or at least one - into providing services at a rate that did not perhaps reflect changes that have taken place. So I still maintain and will still maintain that tenants need to be protected against an abuse of power. That I have no doubt, but we cannot have what I will call revenge legislation in response to those tenants who are unfortunate to suffer some sort of abuse of power or greed. Anyway, coming back to that one point that I was just going to raise to the Minister before going on my own little journey ... I do think there might be some sort of competition about whether I can keep my speech going on right to the edge, to the 15 minutes, which I am sure the States Members would really enjoy me doing. No, I can see from your faces you would not, so back to my one point. Basically, there is a proposal on page 17 of the paper, rental increases not to exceed R.P.I. or other measures, perhaps, and that would be subject to things such as refurbishment. Well, I believe that others have mentioned some of the dangers about being too rigid

about referring to R.P.I. Others - in fact, I had - mentioned that there are landlords who are not applying R.P.I. at all and are very conscious that their tenants are getting wages that are not keeping up with that. The reason for that, again coming back and referencing my colleague Deputy Tadier, comes down to economics again. The Island's economy has in real terms been shrinking. Many people cannot afford to pay these wages and we are looking at our own economic crisis. We might not have declared it as such. Fortunately, we have some reserves that come back from past wealth, but we still have this issue. I would like to thank the landlords who have been responsive to that, but what I do want to point out is that I have been referring to the expenses that landlords have that they perhaps sometimes cannot anticipate. There are the maintenance costs, which have gone up. There are all these things. But I did notice that on page 29 of the report by the Minister there was this statement: "Tenants are not expected to replace items that have deteriorated due to reasonable wear and tear." But that again is an additional cost. Okay, if somebody has been in a property a long time and things need to be repaired, then exactly where does the burden of cost fall?

[10:30]

So I just think, well, should this really be treated differently from maintenance? I would suggest that there perhaps needs to be some more consideration of that particular point.

#### **1.2.4 Deputy A. Curtis:**

I did say I would try not to speak again but I am actually only rising on the back of Deputy Tadier's speech, which I thought highlighted so many good points I want to reiterate back to the Minister that need considering. I will start with one that Deputy Tadier did not raise, which was the section on charges. There is a section in the White Paper that discusses charges on the creation of tenancies that we need restrictions for. Why would there be a charge to any tenant on the creation of a tenancy? I think clearly there is a schedule of activities in the operation of a tenancy of which any standard activity should not be a charge to the tenant. I think that is a really clear thing that we are missing here and we can take out. Moving to one that again was not mentioned but is in the White Paper, it is proposed that there are no changes to deposit management. Currently, who pays for the registration of a Mydeposits or a current approved deposit manager under the States law, which could always change but is currently Mydeposits? Well, the tenant pays. I think it is £29. This penalises a tenant who moves more than another tenant. Clearly, that is a charge that will occur in every single contract because it is a legal requirement to register your deposit with the deposit provider. That charge should probably sit with the landlord and an argument might go that that is incorporated into the rent and all that. Besides that, we are talking and a big comment has been about the expectation of how the money that a tenant spends is returned to them, their certainty, so the idea that we are charging tenants for the privilege of having their money secured is an unusual one and I think is a missing element, and there need to be greater protections around that. To the point of Deputy Tadier, rental references, I completely agree. Another one that I faced in the U.K. (United Kingdom) as a tenant was as I was from Jersey I needed a guarantor. So I put down a deposit and I need a guarantor. Now, I am not familiar with the position on guarantors in Jersey law. If we have a system for guarantors, clearly that would need any greater regulation, and again do we need guarantors at all on tenancies? We have ways of pursuing people who do not pay contracts. The need for a greater and better quality standard contract provided by Government: I have gone through not the one in law but the one provided on the government website and it is not sufficient for widespread use, so a better contract management for standardisation of contracts. Staying on the topic of charging, yesterday we heard about the fitting of carpets in properties and I think clearly that is a hidden charge again. I might probably disagree with the comments of the Minister for Social Security on the interest in fitting flooring. I think you want to arrive at a home and again have the security and certainty as to what you are having, so perhaps another part missing in this White Paper that needs to be included as a greater protection for the tenant. Deputy Tadier's butter rationing: I got some - I would call it - stick from other Members in the tea room, the coffee room, about this rationing. I proposed that maybe

we need a progressive taxation on ownership of property because it is a constrained market and you do not treat it as any person's right to own as much as they like of anything, whether it be owning every taxi plate so you can control the market, whether it be owning all the butter in the Island or owning all the properties. I think while not in this White Paper and maybe not in the scope of this, I would absolutely support a look into do we need to consider the ownership of property and the cumulative ownership of property far greater as a regulated area, and I would suggest looking into that. Finally, I would echo what Deputy Feltham has said. This is a place clearly I think we can raise valuable comments that are missing or need amendment in this White Paper and I would urge Members to turn their lights on and talk.

#### **1.2.5 Deputy M.R. Ferey of St. Saviour:**

I rise briefly to clarify a piece in Deputy Tadier's speech where he indicated that Social Security would pay pretty much whatever landlords demanded. I would just like to remind Members that all private sector rents are capped for income support purposes and about half of private sector income support tenants will get their full rent covered. The other half will need to meet the balance of the rent costs themselves. I think it is important to get that point across clearly.

#### **1.2.6 Deputy E. Millar of St. John, St. Lawrence and Trinity:**

I would just like to make a couple of observations. As Deputy Feltham has mentioned both today and yesterday, this is an old problem. It has been going on for decades and it arises because, as Deputy Ward says, of the nature of the Island. We have more people than we have houses, it would appear, and supply is really an essential item in this debate that we have to address. We need to find a way of providing good quality houses and homes for people who live in this Island of all natures. I think we also need to think ... and I do not think it is right. I think Deputy Tadier's assertion that there are people in this Island who have £100 million cash in the bank and are using that buying up hundreds of properties which they then behave like Rachman, that is just not ... I just do not believe that is the case. We do not have lots of landlords in Jersey behaving like Rachman. I think we have to remember in all of these that there is no one-size-fits-all because there is no one single type of landlord. There will be people who own many properties. There will be companies. There may be individuals who are buying multiple properties to let out and that is their business. But there will be many other people who do not, who maybe buy one property as their pension plan and it is their income and their pension, it is their capital, it is there to help them with their pension as they age. There may be people who inherit property and who then do not want to sell it or for whatever reason decide to let it until such time as they or a family member want to move into it. We have to bear in mind that all landlords are not the same. Deputy Tadier told us yesterday that his family and his wife are very good landlords. Deputy Mézec said that he clearly has a very good landlord because he has a very good contract. Now, perhaps Deputy Mézec is an exceptionally skilled negotiator and the landlord really wants him in the property, but perhaps he is just a good landlord. There are good landlords out there who are not simply in existence to exploit their tenants. I think the other thing that we need to remember is that there are some tenants who have money and who can pay rent. Those are more limited, I accept that. There are properties in Trinity that I was told recently have a rent of £5,500 a month. Now, I find that absolutely staggering that somebody can pay £5,500 a month in rent. I imagine those people have somewhat more control and have a much more even relationship with their landlord than others. I think it is really important when we are looking at rents and what we do with rent ... because rent control again, it is not a new problem and it is certainly not a unique one. The Government in Scotland is trying to deal with that and it is not clear that that is producing the effect they want. London and Manchester, their mayors and people in London and Manchester are looking for rent control, but my understanding of the evidence is that it can do more harm than good. What we really do need to focus on, and I think this is absolutely right, is looking at the nature of the property. It is important. I agree with Deputy Ward, we cannot have people living in substandard accommodation, and again this is not new. I remember coming to the Island in 1996

and I would just say: “I am an immigrant.” When I came here I could not buy. I had to work and pay tax and pay social security and I was told I had to wait 20 years. I understand why we have those laws. We have those laws to protect the local community because if we did not, then local people would never be able to buy because we would be awash with very rich people from other parts of the world. I understand why we have that, but we need to think about the people who are coming here, seasonal workers or not. We cannot have those people living in boxes. We cannot have them living in substandard accommodation and we certainly cannot have them paying through the nose for accommodation that I would not leave my dog in, frankly. That is what is important and that is another part of the piece. It is beyond rent. It goes back to I think Deputy Renouf’s plans as to how we make sure that we have appropriate and satisfactory accommodation for everybody. Once we have that, we also have to look at the rents. So there are numerous aspects here. It is not an easy problem and it is not a problem solely of this Government. Governments have been grappling with it since the 1970s, as we have heard already, and we just all really need to try and work together and get to solutions for this.

