

Council of Ministers

(29th Meeting)

6th April 2023(Business conducted via electronic mail)**Part A (Non-Exempt)**

All members were present, with the exception of Deputy C.F. Labey of Grouville and St. Martin, Minister for International Development, Deputy P.F.C. Ozouf of St. Saviour, Minister for External Relations and Financial Services, Deputy I. Gardiner of St. Helier North, Minister for Children and Education, Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter, Minister for Treasury and Resources and Deputy H.M. Miles of St. Brelade, Minister for Home Affairs, from whom apologies had been received.

Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter, Chief Minister
 Deputy K.F. Morel of St. John, St. Lawrence and Trinity, Minister for Economic Development, Tourism, Sport and Culture
 Deputy S.M. Ahier of St. Helier North, Assistant Minister for Treasury and Resources (in lieu of the Minister) (for item A2 only)
 Deputy D.J. Warr of St. Helier South, Minister for Housing and Communities (for item A1 only)
 Deputy J. Renouf of St. Brelade, Minister for the Environment (for item A2 only)
 Deputy M.E. Millar of St. John, St. Lawrence and Trinity, Minister for Social Security
 Deputy T.J.A. Binet of St. Saviour, Minister for Infrastructure (for item A1 only)
 Deputy K.M. Wilson of St. Clement, Minister for Health and Social Services

In attendance -

P. Bradbury, Head of Ministerial Office
 K.L. Slack, Clerk to the Council of Ministers

Note: The Minutes of this meeting comprise Part A only

Regulation of Estate Agents (P.13/2023) – Amendment.

A1. The Council of Ministers noted the Proposition of Deputy M.B. Andrews of St. Helier North, entitled ‘Regulation of Estate Agents’ (P.13/2023 referred), which requested the Minister for Economic Development, Tourism, Sport and Culture to establish, following consultation with stakeholders and no later than December 2024, a statutory regulatory body for estate agents and an independent redress scheme.

Having considered the foregoing, the Council decided that, rather than establish a new statutory regulatory body or an independent redress scheme, it would be preferable to consult on and bring forward Regulations under the Consumer Protection (Unfair Practices) (Jersey) Law 2018 (‘the Law’) to prohibit estate agents from operating without membership of an independent and Government approved redress scheme. Under the proposed Regulations, it would be an offence for a business, which conducted estate agency activities, not to be a member of and

participate in an approved redress scheme under the Law and such an offence would carry a maximum of a level 3 fine (currently £10,000) under the Schedule to the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993.

It was recalled that Trading Standards supported and engaged with estate agents to adopt good practice and had provided detailed sector specific guidance. Furthermore, the Jersey Estate Agents Association and other industry bodies, already required their membership to be members of an independent redress scheme, for example the Property Ombudsman and therefore already complied with the code of practice for such schemes.

The Council accordingly received a draft Amendment to P.13/2023, which it approved and requested the Head of Ministerial Office to arrange for it to be lodged '*au Greffe*' as soon as practicable.

Development
Levies
(P.14/2023) –
Amendment.

A2. The Council of Ministers noted the Proposition of Deputy R.S. Kovacs of St. Saviour, entitled 'Development Levies' (P.14/2023 referred), which requested the Minister for Treasury and Resources to bring forward the necessary legislation to introduce a land development tax, or equivalent charging mechanism, by the end of March 2024. The aim of the Proposition was to raise revenue for the States from any significant uplift in the value of land where it had been rezoned or when planning permission had been granted.

Whilst generally supportive of the aim of Deputy Kovacs' Proposition, the Council decided that it wished to lodge an Amendment thereto. Rather than specifically name the proposal a 'tax', it was felt preferable to refer to a levy or other charging mechanism. It was recalled that the principle of introducing such a charge or levy had been supported by the States Assembly when the Bridging Island Plan 2022 - -2025 had been approved in March 2022 and this would encompass the increase in land value that arose when planning permission was granted.

Mindful that additional time would be required to design, develop and consult on a charging mechanism that was appropriate for Jersey, the Council mooted a later introduction date of March 2025. Further, it was not supportive of the proposal that the levy should apply to any uplift in land value from the date on which the Proposition had been lodged to the introduction of the relevant legislation, but would explore the possibility of introducing it from the date on which the Proposition had been adopted.

The Council received the draft Amendment and signalled its support for the same, whilst delegating the final approval to Deputy J. Renouf of St. Brelade, Minister for the Environment.