



## Freedom of Information Request

**Date of receipt: 22/07/2022**

**Date of response: 07/09/2022**

### Freedom of Information request regarding the Open Market Housing Register

#### **Request:**

Dear Sirs, This is a follow up freedom of information request with regard to the Open Market Housing Register and the response from the Department dated 7 July 2022.

1. The Department has subsequently confirmed that there are applications which it has received but were not included on the information supplied. Can the Department please confirm:
  - a. How many applications have been received (regardless of their status) which were not included on the original response.
  - b. What the current status of those applications are as at 22 July 2022
  - c. Why the applications were omitted from the original response, noting that the question posed should include any application that had been received.
  
2. We believe that the Department has attributed an "on hold" status for some applications, this is despite the applications being validly submitted and no formal acceptance by the applicant that the application would not be processed at that time. Can the department please clarify:
  - a. What is the process which is followed on receipt of an application
  - b. Why the department has attributed "on hold" status to certain applications despite their being no formal acceptance of this by the applicant.
  
3. Please provide the following documentation with regard to applications submitted under the legislation:
  - a. Current and all former policy documents under which applications are assessed.
  - b. Current and all former criteria or other assessment methodologies that are used.
  
4. With regard to the 15 of the HR1 forms that were received, please supply the following information for each application:
  - a. Date of receipt
  - b. Date recommendation submitted to the Committee
  - c. Date determined by the Committee

- d. Rational for recommendation of acceptance by the Department of the application
- e. Rational for acceptance by the Committee of the application

5. We note in the response that 7 registration were the result of a “swap” please provide the following information:

- a. Please provide a definition of “swaps”
- b. How many “swaps” involved properties on different sites
- c. Please confirm how many properties were de listed in each parish
- d. Please confirm how many properties were listed in each parish
- e. Please confirm the split in applicants between private individuals and corporate bodies
- f. Please advise of the rational for recommendation of acceptance by the Department of the application for a swap
- g. Please advise of the rational for acceptance by the Committee of the application for a swap
- h. The Department has advised that the legislation does not permit swaps, yet they have clearly stated that they have occurred, please clarify:
  - i. How the swaps noted in the response of 7 July 2022 were processed if these were not permitted under the legislation.
  - ii. Why the department is now advising that swaps are not permitted despite the probable (noting that no details around the 1 outstanding have been provided) 100% acceptance rate.

6. With regard to all transactions that have been approved please confirm how many of the properties concerned (either new listing or delisting if held by different parties) were in direct ownership of:

- a. States of Guernsey, or associated entities;
- b. Current or former Deputies, or any entity or person connected to them or their immediate family
- c. Current or former employees of the States of Guernsey, or any entity or person connected to them or their immediate family

7. With regard to all transactions that have been approved please confirm how many of the properties concerned (either new listing or delisting if held by different parties) were in indirect ownership of:

- a. States of Guernsey, or associated entities;
- b. Current or former Deputies, or any entity or person connected to them or their immediate family
- c. Current or former employees of the States of Guernsey, or any entity or person connected to them or their immediate family

8. Please provide the following information with regard to all properties that were or have been on the Open Market Register, since 1 January 2016

- a. Cadastre Number
- b. Date on inscription
- c. Date of deletion (if applicable)

We note that the above information is statistical in nature or policy documents, none of which you should be prevented from providing.

We look forward to hearing from you.

### **Response provided by the Planning Service**

The answers below adopt the same numbering system as the questions above:

- 1.a. One application.
- 1.b. Pending decision.
- 1.c. The application was on hold and was therefore not pending at the time of the response.
- 2.a. Where pending, applications are processed either under a scheme of delegation or by reference to the Committee.
- 2.b. It was understood that the on-hold status was agreed by the applicant.
3. a. A copy of the former 'MURA' policy statement (which no longer exists) is attached.
- 3.b. None exist.
- 4.a. 05/02/2020, 04/09/2019, 22/07/2021, 01/10/2020, 07/02/2018, 22/01/2020, 16/04/2021, 03/11/2021, 12/02/2022, 28/02/2018, 28/01/2018, 28/08/2018. Three applications were received under previous legislation when HR1 forms were not used.
- 4.b. 01/03/2022, 29/01/2019, 04/04/2018, 02/10/2017, 29/01/2019.
- 4.c. 25/04/2022, 20/03/2019, 23/04/2018, 12/10/2017, 20/03/2019.
- 4.d. Assessment of the Law and material factors including the history, including any commitments made under previous legislation, and the relevant merits of the proposal.
- 4.e. The Committee had regard to the Law and material factors including the history, including any commitments made under previous legislation, and the relevant merits of the proposal.
- 5.a. A transfer of inscription in accordance with the Open Market Housing Register (Guernsey) Law, 2016.
- 5.b. Three.
- 5.c. One in St Peter Port, two in Castel.
- 5.d. Seven in St Peter Port.
- 5.e. Three were corporate bodies and four were private individuals.

5.f. Applications that fall under Sections 5 (replacement dwellings) and 9 (dwellings which are subdivided) are explicitly permitted under the Law. In addition, swaps for new build properties erected within the same property as an existing Open Market dwelling have been recommended for approval on the basis that the new dwelling is broadly comparable with the existing Open Market dwelling in terms of the nature and scale of accommodation created and that on completion of the transfer the existing Open Market dwelling is de-registered and becomes a Local Market dwelling adding to the pool of such dwellings. Three applications were considered as a direct consequence of the former MURA policy, which no longer exists.

5.g. Applications that fall under Sections 5 (replacement dwellings) and 9 (dwellings which are subdivided) are explicitly permitted under the Law. In addition, swaps for new build properties erected within the same property as an existing Open Market dwelling have been accepted on the basis that the new dwelling is broadly comparable with the existing Open Market dwelling in terms of the nature and scale of accommodation created and that on completion of the transfer the existing Open Market dwelling is de-registered and becomes a Local Market dwelling adding to the pool of such dwellings. Three applications were approved as a direct consequence of the former MURA policy, which no longer exists.

5.h.i. Permitted swaps have been limited to those described in the answers to question 5.f. and 5.g.

5.h.ii. No swaps other than those described in the answers to question 5.f. and 5.g have been permitted and no criteria exist to permit any other form of swap.

6.a. None.

6.b. Not recorded.

6.c. Not recorded.

7.a. None.

7.b. Not recorded.

7.c. Not recorded.

8.a. Copy of public register attached (Note that 'Start date' includes transfers between different Open Market categories).

8.b. Copy of public register attached (Note that 'Start date' includes transfers between different Open Market categories).

8.c. Copy of public register attached (Note that 'Start date' includes transfers between different Open Market categories).