### **1.2.7 Deputy L. Stephenson of St. Mary, St. Ouen and St. Peter:**

I just wanted to take a moment to just focus on not just the what may be introduced but how we introduce it. I do not mean to suggest about overcomplicating things or delaying them, but I just wanted to touch on a group of people who are living in our Island perhaps paying below the market rate but accepting that substandard accommodation that we have all talked about and we all seem to quite clearly agree is unacceptable. I share this because I have a family member who was in this situation and lived in a property for 25 years and moved out last year. The rent increased. It went up 3 times, the rent was, compared to what they had previously been paying, once they moved out. I share that example because there is a group of people in that situation and I just want the Minister to be aware of that as we move forward when we look at how we start introducing these things and to avoid the unintended consequences we heard bits of yesterday as well and consider what some of those may be and the type of people they may impact, how they may impact them, but also particularly where we end up with this, how it also interlinks with the work that the Minister for the Environment is conducting on the private rented dwellings. Again, I think there is broad agreement that we need to look to how we improve standards and work together on that, but these 2 pieces of work are so interlinked that I think we need to make sure that those conversations happen together and all those unintended consequences are considered very much in the round. So, really, I just rise to encourage the 2 Ministers and those around them to work together very closely on this and to bear in mind that group of people when we consider the “how” we do this who could be impacted and where we are drawing the line in the sand. Are we trying to create a reset here or are we moving on from where we are now I think is quite an interesting question in all of this.

### **1.2.8 Connétable M. O’D. Troy of St. Clement:**

Thank you for letting me stand. I have not written a speech because I was prompted by the fact that it is not *de rigueur*. It is probably a mistake. I do know a little bit about the situation because I have worked for a few years for an agent in town and I know both sides of the story. So I am going to let people know a few facts of life as the Constable of St. Clement sees it. There are a few very bad landlords. There are a few very bad tenants. But they are a small percentage of both and I think we need to have more focus on searching out the bad landlords and bringing them to task. Similarly, I think the landlords have to have enough powers to justify the rent for the bad tenants and do something about them if they misbehave and trash their premises. A few things I need to tell you also about the market. The market exists but it is not fixed. So for Deputy Ward - I hope he is listening - the market is fluid. No matter what you do to tinker with the market, it will find its own way. It is like water. So if you fix rates for the landlord, they will find their way around it. So if you have a tenancy which says you pay your rent and that is it and there is a maintenance charge on the building or whatever, the landlord will say: “Okay, for my next tenant I will charge you for your

whitegoods. I will charge you for your electricity. I will charge you for your water”, et cetera. So I think we have to be very careful with the amount of legislation we put across. I have seen some shocking premises in town. Mostly those are in lodging houses. We have not talked also about those people in the Island who do have multiple premises. I do not; I have one unit. I have not charged more than 5 per cent for the last 3 years. In fact, I gave rent free for 4 months to the tenant because his business was on hold because of COVID.

[10:45]

There are more good landlords by far and away than there are bad, and one of the problems the landlords are going to have at the moment is if we fix this quickly and in legislation say: “By such-and-such we are going to do this” there are a lot of landlords that are going to have to catch up because they have not been charging for the last 3 years the going rate for these premises. So what you could do is you could suggest by a scale of charges what you might charge for one bedroom, 2 bedroom, et cetera, but the other problem is that, further than that, there are no 2 bedrooms in town or anywhere else that are the same. There are no open-plan premises, 2 bed roomed or otherwise, that are the same. There are no houses the same, and all the conditions are different. What you must do for the tenants’ point of view is you must make sure that the quality is a reasonable standard of living and that there is no onerous problems to do with Legionnaires’ disease, to do with damp, to do with any other problem, nuisance problems, people running businesses, et cetera, next door when they are not allowed, all those situations. You have to be very, very careful. Now, why did the loopy Constable from St. Clement abstain from the vote yesterday? It was because I wanted to hear more comments from other people before we set down in legislation what we do not all know everything about. So why did we have a vote yesterday? We are talking about stuff we have not heard of from various people through today, so the vote should be we look at the White Paper, we send in our documents, we ask our tenants and our landlords to write in to the Minister and give their points. I will be writing a paper because I met up with some people from Le Clos Mourant. I am trying to form a residents’ association in Le Clos Mourant. I have been in touch with Le Marais because when they were refurbishing I wanted to see what quality refurbishment Andium are doing and I managed to change an element of the shower situation which I felt was dangerous. I wrote in and I said the showers are going to cut people to ribbons because it is glass up to the hips, and they sorted it out. That is the way you do things. You should communicate. But I think too much legislation is going to drive the landlord away and I will tell you for why, but I will also give Reform a tip which nobody knows about. So the landlord is going to be driven away because he is going to say: “Look, I am only getting 2 to 3 per cent off my stock and I can get 4.5 per cent at the bank.” I do not know if you realise but some of the private lenders through some of the managers in town can get you 8 to 10 per cent on your money if you are lending private money. But the reverse tip is this for Reform: when a landlord says to you: “I am only getting 2 to 3 per cent of my asset” - say it is worth £1 million and I am only going to get 2 to 3 per cent - he is valuing on the current market. The majority of landlords bought these premises 10, 20, 30 years ago. If you equate that return to the house that is now worth £1 million but when he bought it was worth £500,000, his return is far better. So that is just a tip for Deputy Ward, Deputy Tadier, et cetera. It is a vast and complicated situation. But too much legislation is going to lead to less landlords, which we desperately need, and I think less legislation, protect the tenants with everything that we have, allow the landlords to balance their return with the amount of money that they expend, and that is for my money the only way to do things.

### **1.2.9 Deputy M. Tadier:**

This will be brief because I am doing it partly in response to what has been said but also partly because I was cut off unceremoniously at 15 minutes and I did not speak in the first round and also it seems like nobody else wants to speak at the moment. So, just on the single issue of Mydeposits, I thought Deputy Alex Curtis was right in that. I do not think it is right to charge the tenant for the privilege of keeping the money safe. You could argue that it is primarily of benefit to the tenant and



it is a scheme that was set up for them, but I think it is a scheme that benefits both parties and I think it is the correct thing to do. I think we could be more imaginative about just simply using an off-the-shelf U.K.-based scheme which accrues, no doubt, a lot of interest. I know that they have running costs to pay for, but it seems to me that I do not know the exact amount that is kept in Mydeposits from Jersey tenancies at any one point but I speculate that it may well be in the hundreds of ... it is millions of pounds, I would have thought. The Minister will be able to clarify that. I would have thought it is within the tens, maybe hundreds of millions, but I could be way off there. That money could be kept in Jersey. It could be kept ... because those tenancies which come and go are sitting in a bank account and they can at least accrue interest and they could also be used for investment purposes. Could it be that there could be some kind of in-house scheme that the Minister runs directly or at arm's length and could it be tied to this eventual tribunal, which we have decided to set up yesterday but which we have not given the Minister any power to do? Who knows, when that comes back maybe we will vote against it again because it might not be the kind of tribunal that we want or it might not have the teeth or it might not have the law behind it to do anything with. So I would say we could be a bit more imaginative and I do think we should proceed with caution because the benefit, of course, of having an off-the-shelf scheme is that they already run it. They know what they are doing, and I think all parties kind of know where they are with it, but we have heard problems about the length of time it can take to access deposits back from Mydeposits and that is not satisfactory for either party. It is just worth noting, by the way, it seems a bit mad to have all this money sitting in bank accounts that nobody can do anything with. I heard comments in the past from one landlord who said that he likes having the deposit because he could then use that. He could use it to pay for maintenance, et cetera, and arguably he could use it to keep rents down, he would argue. But you have this money effectively just sitting there doing nothing and not only is it not gaining interest, we are losing money from it. If you have a £1,000 tenancy per month or £2,000, it is a fixed sum so it is relative to that. I am probably labouring the point on that. It made me think about carpets. Why is it that we seem to have downgraded our social housing to the point where private landlords - and I have rented, I said it the other day - you go in there and I would be completely vexed and mystified if I went into a kitchen and it was unfurnished but it did not have flooring on it, so if it had a concrete floor and there was no laminate or carpet at all. This idea that tenants might want to put a red carpet in because it goes with their red sofa or whatever sofa, there was a demand and a requirement in the past that you just have relatively neutral colours. So you are given a selection of pastels or magnolias and that is what you have to paint the walls when you leave. You have a magnolia-type carpet and, of course, if somebody is going to be in Andium for 20 years, you speak to the landlord and say: "I want to put a different colour carpet in" and they say: "That is fine and we will deal with it at the end of the tenancy." You have to leave it in good condition, but carpets form part of the usual wear and tear. Those are not furnishings. I just wonder whether we get into the ridiculous situation in the future of saying: "You have to provide your own roof now." What is all that about? Well, the tenant might not want tiles on their roof, they might want thatch. They live up in a certain area of the country and a thatched roof might be what they want because they have loads of money kicking around. So they will go down to Social Security and say: "I would like to have a loan, please, to put thatch on the roof" because it is unfurnished, you see, it does not come with a roof, it does not come with windows, you have to put your own windows in, your own double glazing. Where do we draw the line? I think the reason that this issue of carpets comes back time and time again is because it strikes a chord with people as being so ridiculous that we are treating the most vulnerable people in our society who move and they do not have any money necessarily, any savings, to pay for the basics. Is that what we have become in Jersey that we ask our social tenants to provide their own flooring and to go cap in hand to Social Security? I would say that is not good enough. The private sector does not do that and they must be looking at Andium thinking: "You lead by example, please." We have to get past this idea of good and bad landlords and good and bad tenants, not simply because it is an oversimplification but because it does not deal with the root of the issue. So I completely accept the reality of being a landlord or a tenant and that you can have good, bad and indifferent experiences

