

Access to Public Information Response

March 19th 2018

REQUEST UNDER THE CODE OF PRACTICE FOR ACCESS TO PUBLIC INFORMATION

Request sent on March 19th 2018:

I would like to make a request under the above Code of Practice for information. Specifically the information I would like relates to:

- An overview of the coding system used by Housing Control to denote the delegated authority of its Officers to make decisions (EA19, EA20, HA7 etc)
- Further information specifically on EA19 and how it is measured and applied in practice
- Further information specifically on EA20 and how it is measured and applied in practice

States of Guernsey response sent on April 18th 2018:

Further to your request made under the Code of Practice on Access to Public Information, please see below for a response from Population Management.

Under the Housing (Control of Occupation)(Guernsey) Law, 1994 (repealed on 3rd April 2017) there existed internal policies at an operational level to assist officers in decision making where applications were made against a wide range of circumstances. The political board delegated decision making to officers. Throughout the period the above Law was in force such policies were developed to reasonably support the officers in decision making. Each policy carried a code which was input to the database against each decision, whether approved or rejected, to ensure that where statistics were sought then reliable information could be provided. Each code recognised the delegated power of the post of the officer inputting the decision, thereby adhering to the delegated decision making assigned to each post.

Headings under which policies existed to support decision making included:-

- Employment
- Temporary
- Horticulture
- Tourism
- Construction
- General
- Open Market
- Residential Homes

- Hotels, including staff quarters
- Restricted qualified residents
- Member of Household
- Guernsey connections
- General
- Miscellaneous

In terms of the specific policies you have highlighted:-

EA19 read as follows:-

Non employment-related licence applications where the then-Director or Deputy Director of Housing Control, in conjunction with Civil Litigation Advocates from St. James' Chambers where necessary, consider that the likelihood of the Department being able to successfully defend an appeal against a decision to reject the application, either under the provisions of the Housing Control Law, or the Human Rights Law, is considered to be 40% or less (to be determined by Directors). Short Description – Licence where outcome is weighted at least 60% in favour of applicant. This policy was applied at the discretion of the officers involved in making the decision.

EA20 read as follows:-

Approval of non-employment related licences where there are overriding human rights arguments in favour of the applicant. This policy was applied at the discretion of the officers involved in making the decision.

HA7 read as follows:-

Approval of applications where recent decisions give a clear precedent. This policy was applied at the discretion of the officers involved in making the decision.

Population Management

Under the current Population Management Law, policies exist to support officers in making decisions on applications. These decisions remain at an operational level under the delegated authority of the Committee *for* Home Affairs. Policies in relation to a wide range of applications are published at <https://gov.gg/pmintro>

Follow up question sent on 18th April 2018:

I do very much appreciate these, but in relation to the first bullet point on the request I meant those only as examples. I was hoping to get details of all the codes and what they related to, though you are quite right that I wanted more detail specifically on EA19 and EA20. Is it possible to get details of the remainder of the codes and a brief description of what they relate to appended to this?

States of Guernsey follow up response sent on 26th April 2018:

Please see attached for the additional information you requested, regarding all codes operated by the former Housing Control.