



Population Management & the Open Market Housing Register - myths and misinformation

In recent weeks, information has been circulating in the community about the implications of the introduction of the new Population Management Law and the new Open Market Housing Register Law. Some of the information has the potential to mislead, as it provides only a partial view of the facts, in other cases, the information is inaccurate.

This information sheet has been prepared by the Committee *for* Home Affairs and the Committee *for the* Environment & Infrastructure, and sets out the factual position.

Population



“There was nothing wrong with the Housing Control Law – this is just change for the sake of it.”

The existing Housing Control Law was not designed to enable government to manage the size and makeup of the island’s population. Guernsey, like many other places, has an ageing population. Generally, people are living longer and having smaller families. This means that, in the future, fewer people will be working, and more people will be retired, and this will place a strain on public finances and services. The States needs a law that will help it to manage the population, so that we can make sure we can cope with these changes; we also need a law that meets our international obligations. The Housing Control Law is not the right tool for the job, and that is why the States wants to replace it.



“When this new Law comes in, population numbers will go through the roof.”

This will not happen. The States has a Population Objective and the new law has to follow that objective. The States have said they want to keep long-term population numbers to the lowest level possible, so long as that level means that the States can still fulfill its strategic objectives.



“The new Population Management Law will make it harder to run a business in Guernsey because employers won’t be able to recruit the staff they need.”

We do not believe the evidence supports this claim. In fact, the new system will make things easier for many employers. The policy about what length of employment permit will be issued for different types of jobs has been developed with the business community, and [the policy is published](#) so employers and prospective employees can have certainty about the outcome of permit applications.

Closer working with the business community doesn’t stop when the new law starts. In fact, the States has elected the Population Employment Advisory Panel (PEAP), made up of six industry representatives and an independent chairman. Going forwards, businesses can provide information to the PEAP if they feel the employment permit policy needs to be adjusted.

Employers can still make applications for permits for jobs that are not listed in the policy, and the team at the Population Management Office will be happy to meet with employers to offer advice at any time.

Local Market Housing



“The rules about which family members can live in your Local Market house are getting tighter, even if you’re local.”

This is not true. The ‘rules’ about who a person living in Local Market housing can accommodate are much the same as they were under the Housing Control Law. The only change has been to update the rules to reflect modern family compositions. For example, we now include ‘partner’ as well as ‘spouse’, and the law explains that a ‘partner’ is the person you live with in a subsisting relationship. Terms like ‘spouse’ and ‘partner’ are gender neutral, and the new law applies them in that way. It also expands terms like ‘father-in-law’ and ‘mother-in-law’ so that these also apply to your partner’s parents; and ‘step-child’ so that this applies to your partner’s child.



“Locals won’t be allowed to share a house with their local brother or sister.”

This is incorrect. A person who is residentially qualified i.e. a ‘Qualified Resident’ under the Housing Control Law or a ‘Permanent Resident’ under the Population Management Law (and all Qualified Residents become Permanent Residents when the new law starts) can live anywhere they want to, and can share a home with any other person who is a Permanent

Resident. If a person who is a Permanent Resident, or has a Permit allowing them to be a Local Market householder, wants their brother or sister - who is not a Permanent Resident and does not have a Permit allowing them to live in Local Market housing – to live with them, they will need to apply for a Discretionary Resident Permit. This rule is the same under the Housing Control Law.



“At least the Housing Control Law kept Local Market housing for locals.”

This shows a misunderstanding of the existing law. The Housing Control Law had to manage Local Market housing for locals **and** people holding housing licences. Anyone with a housing licence has the right to live here for the duration of that licence, and is able to live here because they are doing a job that needs to be done, or have strong connections with Guernsey.

Open Market Housing



“Open Market home owners can only house the same type of family members as people living in the Local Market now.”

This is not true. The rules about who can automatically live as part of an Open Market family have changed, and the list of [‘extended family members’](#) who can live in an Open Market family home is much broader than for Local Market homes. This reflects, and is intended to protect, the special status of these family homes.



“Open Market home owners now need to get permission to make changes to their homes, on top of getting planning permission, and even when planning permission isn’t needed.”

You don’t need additional [permission](#), but you do need to [notify](#) the Committee *for the Environment & Infrastructure* if you have plans to structurally alter an Open Market dwelling or change its use. The requirement to notify is there so that we can advise you if the planned alterations might have implications for the Open Market status of the dwelling, so that you can make informed decisions. The requirement to notify planned changes is nothing new; this requirement has been part of the operation of the Open Market Housing Register since 1982.