across the spectrum. But the bottom line is that even if all tenants and all landlords were perfect and behaved perfectly, there would still be an issue because it is a systemic issue that we have here. It is a systemic issue with availability, with affordability and with quality control, and those are the issues that the Minister needs to deal with. So he needs to be thinking about scenarios which deal with both the perfect scenario and also very imperfect scenarios so that there is a response. I hope Deputy Mézec will not mind me saying it today, but he has gone off to represent somebody I think and to help them in a tenancy issue in the Petty Debts Court, and I have been in exactly that same position. This is talking specifically to the Residential Tenancy Law so I hope it is okay to do this at this point, but it seems that there is much good in the Residential Tenancy Law but the problem is the resolution mechanism, to have to go to the Petty Debts Court effectively, the housing division of the Petty Debts Court, to raise an issue. Of course, it is open to either party, the tenant or the landlord, to ask the court to resolve any issue, and it is very broad so that the court can resolve or intervene on any issue that it sees fit to do with a tenancy matter. First of all, a lot of these issues do not get to court because it is often unwieldy. The bureaucracy that surrounds it I found can often be off-putting to both parties, so it is helpful to have the threat of that I think sometimes but the practice of it is much more difficult. The reality is when you go to court ... and I have been in that situation with my tenants, who I think I have talked about before, not my tenant but the one that I was representing, a constituent. Of course, the court found itself reluctant to use its powers. I said: "You can do this if you want to and I believe you should do because it is in this grey area you should be deciding" and they said: "Well, we do not want to do that because effectively it would be setting a precedent." I think it goes back to the words of Deputy Bailhache later: "*Les convention fait la loi.*" There is this idea that courts do not really like to intervene in private matters where there is a contract because they very much see ... they go back to the contract and it is really for both parties to try and resolve those issues. So I think it is fundamental that we have as many protections that are automatic that say this is what must be in a tenancy agreement, which is already the case in the Residential Tenancy Law, and this is what cannot be in a tenancy agreement, and then everything else, of course, gives some latitude. One classic example is, of course, and I have heard tenants say this to me: "We are not allowed to put shelves up where we are" and I say: "No, you are allowed to put shelves up because the Residential Tenancy Law says that you can put fittings and you must not be told in your agreement that you cannot put fittings and fixtures on the wall. It is simply that you have to put it back in the same fair state or good state of repair as when you moved in." So it is about making sure that all parties know about their rights and that it is clear, so I think the education programme around that is perhaps quite important. I would like to see things as standard, which you get in Europe. So if you are looking to rent a property, it will say automatically what the square meterage of the place is, so you will be able to compare. You are looking through the small ads, especially if you are recently arrived in Jersey, and you say: "This property, this home for me is 25 metres squared. I can see immediately that one is 35 metres squared" and you already have an idea. I think we need to get to the point, looking at the Minister for the Environment as well to tell him, that the other point is that you need to be able to compare the energy efficiency rating. It is beneficial to those landlords who have invested in their properties. It should be an automatic way to say: "This has a green A rating. I know that I might be paying an extra £100 a month for this place but I am probably going to be saving loads of money in the winter because I will not really need to put the heating on until maybe January or February time." Similarly, you can add that all up. So I think those things need to be *de rigueur*. In Jersey, we should be doing best practice and I think those are the low-hanging fruit. There will still be some resistance I think to any kind of regulation. These things do not just apply, of course, to rental properties. I think it is good for properties in general to know which ones are the ones that have been upgraded.

[11:00]

The last point I do want to make is that I cannot let it go without challenge this idea that we hear constantly, and it is becoming a mantra, that if we intervene too much in the market then the landlords will just sell up and that will make the situation worse. I say: so what? So what if the landlords sell

up? Do the houses evaporate? Does a beam come down from outer space and suddenly those houses are obliterated and they are just removed from the landscape and the market? No, I do not think they are. What is the reality? If a landlord can effectively say: "I am holding the economic and political system to ransom and if you ever change anything I will simply not rent any of my properties out," well, it tells you the fact that these landlords must be pretty well off if they can just leave properties lying around empty for ever. Of course, there are other mechanisms that the Government can use. So the Minister is looking at empty property taxes, so the Minister will then say to those landlords ... if it happens. I think it is so fanciful that that would happen. You say: "You know you cannot leave that property empty because there will be taxes and there will be cumulative taxes if you leave it empty" because we have this housing shortage that I referred to earlier. But simply what will happen in reality is that they will say: "I do not want to be a landlord anymore, I am going to sell up and I am going to move away and do whatever." Someone will simply just buy that house and they will live in it. They will either buy it and live in it as a homeowner or they will buy it as a landlord and they will rent it out to somebody else. That is what happens. So it is the emperor's new clothes, I think, when we are told this all the time is that it just takes the little boy from St. Brelade ... which is a constituency, by the way, for us, not a Parish. So the people who I represent are constituents and the constituency happens to be in the Parish of St. Brelade. We have one representative for St. Brelade here, who is the Constable, and he has parishioners. We are not vicars, we are not Constables, we are Deputies and we are Deputies for District No. 2, which happens to be in St. Brelade. It is a Parish; it happens to be a Parish. But we are digressing here. It is not for us to have this little side argument here about the districts. But the reality is that whoever we are representing and wherever they are in the Island, we know that housing is the one single issue which everyone I think has told us that they are struggling with. I think that my message to this Government, if they are listening, is we know the reality of it. We are a party of 10, Reform, in this Assembly. The Better Way are a party of 4 or 4½ I think last time, yet they are the ones who are leading the way. It is up to them whether they want to listen to what is being said here or they only want to listen to the non-Reform voices or if they want to control it with their Cabinet Office, which is controlled by the Better Way. But I would say be bold and make decisions that are determined by intended consequences and do not be scared by whatever interest groups have perhaps over-dominated up until this point, but make decisions that you know will have consequences because that is what we do for other things. When you brought the mini-Budget, you did it because you knew that urgent action was needed. When we legislate in other areas we do it knowing that there will be intended consequences, and I think simply that would be my message to the Better Way White Paper.

**The Greffier of the States (in the Chair):**

I have next on the list Deputies Howell, Jeune and Scott and then I suggest we move on to the third area of discussion.

**1.2.10 Deputy A. Howell of St. John, St. Lawrence and Trinity:**

Just to say I would like to disagree with some of the things that Deputy Tadier has just said. I do think we need to take landlords with us as well as tenants and I very much endorse what the Constable of St. Clement has said this morning. I just wondered as part of the discussions and the consultation if you could look at repairing rents because I do think for some people those are quite hard because they are having to pay their rent and they are also having to pay for all the maintenance and repair of the roof and the downpipes. I just wondered, please, could you look at that in your consultation?

**The Greffier of the States (in the Chair):**

Deputy Porée, if you leave us we are going to be inquorate. I do not know if there are any Members in the tea room who can return to the Chamber, but we are not going to be quorate.

