

REPORT FOR ASSISTANT CHIEF MINISTER

Application to extend a change to the housing category of specified Qualified properties under Article 15 of the Control of Housing and Work (Jersey) Law 2012

Background

In 2023, following the approval by the States Employment Board (“SEB”) of a new Key Worker Accommodation Policy, it was necessary to regularise the existing use of Government of Jersey and Andium Homes properties which were being, or were intended to be, occupied by UK agency workers who have no status under the Control of Housing and Work (Jersey) Law (“CHWL”).

Whilst agreed priority key roles may change over time, as the Government responds to the prevailing demands of the marketplace, they are generally drawn from the following groups: -

- Health and Social Care: Doctors, nurses, midwives, social workers, relevant Allied Health Professionals, care workers; and other staff employed within this sector who are critical to service delivery.
- CYPES: Teachers, specialist education professionals, relevant Allied Health Professionals, social workers, and other staff employed within this sector who are critical to service delivery.
- Justice and Home Affairs: Ambulance Service, Police Service, Fire & Rescue Service, Prison Service, Health & Safety Inspectorate, Customs & Immigration Service, and other staff employed within this sector who are critical to service delivery.
- Other Specialised Services, which may emerge over time as priority key roles for the Government of Jersey, that can also demonstrate recruitment and retention issues.

Current Position

In April 2023, the Chief Minister agreed to allow a temporary re-categorisation of specific residential properties from “Qualified” to “Registered”, for a maximum period of 12 months to expire 31 May 2024, for the purpose of providing transitional and temporary key worker accommodation for key worker staff and agency workers in agreed priority key roles, who have been placed in the accommodation by the Government of Jersey Central Accommodation Service.

Prior to this decision, each of the properties were categorised as “Qualified” under the CHWL and could only be occupied by persons with Entitled or Licensed status.

Article 15(3) (a) gives the Chief Minister the power to re-categorise “Qualified” properties as “Registered”. The 2023 decision was conditioned as such: -

- The “Registered” categorisation will only continue whilst the units are included in the key worker accommodation scheme and are actively being occupied by agreed key worker staff and agency workers; and
- The overall change in categorisation should be time limited at this stage for 12 months to expire 31st May 2024. This is to allow the new scheme to become established.

This allowed access to any of the listed units to priority staff identified under the new policy and required all the properties to be categorised as “Registered” under the CHWL.

The temporary re-categorisation of these specific residential properties was reviewed in May 2024, further to which an extension of the permission was agreed to expire on 31 May 2025 (MD-CM-2024-420).

This recommendation follows engagement with the Accommodation Manager, Central Accommodation Service and the Head of Strategic Housing and Regeneration. The latter has confirmed a “blanket” permission for key worker housing considerably assists in making sure the stock can be used flexibly for those meeting the priority key role criteria, without delay and without risk of inadvertently breaching the CHWL. Discussions have also started between both parties, principally about the future requirements of the Central Accommodation Service to ensure the available stock better meets demand.

RECOMMENDATION

As access to accommodation for key workers remains challenging, it is recommended that the current temporary re-categorisation of the specific properties is further extended for a period of 2 years until 31 May 2027 with the same conditions.

Appendices - Relevant extracts from Control of Housing and Work Law:

15 Conditions and changes to housing categories

- (1) An owner of a unit of dwelling accommodation may apply to the Minister to change the housing category of the unit of dwelling accommodation or to specify or vary the conditions relating to the housing category of the unit of dwelling accommodation.
- (2) Such application shall be in such form and accompanied by such fee as the Minister may prescribe.
- (3) The Minister may, of his or her own motion, or following an application under paragraph (1), make a determination relating to any of the following –
 - (a) a change in the categorization of a unit of dwelling accommodation;
 - (b) specification or a variation of the conditions relating to the housing category of a unit of dwelling accommodation.
- (4) The Minister shall not make a determination under paragraph (3) if the effect of any such determination would render unlawful the occupation of such a unit by any person who lawfully occupies the unit at the time of the determination.
- (5) The Minister shall not make a determination under paragraph (3) unless each person who may be affected by the determination –
 - (a) has been notified of the proposed change and of his or her right of appeal against the determination under Article 41; and
 - (b) been given an adequate opportunity to make representations to the Minister.
- (6) For the purposes of paragraph (5), a person who may be affected by the determination means each person (if any) who occupies the unit of dwelling accommodation as his or her ordinary residence and each person (including a legal person) who is an owner of that unit of dwelling accommodation, including any person who is an immediate landlord of the occupier of that unit.
- (7) In making a determination under paragraph (3), the Minister shall have regard to any relevant factors relating to the supply and demand of housing, particularly in relation to the interests of persons with Entitled status and may have regard to any other factors he or she considers relevant.

17 Occupation of Qualified housing

- (1) A person shall not occupy a unit of dwelling accommodation that is Qualified as his or her ordinary residence unless –
 - (a) the person is Entitled or Licensed;
 - (b) the person occupies the unit with the consent of another person who is Entitled or Licensed provided that the other person occupies the whole or a substantial part of that unit as his or her sole or principal place of residence in Jersey;
 - (c) the person is Entitled for Work Only and has purchased the unit of dwelling accommodation as a party to a specified transaction described in Article 18(1)(a) to which his or her spouse or civil partner, being an Entitled person or a Licensed person, was also a party in the same capacity;
 - (d) the person has acquired the property by inheritance; or
 - (e) the person occupies the unit with the consent of the Minister under paragraph (2).
- (2) The Minister may grant consent to any person who has previously occupied a unit of dwelling accommodation by virtue of any of sub-paragraphs (a) to (c) of paragraph (1) to live in any unit of dwelling accommodation that is Qualified as his or her ordinary residence for such period as may be specified by the Minister (which may be determined by the happening of an event).