“Open Market home owners used to be able to de-register an Open Market house, or build a new house, and get a housing licence in return – they can’t do that any more.”

This is true – but with good reason. The Open Market and the housing licence system used to be managed together, under the Housing Control Law. The main aim of that law was to manage the availability of Local Market housing, so creating a new Local Market house, either by de-registering an Open Market house, or by building a new one, was encouraged. All the policies that existed under the old law will end when that law is repealed. In some cases, replacement policies have already been put in place, others are still being considered, and others won’t be replaced at all. This policy is still being considered, and if the relevant Committees decide that a new policy similar to the old one is in keeping with the States’ Policy & Resource Plan, they will introduce one, but it will take time to reach that decision.



“Open Market home owners no longer have the chance to turn their house into a House in Multiple Occupation.”

The rules are changing, but the above statement is not accurate. The States have decided that the number of Open Market properties that can be used as Houses in Multiple Occupation (HMOs) should be limited, so that the States can better manage the size and make-up of Guernsey’s population. In the future, there will be a limit – referred to as ‘the Part D Cap’ – on the number of Open Market HMOs. Some Open Market properties automatically become Open Market Part D HMOs when the new laws come into force. For any other Open Market home, it can become a Part D HMO in the future as long as there is space in the Part D Cap, and subject to compliance with other relevant legislation and policies (e.g. planning permission). A Part D property can, if it is no longer used as an HMO, move back to Part A.



“The States will move an Open Market Part D house back to Part A even if the reason it is unoccupied is temporary.”

Homeowners can be reassured that if a property on Part D is not used as a HMO, and the reason for this is temporary, it is possible for it to stay on Part D if there is a clear plan for it to be used as an HMO again in the near future.

Jobs, training and career progression



“The list of jobs you can get a permit for means that employers won’t have to try to find someone local to do the job first.”

This is not an accurate reflection of the new system. The list of jobs shows the types of jobs where employers have already provided evidence, via the Population Employment Advisory Panel, that either there aren’t enough people in Guernsey to do those roles, or not enough people have the skills the job needs. However, before any business can get a permit for one of the jobs on the list it has to be assessed. The assessment asks questions about how and where the business advertises vacancies, and how they train and develop their employees. This is to make sure that there are always job opportunities for people who live in Guernsey, and that those who want to, can develop new skills to progress their careers. We also ask about flexible working, so we know how hard businesses try to create jobs for people who can’t work full time because of other commitments, or might want to work part-time instead of fully retiring.



“Too many permits will be issued and there will be no jobs for locals.”

Processes are in place to make sure this doesn’t happen. The Population Management Office will get information every month about the number of job seekers and their employment skills. If the level of unemployment rises, the Committee for Home Affairs will review the list of jobs that can have an Employment Permit.



“Employers prefer not to recruit locals.”

We have no evidence that this is true. The reality is that there simply aren’t enough locals to do all the jobs that need doing, and we need to bring people to Guernsey, and should be pleased that people want to come to live and work here. Recruiting people who don’t live in Guernsey is often more expensive, because employers have to pay relocation expenses. There is also a risk that the person will not adapt to island life (living as part of a small community doesn’t suit everyone), and so won’t stay in the job for very long. Most people with an Employment Permit will not be able to live in Guernsey for more than five years, so they don’t offer a business the same stability as recruiting locally.



“Most of the jobs on the list need qualifications or skills you can’t get in Guernsey, so locals don’t stand a chance.”

Employers’ expectations are changing – and we need to change too. The States is committed to supporting lifelong learning, so that we can all develop new skills. We need to do this because the way we work, and the skills we need to do our jobs, is bound to change as technology advances. The Population Employment Advisory Panel is able to get to the root of what skills and qualifications employers are looking for. As well as helping to set policy, this information will be passed to Skills Guernsey (a body set up to set the strategy for developing business skills within the local community) and the Careers Service. They can use this information so that we can make sure Guernsey offers the right sort of education and training so that people have the skills and qualifications employers are looking for.



“Short-Term Employment Permit holders will have to take regular breaks in residence from the island.”

This is not true. Short Term Employment Permits will be issued for a maximum of one year at a time but the employer can apply for the Permit to be ‘renewed’ up to four times. This means that people who hold this type of Permit can potentially live and work in Guernsey for up to five years without needing to take a break at all, if that is what the employer wants.