### **1.2.11 Deputy H. Jeune of St. John, St. Lawrence and Trinity:**

I will be brief because I do not need to do some political grandstanding. Instead I wanted to be clear that I did quite a lot of research ahead of this debate. I think it is an extremely important issue and one that I talked on yesterday that was very much part of my manifesto, as is many politicians here today. But I also did research because many countries and jurisdictions have already grappled with this issue and they have already introduced different rent control between first, second and third generation, as the Minister for Housing and Communities has mentioned yesterday. I have not heard that today going into those different kinds of rent controls and the fact that we have had different feedback on jurisdictions where that has had different impacts. Interestingly, last week I was with some members of the Scottish Parliament from different political parties who expressed their concern and regret of how they have also been grappling with this issue in Scotland and how they introduced rent control. This is not cheap public policy. This is really a serious issue that I think we really need to spend time. I thank the Minister for Housing and Communities for starting this consultation process so we can really understand what is best for Jersey and taking those different examples from jurisdictions, not only looking at the U.K. but also, of course, throughout Europe as well. So, first of all, I wanted to say that the third generation rent control, it is probably the softest of the rent controls that there is, so I am fully supportive of even starting there. I would have hoped to have heard support from a number of colleagues in front of me for even introducing that first step and that third generation. Then, from there, we could say maybe Jersey could go further, we do not know, and it is something that it would be good to explore and have a bit more analysis and understanding of what else is out there. Also maybe there are other ways of doing it as well, not just having first, second and third generation. Maybe we could come up in Jersey with a fourth generation and that is something that hopefully can be teased out in a couple of months, in the coming months when we are discussing. But I wanted to come back to ... and Deputy Tadier kind of mentioned it but he talked about aliens coming down from the sky. I have come to it from evidence based in the fact that when you look at the different rent controls being introduced in different jurisdictions you do not see investors moving out. You do not see landlords moving out. I think we have to see that when we have opponents about rent control we can say: "Look at the evidence of other jurisdictions when they introduced different levels of generations of rent control that investors have not run away from the market, they have stayed there." What they need and what I have been reading about in preparation for this debate is that what they need is understanding of the legislation. They need to know that it is not piecemeal. They need to know that this is what is coming and this will not then change in the next few months. So I think that is what is really needed is that understanding of once we have this that it is a solid piece of legislation that we will not be tinkering around the edges. That is why I think we need to be as ambitious as possible but also ensuring that it is fair for all and when we are hopefully introducing some kind of rent control that we make sure that underneath that is the infrastructure around monitoring and enforcement. Many times we are seeing that we have legislation in Jersey but that bit, that enforcement, usually falls down short and we hear that there is usually a big gap between that follow-up to anything when there are breaches. I think that is really important to build that into the discussions.

### **1.2.12 Deputy M.R. Scott:**

I just thought I would follow up on Deputy Tadier's speech again, although he did leave the Chamber after making it so he may be somewhere in the building. But basically he asked the question: so what if landlords sell? What will happen? It has also been suggested by Deputy Jeune that perhaps things could be fine if we had rent controls because landlords will not respond to them. That is very contextual and I will come back to that. But what will happen if landlords sell? Well, okay, there will be plenty of properties to buy. Who is going to buy them? I do not think that is going to stop the exodus of locals who cannot afford to buy because at that point you have to look at the actual models by which they can find the money to buy those properties. You have to look at what banks are prepared to lend. You have to look at their salaries. This does not really resolve the situation.

Who will buy those properties? Maybe other people who can afford to buy them, but who says they are going to want to rent if the actual laws are such that they are not attractive? Maybe they will do other things with them. Maybe they will make beautiful parks for all the wealthy retirees that have come to this amazing retirement colony called Jersey, but I do not particularly want that and I am sure a lot of people in the Chamber do not, too. So I do believe we just need to be aware in terms of thinking through these consequences. With Deputy Howell, she had raised this concern about repairing leases. I do believe that they are rare, but I do happen to agree with Deputy Tadier that it really would be helpful to educate tenants on these matters. I do not know how you can make this information available, but basically they are things that most people know are to be avoided and quite whether there might be some additional notices that might be included on rental agreements that have those terms and warnings, that could be a consideration. Just coming back to the basic idea about rent controls and the effects they have had in different jurisdictions, sometimes I notice there has been comparison with European jurisdictions and the way in which some of them control rents. Again, I really think and suggest that the context in terms of both economy and the ability of Governments to support these sort of models needs to be taken into account. Jersey is a very, very different jurisdiction in that respect and, in that, looking at housing supply itself and the extent to which Government supports it. So it comes back to that element in which Jersey, dare I say it, has failed in terms of social housing. It also comes down, and again I have raised this before, that there are very different types of planning regimes in the continent. They tend to use codes, not this kind of system that we have seen in the U.K., which itself has certain problems in terms of population and rents at the moment. So, again, it will not be the last that you have heard from me in terms of perhaps it really is time to rethink our planning system.

### **The Greffier of the States (in the Chair):**

Very well, then we move on to the third section: Minimum expectations for provision of social housing. Minister, do you wish to introduce this?

### **1.3 Deputy D. Warr:**

I would just like to say thank you to all those Members who have spoken here. I know a few have spoken more often than others but I do really appreciate it. All the input is so valuable and it will definitely go towards our consultation, so it is really, really interesting. So we are into minimum expectations for provision of social housing. This part of the debate will focus on bringing social housing providers into the scope of the new Residential Tenancy Law. I think this is quite a change so it has been really highlighted by recent events. Social housing plays a vital role in Jersey's local community providing subsidised high quality and secure accommodation to those in housing need but there are currently no substantive legal provisions that define what a social housing provider is or address the minimum requirements and standards expected of social housing providers. This is out of kilter with the important role they have in the lives and well-being of thousands of Islanders which I believe should be recognised in legislation. We have a social rental sector in Jersey that we can be proud of. I also want to acknowledge that during COVID a number of social housing providers applied voluntary rent freezes. In my paper I set out the benefits for tenants in the social rental sector, as well as the high standards achieved by social housing providers.

[11:15]

For example, many rents in the social sector fall well below the 80 per cent ceiling of the social rents policy. Social rents charged are also acknowledged fully under income support. The maximum rental caps imposed on private landlords are not applied. Social housing providers are exempt from paying income tax on their rental income. Decent home standards are achieved across most of the social housing stock. It makes sense for me to single out Andium Homes, given it is a States-owned company. Andium is well regulated through its relationship with Government that is underpinned by a Memorandum of Understanding. Andium has robust measures in place to ensure that it conforms

to the 80 per cent rent policy. Andium also applies an annual rent adjustment policy which is a form of rent stabilisation with a floor/ceiling rent increase cap that can adjust to periods of high and low inflation. Historically, there have been attempts to regulate the social rental sector. I want to be clear that I am not pushing for some sort of overarching social housing regulator, rather I want to take a more proportionate approach where there are clear minimum standards set out for social housing provision. I think this can be achieved by formalising existing social housing policy and, where needed, improve the current arrangements. Many of you will be aware of the recent situation where Jersey Homes Trust tenants saw their rents increased at short notice. Gladly, with discussion and careful consideration, Jersey Homes Trust did the right thing, increasing the notice period to 3 months and fixing the annual rent review for the same date. These new arrangements will give tenants more certainty and more time to organise their finances and investigate whether they can benefit from income support. The situation with Jersey Homes Trust has been instructive and underlines why it is important to establish a baseline under the new law that ensures this type of situation can be avoided in future. I also think it is important that other individuals or organisations who aspire to become officially recognised social housing providers should know what is required of them. I think there is more work we can do to set out the pathway to be recognised as a social housing provider. I want social housing providers, both existing and in the future, to be better placed to demonstrate their social value. Consideration will of course be given to the most appropriate means for setting out minimum expectations for social housing provision, whether this be through an order or perhaps through codes of practice. I will be talking to each social housing provider, along with the Parishes who also have a stake in the future of social housing provision, to determine inclusively the best way forward. I look forward to this discussion.

### **1.3.1 Connétable A.S. Crowcroft of St. Helier:**

It is not strictly relevant to the provisions in this part of the White Paper but I thought that it will be worth reminding the Minister of his commitment to ensuring that people living in social housing have not only access to the best possible internal facilities in their homes but also that they are adequately provided for outside their homes. Members will know that I have been trying to persuade the Government that extending the Millennium Town Park in the north of town would be a really good way of achieving that important access to open space that is so important for the health of people living in social housing. We saw that particularly during the pandemic when our open spaces were even busier than they are in normal times. The Minister does not need me to remind him that doubling the size of the Millennium Town Park was in his election manifesto and it is unfortunate that some Members of the Government have moved on from that part of our election manifesto and have decided that every possible space in the north of St. Helier should be built on. We had a debate not so long ago about the possibility of using the Play.com site for a school, a primary school, which would allow the Millennium Town Park to grow and increase its size and, alas, that was defeated. Even the feasibility proposal was defeated in this Assembly with 4 St. Helier Deputies voting against it, which is quite extraordinary. Open space is so desperately needed in St. Helier and it is going to get worse. Anyone who has walked around the Art Centre recently and seen the kind of developments going on, who have seen the Mayfair Hotel, or what was the Mayfair Hotel, which is also going to be dense housing, the Play.com site, more dense housing, it is really going to be intolerable in that part of St. Helier. To say that at some point in the future we can knock down Springfield School and have a pocket park there and even put one further up the road is not the same thing. The opportunity to double the size of the Millennium Town Park should be seized upon. I would urge the Minister, as he reviews the provision of social housing, to consider the access to external spaces as well. Members will also know that I have been protesting a lot lately about the rights of people living in housing in St. Helier to have access to a motor car should they wish to. It is almost unfashionable these days to talk about car ownership because we are told that this is a very bad thing, particularly in St. Helier apparently. It is okay if you live in St. Mary to have as many cars as you want but not if you live in St. Helier and not if you live in social housing. Again, the provision of a garage for

those who want to escape the town at weekends and to escape the Island in the holidays is an important part of their right to live in town and I would urge the Minister not to leave out these important provisions in the legislation that he brings forward.

### **1.3.2 Connétable M.K. Jackson of St. Brelade:**

Just to speak briefly on this element. I think we need to be careful what we wish for. I say that in the light of the developments we are seeing, in particular Horizon opened my eyes to it when we were taken around there by a visit some months ago. I did think to myself at that point: “Are we creating ghettos?” and I think there is a great risk of doing that so that we can tick the box of saying, yes, we provided accommodation, but is this accommodation going to cause us serious issues in 20 or 30 years? So I think we need to look to the future and just think of those consequences and the effect they might have on society in general. I raise the point, if you perhaps are on the 5th floor of a particular building, wherever it might be, faced across the street to another apartment on the 5th floor of a similar construction, how do we manage the, shall we say, volume of the Wi-Fi and the consequences of that sort of thing? Will they be managed by the housing provider, by the management body in charge of the flats, but I just envisage a lot of this reverting to the police, and particularly the Parish Honorary Police, to have to deal with. So I would just ask the Minister for Housing and Communities in his deliberations to consider the future consequences of social housing developments.

### **1.3.3 Deputy L.V. Feltham:**

Despite promising earlier that I would not speak again, due to the seemingly lack of interest from other Members, I felt compelled to put my light on on this very important subject. Social housing, I am really pleased to follow the previous speaker because I absolutely agree we need to take care in what is available and what we make available under social housing provision. One of the things that I am concerned about is that there seems to be a focus on providing small apartments, and many working families are likely to require social housing provision and that affordable housing that social housing providers provide. So, I am very conscious that there has been ...

### **The Greffier of the States (in the Chair):**

Sorry, to interrupt you, Deputy, but we are not quorate, even counting our one Member who is joining us on Teams. I wonder if any Members in the vicinity could please rejoin us in the Chamber.

### **Deputy S.G. Luce of Grouville and St. Martin:**

Could we have a roll call, Ma'am?

### **The Greffier of the States (in the Chair):**

We are now quorate but if we continue going inquorate then, yes, Deputy, we will have a roll call. Sorry, Deputy, I interrupted you.

### **Deputy L.V. Feltham:**

So, with regard to social housing provision, we also need to take care in the quality. I am conscious that people going into social housing are being placed with certain providers via the Housing Gateway and very often will not have a choice which provider they will be placed with. With that in mind, I am very surprised to hear the Minister suggest that he will not be proposing regulating social housing providers, as I think that that is entirely necessary. These providers are almost being given a service by the Government, a free real estate service whereby they have tenants on an ongoing basis being placed with them, and the Government is not charging agency fees; in fact, they are subsidising the rents and subsidising the providers. Also, there are special provisions and, I understand, letters of security around any loans that social housing providers take out. So, I think with all of that in mind, we absolutely should be looking at how those providers are regulated. We also need to look at how much of the social housing provision is within the public ownership. Unfortunately, I do have

a long memory when it comes to social housing provision as I happened to live with the president of the Housing Committee when housing trusts were first formed. I remember there being lengthy debates at that time about what that provision should look like, whether it was right or wrong that social housing should be provided by private providers. Again, some form of regulation and definition around social housing providers would help some issues that we have just seen recently come to pass as well. Again, I remind the Minister, that regulation of housing, it is not a new thing; there is regulation of lodging houses. While that is not within this paper, I would urge the Minister also to look at how the current regulation of lodging houses could be updated and reviewed and how that is working. As a member of the Migrant Workers Scrutiny Panel, I have noticed that what seems to be dwellings that should be registered as lodging houses potentially are not. I did ask the Minister a written question just last week on that point. Unfortunately, there does not appear to be a process to ensure that all dwellings that should be lodging houses are indeed registered and regulated accordingly, so I would urge the Minister to bring forward proposals fairly quickly on that. I would imagine that would be fairly easy to do. If the Minister does not bring forward such proposals or such regulations in social rented housing, then I certainly will.

#### **1.3.4 Connétable A.N. Jehan of St. John:**

In opening I think it is worth reminding ourselves of the Chair's foreword in the Housing Policy Development Board link that was attached to yesterday's proposition. I was surprised it was not referred to yesterday: "A home is a fundamental human need and a basic moral right, as vital as education and healthcare." That statement was attributed to Shelter England. Yesterday morning before I came to the Assembly I spoke to a guy in the St. John's store just at 7.00 a.m. I asked him how his weekend had been. He told me he had been working all weekend and he has to work at least 60 hours just to pay his rent. I often see that same person working in the St. John's Inn in the evenings, a very hardworking person. He does not have a lavish lifestyle; like so many people he has to work so hard. I hold a surgery every Wednesday evening and I would say that housing is the biggest issue, closely followed by speeding vehicles, but housing is the biggest issue from both young and old alike.

[11:30]

The issues are not restricted to younger people in our community. I speak to some more mature members who can no longer afford their rent in some cases, and others who have got homes, family homes, just simply cannot afford to maintain those homes. I think when looking at housing associations, I would also like the Minister to consider sheltered housing because many of the parishes do provide sheltered housing. A lot of these people stay in their family home because they want to stay in what they consider to be their community where they have raised their families, where their friendship groups are, where their clubs and associations are. I really do think that we need to think about sheltered housing as a separate category. In St. John we allocate sheltered housing on a points basis so it does not matter what colour your eyes are or how long you have known somebody for, it is all done on a points basis, so I really do think that in addition to the housing associations, you do consider sheltered housing.

#### **The Greffier of the States (in the Chair):**

Does any other Member wish to speak? If no other Member wishes to speak on this section, then I suggest we move to section 4.

#### **1.4 Deputy D. Warr:**

I know this feels like a bit of an endurance test but we are getting there. We are on the fourth section so it is well worth the wait. So this one is on powers of investigation, offences and penalties, and creation of a housing tribunal. Just quickly, I know I am being slightly glib there, but I hope the Assembly really appreciates just how complex all of this is, how many different facets there are, and



this is just giving a taster really of just how all these little bits interlink, and the dangers of making policy up on the hoof or, I forget now what it was, something by the wind. I think Deputy Southern termed the term yesterday. This part of the debate will focus on the creation of a housing tribunal, as well as consideration of how offences and penalties are handled under the new law. I want to establish a housing tribunal composed of independent, fair-minded, and knowledgeable Islanders able to consider cases, make recommendations, and determine the outcome of a variety of tenancy issues, including rents but not limited to rents. I believe there would be a considerable public benefit in having a dedicated housing tribunal, one able to make judgments on more nuanced housing matters, as well as establishing a measure of consistency in its rulings. There is also good reason to believe that a housing tribunal would offer a less combative, less intimidating, cheaper and more efficient means of resolving disputes, particularly in circumstances where the tenant/landlord relationship has broken down. At this stage I have not fully considered how the tribunal will function but I will be looking at other tribunal services in Jersey which are considered to work well. My officers will be liaising with the Judicial Greffe to that end. I was asked last week about the makeup of any future housing tribunal which was discussed in detail during the debate to reintroduce the rent control tribunal earlier this year. As was the case then, I continue to be of the view that we would be limiting our ability to recruit people, perhaps the right people, if we introduce some sort of quota system that requires tribunal members to come from a particular sector or organisation, but I am open to suggestions. Turning to the issue of offences and penalties in the new law, my proposals have already benefited from some oversight by law officers who advise that the law drafting instructions needed to be more heavily weighted towards civil penalties with some criminal penalties retained for more severe breaches. This is the approach that is being progressed. We have an experienced regulation standards team in government. They have always been willing and able to investigate breaches of residential tenancies but the fundamental problem under the existing law is that they have lacked the tools to adequately enforce the law. This is something we need to put right. I want the new Residential Tenancy Law to offer clarity on the rights and responsibilities of landlords and tenants with an emphasis placed on resolving problems before they become serious. Laws can be complicated to understand. Where appropriate, I think we should make use of codes of conduct to communicate best practice in language that is accessible to all parties. Returning to the housing tribunal, its eventual scope and powers will need to be carefully considered. My paper outlines possible scenarios in which the tribunal may operate. While some matters could be dealt with by the tribunal, there may be some cases that will need to be referred to the court. The tribunal will need to be part of a coherent compliance pathway for residential tenancy matters. It will need to complement the role of government officers and the courts. This is probably the most complicated area to work through and will require careful consideration and expert advice from law officers. I will leave my remarks there and welcome the Assembly's thoughts on these issues.

#### **1.4.1 Deputy M.R. Ferey:**

Having worked with a number of tribunals over the years and have seen some very positive outcomes for people in a fair and balanced way, I think that a tribunal is a good way forward. I was pleased to read in the paper, in the Minister's paper, that the housing tribunal should be capable of considering evictions. This would take a lot of pressure off the courts and could also reduce the risk of revenge evictions, as it highlights in the paper. But the important thing with any tribunal is proper representation and preparation for tribunal hearings, and that would be key to the success of a housing tribunal. I think we have got some great models that we have seen work in Jersey, not least the Employment and Discrimination Tribunal, but my view is that any housing tribunal should be made up of 3 different groups of individuals: so 3 independents, 3 landlord representatives and 3 tenant representatives with the chair coming from the independent representatives to provide a good quality of balance. Also, mediation is a really important offer through the tribunal process and that should be offered at the early stages of any tribunal action because very often both parties coming together, discussing the issues and airing their differences can be a good outcome without the need to go

through a lengthy tribunal process. I also think the demands on any tribunal members are going to be quite considerable and that they will need to be remunerated proportionate to the amount of effort that they are putting in, again, in a similar way to the Employment and Discrimination Tribunal: the chair and the deputy chair get a sum of money per sitting and lay members get a sum of money per sitting, so I think that we would need to move away from a voluntary-type tribunal and at least have some level of reward for people who are giving their time and expertise to that panel.

#### **1.4.2 Deputy T.A. Coles of St. Helier South:**

I just want to say thank you to Deputy Ferey for stealing most of the points that I was going to make there because, as I was leaving the Assembly last night, I was stopped and had a conversation with members of the Landlords Association who are standing up there, and they made the very good point that having your tribunal members is requiring them to be held accountable for the decisions they make and this cannot be done on a voluntary basis. We sit in this Assembly and we are remunerated because we make decisions, and we have to stand by those decisions, and that comes at a cost. I will go a little bit further with Deputy Ferey's comments about independent members and how you will have to be very specific in what constitutes an independent member. From my perspective, someone who is going to sit on this kind of policy board as an independent member should have to declare an interest obviously if they own a property that they rent out or even if it is to a family member or anything that could be considered a conflict. So your independents, I feel it has to be mandatory that they are not a landlord or land person, that that is very, very important. So then if you are talking about constituting a panel of maybe up to 5 members, you should then be considering, yes, a landlord should be on that panel as a representative of their perspective but also then maybe either somebody from the charity sector who are supporting people who are facing housing crises, so you get the balanced view. Whether that person has to be a tenant or a landlord that has to be balanced up but you do need to have conditions and categories of your members. Unfortunately, this may limit certain people from being members of this tribunal but you have to ensure that it is fair and representative across all areas, as well as keeping the impartiality.

#### **1.4.3 The Connétable of St. Brelade:**

Leading back from the offences and penalties issue, I wondered whether I might just make a comment on how we can prevent those happening in the first place. I take the view that maybe I should have spoken in the first part regarding this but why are we not focusing more on landlord and tenant agreements? It seems to me, and I stand to be corrected, that Government could indeed put forward a mandatory landlord/tenant agreement which everyone would be obliged to complete at the risk of a penalty because that in fact would evade many of the problems which do arise because of changes in circumstances which we so often see, whether it be changes of jobs, a multitude of circumstances will lead to potential disputes between the 2 parties. Can we not just enshrine these agreements in law so that all this can be prevented and everyone knows in writing what they have agreed to for future reference? The other point, and I picked this up from other jurisdictions where one sees it in place, are we not looking enough at other jurisdictions? I think our tendency is purely to look at the U.K. Perhaps let us look at other jurisdictions, and something caught my eye because my daughter lived over there in Michigan, for instance, in the U.S. (United States), really comprehensive agreements laid out in their regulation, if you like. I looked in Brussels because I have got connections over there and once again very, very comprehensive outlines of how these matters are dealt with. I speak with a little bit of, I suppose, socialist influence from Brussels. I have an aunt there who has rented a property for some 60 years from the same family, very happy with it. I do not know how happy the landlord is but I know Aunt is quite happy, and you can have good relationships. There are a lot of good landlords and I suspect good tenants. I have to say my aunt makes Deputy Mézec look like Margaret Thatcher in terms of her socialist outgoings but it can be done. She will be the first to complain to a landlord but I have to say in terms of standards of the property, I would not consider it is up to standard, but I think a landlord would change that situation at their peril

because you would want it changed. I think that is something sometimes Government needs to stand back from because I think too much interference is not a good thing. So I think in conclusion, I would say to the Minister for Housing and Communities, let us look at other jurisdictions, not necessarily English-speaking ones, where we can, I think, learn a lot.

#### **1.4.4 Connétable D. Johnson of St. Mary:**

Certainly happy to follow the last speaker in his suggestion that certain provisions should be required to be contained in an agreement that would give clarity to any future reference to the tribunal in whatever form it might take and it will be an offence not to include such provisions. One general point I make is - I do not know whether the Minister has given thought to this - going back some 40 years or more, I am afraid to say, I recall that rent tribunal legislation in the U.K. applied only to properties where the rateable value was of a certain figure presumably on the basis that if you were a tenant and could afford a higher rent, you were well able to take care of yourself. I am not sure whether the Minister is thinking in terms of limiting the application of the rent tribunal, if only from the point of view avoiding references to it and avoiding costs to the State. That is one aspect.

[11:45]

I was also pleased to note that he is here talking about civil penalties. I know from what I have learnt about the money laundering regulations where you have criminal penalties only, there is a great reluctance to take action and having civil penalties is a less draconian step and I would expect them to be used more frequently. I had a third point but I am afraid I have forgotten it.

#### **1.4.5 Deputy A. Curtis:**

I thought I would make it third time lucky. To stay on topic on this one, I would like the Minister to take away that the impartiality of members on a tribunal is key. It is important, in my view, then that members in their code of conduct, and perhaps in their immediate prior to being on a tribunal, are not seen to be taking strong ideological or policy positions on the kind of topics that a housing tribunal would mediate on, whether it be rent rises or reasons for eviction. That might mean being members of bodies on either side of the tenant/landlord relationship and I think it is key that the code of conduct and the entry criteria for members to any tribunal do take into account that impartiality and that independence that must be perceived by the public that people have shown restraint and are doing so. I am not so fussed about prescribed numbers on the tenant/landlord/independent side. I think clearly representation on all sides is important but this is again not about lobbying for either side, these are not debates that should be going on fighting for the tenant or the landlord, it is impartial people applying the rules correctly and that impartiality is key.

#### **1.4.6 The Connétable of St. Mary:**

I now remember my third point prompted by the last speaker, it is to do with the composition of the panel. I am somewhat wary of having nominees by the landlords' fraternity and similarly by the tenants. We wish to have a full board of independent personnel on that tribunal and I am thinking in terms of the likes of surveyors who, as a matter of their daily work through the refresher, would act for both sides. I think if we get to the stage of having to balance up requirements of tenants and landlords, then I think it does raise a problem about the very independence of the tribunal and almost negates the very purpose for which it was set up. So I do ask the Minister to think carefully as to how that board is constituted.

#### **1.4.7 Deputy M. Tadier:**

Yes, specifically on the tribunal, I think that point is very interesting. I think I may have come to the similar conclusion previously is that we should probably be saying that tenants and landlords are not allowed to be on the tribunal. I think that would be the most wise thing to do. I think there are lots of people out there and then they would not have a vested interest. We do not say, like in a court situation or any other tribunal, that you have to be an interested party but we normally preclude those

people from being on there at all, so I think that is worth following up, the Constable of St. Mary's idea, with his legal background, is probably why he came to that conclusion. I want to talk about the remit of the tribunal, if indeed we have a tribunal, which will be either partly or in whole replacing the jurisdiction of the Petty Debts Court Housing Division. What I would like to see is that some of the good Articles that already exist in the Residential Tenancy Law where there are clearly-defined requirements and obligations that if there is a breach of one of those that it should not necessarily need to go to a tribunal, that the Strategic Housing Unit or the Environmental Health, whichever is the most appropriate in-house body, should retain some regulatory powers. So, for example, if there was a simple case of there being no tenancy agreement in place and the tenant wants to query that but does not necessarily want to go to the landlord, the tenant should be able to say to the housing, pick up the phone and say: "I am a tenant, I do not seem to have a contract. That seems to be contrary to requirements of the law. Can I report this to you and can you deal with this, please?" Of course, that does not have to be the only way, it could well be that the tenant could and should raise that directly with the landlord and it will probably be, one would hope, resolved very quickly. Or similarly if there is something in the agreement which is a clear breach of what the law says should not be there, then they could report that. What I am concerned about is just replacing one bureaucracy with another so that things that should not need to go to a tribunal at all still do not need to go to that. I think there are other areas of government where we also need to consider that but I will not talk about those today because we are clearly focused on housing. I think that brings me then to the point that I have a certain soft spot for the Residential Tenancy Law. I am starting to sound a bit like a geek because I have referred to it, I know it fairly well, and I think that we should not throw the baby out with the bathwater, so I think we need to look at what works well in there. I particularly like the clarity of the way the R.T.L. (Residential Tenancy Law) is drafted but I know that where it falls between the stools is perhaps the enforcement areas of it. So, I would ask the Minister and his officers to consider very carefully about what does not need to be referred to a tribunal and what could be done via other in-house regulatory mechanisms.

#### **1.4.8 Deputy E. Millar:**

Very briefly, and at the risk of being accused of bias, I think most tribunals benefit from the addition of a lawyer, particularly if they are going to have any powers particularly to impose any form of sanction. Many of our tribunals involve a legally-qualified chair; however, that is not necessarily a qualified Jersey advocate or solicitor, but I think it is useful to have somebody who has a good understanding of the law or able to acquire a good understanding of the law. I also do think it is important that that precedent exists in many of our tribunals in the Island. I think precedent also exists for having people who understand the issues. The Employment Tribunal, for example, has a legally-qualified chair, someone who has experience of acting for an employer which will often be a senior H.R. (Human Resources) person, and someone who has experience of acting for employees which may be a union, someone who has had experience of acting for a person as a union representative, so I think having people who understand the issues. The Income Support Tribunal that I chaired for a time had a lawyer as a chair, a doctor and a person with experience of disability, so I think it is important to have people who understand the issues. I do not think it is problematic to have someone who is a tenant, I do not think it is problematic to have someone who is a landlord because those people will have better understanding of the implications for tenants and landlords and may reach more reasoned views.

#### **1.4.9 Deputy R.J. Ward:**

Just very quickly, regards the tribunal there are a few things I want to say. One is it does need to have some teeth but that needs to be based around some really clear guidelines and clear guidance as to what is going to be undertaken. It also needs to be incredibly supportive for people who want to bring something because they do not; people are worried about it and they put up with things. I also think there needs to be some resourcing for ... and you will be pleased to hear this; well the Minister

for the Environment would be but he is not in the room at the moment. There needs to be some resourcing for Environmental Health or whatever part of the Environment Department enforces the laws that we have, and I think that investment for a few years, which may mean there is more enforcement initially to get our housing up to a standard, brings a culture change of expectations from all sides. When that culture change of expectation happens, then it can be a much more light-touch approach because that is what everyone expects to happen. I think we have moved on to some extent but I think we need to go further and the rent tribunal then has a clear benchmark or level of which it can assess against, and I think that is a really important point to have. You have to give it teeth and you have to give it something to work with otherwise it is trying to make decisions in a vacuum and that is not going to be easy. I would also mention, I think someone else mentioned this, if that tribunal is going to be asked to take on more responsibility and more detail in terms of understanding a lot of the decisions they will be making, we are going to have to look very carefully at who is on that tribunal, the skills that they have, and what payments are received because it may well be a little bit more expensive than we realise now, but it may be money well spent if a lot of the issues are dealt with early on. That is what I want to say.

#### **1.4.10 Deputy K. Wilson of St. Clement:**

My concern really is to acknowledge the reference that the Minister for Housing and Communities had made to people with neurabilities. I would ask the Minister to further consider this group with regards to his proposals for the rent tribunal. Very often people with mental health problems and physical disability and those who have come to live and work in Jersey from other places experience a different kind of discrimination when seeking accommodation, and when they live in that accommodation they also experience discrimination in other forms as well which may well lead to them having difficulty sustaining their tenancy. There are members of society who live with these neurabilities and also others who have chaotic lives. They have limited choices in their housing preferences and one of the things that I think we need to see reflected in these proposals is that the housing tribunal takes account of the fact that not everybody is able to make a lot of choice and informed judgments about the way that they should conduct their tenancy or be represented when things go wrong. It does need careful management. I just wanted to reiterate Deputy Ward's expressed concern about the values which underpin our approach to developing the proposals. I have had first-hand experience of people not being valued as members of society, where that discrimination plays out in terms of enabling a person to live or not in a home of their choice. I think in terms of the focus around the tribunal's membership, what I would like to see and hope the Minister will consider is that this is representative of the community at large and that we have consideration of the values as much as the process within the tribunal process.

#### **1.4.11 Deputy P.M. Bailhache of St. Clement:**

I would like to say just a few word about the establishment of a housing tribunal because, as my colleague, Deputy Ferey, said earlier on, tribunals can be extremely useful but I think it is important to distinguish what goes to a tribunal and what should go to a court because the courts are the institutions to which we generally turn when we want to see difficult issues resolved between citizens. Why then would we seek to establish a housing tribunal? I think the answer to that question is that occasionally there will be issues where technical expertise will be of value. I hope that the Minister might take that into account when he considers the relationship between his proposed tribunal and the Petty Debts Court, rather inappropriately named in this context, but essentially the Magistrate's Court, on the other hand. One thing that it seems to me should not be attributed to the tribunal is evictions, and I think that evictions are properly a matter for the Petty Debts Court. There are 2 reasons for that. The first one is that eviction is a traumatic process, particularly for tenants, but also occasionally for the landlord, and balancing the interests of the landlord and the tenant is a difficult task but not one which requires any technical expertise.

[12:00]

It calls for qualities of fairness, legal competence and judicial experience which are essentially the qualities which are possessed by the magistrates in the Petty Debts Court. That is the first reason. The second reason is that there is an existing body of experience in the Petty Debts Court dealing with mediation and alternative dispute resolution, and I have some personal experience of this. Whenever a small claim comes before the Petty Debts Court now, it is referred in the first instance for mediation. One cannot compel people to mediate their differences but you can compel them to think about it and that is what the current process in the Petty Debts Court does. People who litigate on small claims are required in the first instance to refer their issues to a judge mediator who sees to what extent there is common ground between the parties and to what extent they can be brought together in finding a settlement which is acceptable to both sides. The Petty Debts Court is very successful in that respect. The last time I asked for the statistics, and I am sure the Minister can seek more up-to-date ones, but the last time I asked for it over 70 per cent, and maybe even over 80 per cent, of disputes before the Petty Debts Court were resolved by mediation. If people cannot resolve by mediation then of course they have to go to adjudication, but importantly that happens before a different magistrate. In those circumstances, the judge hears both parties and resolves the dispute in the ordinary way. I do not think that mediation at present is used in the eviction proceedings, the few eviction proceedings that go before the court, but there is no reason in principle why they should not be. If the Minister were to discuss that matter with the Bailiff or the magistrate, I am quite sure it would be very easily achievable to achieve some mediation process involving eviction proceedings.

#### **1.4.12 Deputy M.R. Scott:**

Just to follow up on Deputy Bailhache's points, I thought those were very good comments about mediation and indeed when you think about really what one tries to achieve with a tribunal, it is often as an alternative to going to court. Why would you not go to court because that can be somewhat daunting for many people but also the expense. But nevertheless, I do think it is very important that the possibility of referral is made relatively easy for some but also that the tribunal should not really be kind of operating in the law to itself. So that need for transparency for clear reasons to be given for decisions so that there is that potential for review by the Ombudsman, once we finally have one, and I do hope that by the end of the term that we do, or for matters to be referred to court, bearing in mind of course the position of a tenant and their ability to ... their costs need to be considered too. In terms of the resourcing of the tribunal, yes, Deputy Ward has raised that in terms of a really important element in terms of enforcement. It is just really important to have that resource for the tribunal itself as well to ensure that it can operate well.

#### **1.4.13 Connétable M. Labey of Grouville:**

Quite a rarity that I would stand up but I thought this subject warrants it. My wife and I were very lucky to rent at the beginning of our married life in the late 80s - that is 1980s, not 1880s before anybody says - and we had a very good relationship with our landlord and a very successful time there. But with regards to the tribunal, sadly in life there is a small minority of bad landlords and likewise there is a small minority of bad tenants, and I think this tribunal is a very good weapon to have in our armoury. I, like my colleague from St. Mary, believe the makeup of this tribunal is very important, and that is that the independents outnumber those from either side. I am worried that the polarisation of tenant against landlord on that tribunal would have the effect of putting the onus of most decisions on the independents on that tribunal itself. I do believe if I can urge the Minister to think carefully about the makeup of that tribunal, then I think that might be the wisest thing to do, is to suggest to him that he has a large proportion of independents. That is all I would like to contribute at this time.

### **The Greffier of the States (in the Chair):**

Does any other Member wish to speak? If no Members wish to speak, then I suggest we draw that part of the in-Committee debate to a conclusion. Deputy Warr, did you wish to make any concluding remarks?

#### **1.5 Deputy D. Warr:**

I do not want to spend ages making lots of concluding remarks, all I just wanted to go through ... and I am aware that the word “chaotic” was used by Deputy Wilson a moment ago and I feel a little chaotic here because I have managed to make so many notes. I would just say to the Assembly that this has been called a “talking shop”; this is not a talking shop at all. This is a proper consultative process and for those people who are looking in from the outside on this Assembly, I am sure they have become very much better informed on this very complicated subject matter which affects so many people in this Island. So I really appreciate the time spent, I thank those who have taken opportunity to speak on many occasions during the in-committee debate, and I appreciate their efforts as well. I wanted to pick up on just a few highlighted points which seem to be recurring issues. One is around transparency and I think that is obviously clearly a big issue for lots of people. There are clear fears around what an open-ended tenancy means, what exactly should be written in the law. I take on board Deputy Jeune’s point about this idea of not one size fits all, a Jersey solution, instead of it being one, 2, 3, maybe it is the fourth option in how we set up the rules around this. I also take up a point being made about do not throw the baby out with the bathwater, which is Deputy Tadier’s point. Deputy Ward, I feel I am quoting Reform here. Deputy Ward’s point here about having a tribunal having teeth, being supportive, being properly resourced and potentially remunerating members. I do take issue about the: do we have a free market? I think the Deputy of St. Clement made a really important point and that is the market is very fluid. We are talking about people’s homes but we have to be very, very careful how much red tape we introduce potentially. I think additional charges, we have mentioned about that. Deputy Curtis brought this point about the £29 charge to Mydeposits, I think again highlights the point that we need this clarity out there, that when tenants come into a property that they do understand what those full charges are likely to be. Deputy Millar made the comment about not one size fits all. I think Jersey needs to take more opportunity in this point. We are 103,000 people on this Island, we are able to be a bit more bespoke. The challenge for big government is how does big government intermesh with bespoke? I think again I challenge my officers on that front. Deputy Stephenson talking about the “how” as opposed to the “what” and I think that is really a very important point to make. How are we going to bring things into the marketplace or how are we going to deliver this? The points here, Deputy Jeune, what is best for Jersey, just to reiterate that point. Deputy Scott’s point about educating tenants. I think it is really important that those points are made. Obviously, clearly, the setting up of a tribunal very, very important. Remuneration, I know people will talk about cost here but if we are going to get the best people we do have to remunerate some of these people to help out but I do think that is a really important area. So just in conclusion, thank you so much to everybody who has taken part. Thank you for listening and I appreciate that is a bit of an endurance test as an in-committee debate, so again thank you to all and I hope the public appreciated your efforts as well. Thank you. **[Approbation]**

### **ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

#### **The Greffier of the States (in the Chair):**

That concludes public business for this meeting and I invite the chair of P.P.C. (Privileges and Procedures Committee) to propose the Arrangement of Public Business for Future Meetings.

## **2. Connétable K. Shenton-Stone of St. Martin (Chair, Privileges and Procedures Committee):**

The arrangement of public business for 23rd May, 3 propositions have been lodged since the publication of the Consolidated Order Paper: Draft Limited Partnerships: Continuance Regulations; Jersey Overseas Aid: Re-appointment of Commissioner and the Draft F.B. Playing Fields Law. All have been listed for the meeting on 13th June. In terms of the next meeting, there are 7 propositions listed for debate; we are therefore very likely to require Wednesday as a continuation day and maybe Thursday as well.

### **Deputy M.R. Scott:**

I just wanted to ask a question, a supplementary Order Paper was circulated today about a question to be asked today.

### **The Greffier of the States (in the Chair):**

Yes, the question has subsequently been withdrawn, Deputy.

### **2.1 The Connétable of St. Helier:**

I understood that the Minister for Infrastructure was going to withdraw P.17 but it is still on the Order Paper for debate. Can anyone, perhaps the Assistant Minister, enlighten me? This is the La Collette Waste Disposal proposition.

### **The Greffier of the States (in the Chair):**

I do not know. If anybody is able to assist ...

#### **2.1.1 Deputy S.M. Ahier of St. Helier North:**

No, I have not had final confirmation yet as to whether it will be withdrawn but I am presuming that it may well be, as the Constable suggested.

### **The Greffier of the States (in the Chair):**

Thank you, Deputy Ahier.

#### **2.1.2 The Connétable of St. Helier:**

Could I move that we ask that that be withdrawn from the next session? Could I propose that we withdraw it from the next session?

### **The Greffier of the States (in the Chair):**

Well, I do not know that it is possible for you to make that proposition, Constable, because it is not your proposition. What you could do is propose for it to be moved to a later date which would give perhaps then the Minister for Infrastructure time to make the withdrawal himself.

### **The Connétable of St. Helier:**

Could I make that proposition? I was given an undertaking by the Minister that it would not be debated on the 23rd and I had been working on amendments which I have not worked on because of that assurance, so I would seek to defer it to a later date. I am in the hands of the Assembly about when that should be.

### **The Greffier of the States (in the Chair):**

Is that proposition seconded that the matter be moved perhaps to the next sitting date and in the intervening time allow the Minister to make a decision as to whether he wants to take the matter forward? Is that proposition seconded? **[Seconded]** Does any Member wish to speak on that proposition?



**Deputy R.J. Ward:**

Sorry, I missed the proposition there.

**The Greffier of the States (in the Chair):**

It is to move P.17 from the next meeting date until the subsequent one in June to allow the Minister to decide whether he wishes to take the matter forward.

**2.1.3 Deputy M. Tadier:**

So taking out of the equation that it is a Ministerial proposition, I feel uneasy about proceeding in this way because I think we should treat everyone equally. I know the Minister is absent but we do maybe have an Assistant Minister who could clarify but we have got 3 weeks until the next sitting anyway and I would have thought that is sufficient time for the Minister to speak to the Constable. I do not think it is a decision we should be making. If something is on the Order Paper, it has been lodged for the requisite amount of time, and we do not move it without good reason, and certainly not without hearing from the proposer, I would not have thought, otherwise it could be seen to be playing games.

[12:15]

**2.1.4 Deputy S.M. Ahier:**

If it is of any use to the proposer of this proposition, we are meeting on Thursday morning to discuss this and therefore we can get back to him and to the Greffe and to the Assembly soon after that but, at this stage, I would advise Members not to support the Constable's proposition and to vote against it.

**2.1.5 Deputy P.M. Bailhache:**

It seems to me that if the Constable of St. Helier has had an assurance from the Minister that the matter was not going to be debated, then there is really nothing for us to talk about, and the matter should be taken off the Order Paper for that particular day and it can be refixed for another date.

**2.1.6 Deputy A. Curtis:**

I will just be quick on this one following Deputy Tadier, if the Assistant Minister and the Minister are meeting tomorrow, could we ask as an Assembly then, well I will be asking, that they give assurances by 12 Noon, which I think is the standard Greffe time to circulate things, I would ask that they circulate to the Assembly their decision by 12 Noon tomorrow. Should that have a knock-on effect for the late lodging of papers, that the Minister for Infrastructure and all around the Assembly will support a reasonable late lodging of papers or amendments on the basis of that but, likewise, I will agree with Deputy Tadier.

**2.1.7 Deputy M.R. Scott:**

I agree with Deputy Curtis and Deputy Tadier. I do not feel comfortable without having had the confirmation from the Minister of his agreement.

**The Greffier of the States (in the Chair):**

Does any other Member wish to speak on this proposition? Very well, if no other Member wishes to speak, I close the debate.

**2.1.8 The Connétable of St. Helier:**

I am grateful to Members for their comments. It is unfortunate that the Minister is not here to explain the situation but I am happy on the basis that if he were to press for this to be debated at the next session, I would not have time to prepare my amendments because we have a busy weekend coming up, and I will be unlikely to make the lodging period required for amendments. So if indeed he does

press for debate at the next session, I would be asking the Assembly to agree not to do that when we get to the next meeting. Thank you. On that basis, there is no need to proceed to a vote, I am happy to withdraw the proposition.

**The Greffier of the States (in the Chair):**

Very well. Does any other Member wish to make any comments about the arrangement of future business? Very well, in which case the States stand adjourned until Tuesday, 9th May for Liberation Day.

**ADJOURNMENT**

[12:17]