



Northern Ireland
Assembly

Committee for Communities

Minutes of Proceedings

Thursday 9 December 2021

Meeting Location: Room 29, Parliament Buildings, Belfast

Present: Ms Kellie Armstrong MLA (Deputy Chairperson)
Mr Andy Allen MBE MLA
Mr Paul Frew MLA

Present by Video or Teleconference:

Mr Stephen Dunne MLA
Ms Ciara Ferguson MLA
Ms Aisling Reilly MLA
Mr Mark Durkan MLA
Ms Áine Murphy

Apologies: **Paula Bradley MLA**

In Attendance: Dr Janice Thompson (Assembly Clerk)
Ms Rachel Ashe (Clerical Supervisor)
Ms Antoinette Bowen (Clerical Officer)



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The Deputy Chairperson, Kellie Armstrong, assumed the Chair. The meeting began at 09.04 am in public session. The following Members were present at the start of the meeting: Kellie Armstrong, Andy Allen, Mark Durkan, Stephen Dunne, Ciara Ferguson, Paul Frew, Aisling Reilly, and Áine Murphy.

Declaration of Interests:

Andy Allen declared an interest as a private landlord.

Stephen Dunne declared an interest as a private landlord.

Paul Frew declared an interest as a private landlord and as a qualified electrician.

Ciara Ferguson declared an interest as a former employee within the community and voluntary sector which had previously contributed to the Warm Well and Connected initiative.

1. Apologies

Paula Bradley MLA

2. Minutes

Agreed: The Committee agreed the minutes of the meeting held on Thursday 2 December 2021.

3. Chairperson's Business

There was no Chairperson's Business



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4. Matters Arising

The Deputy Chairperson informed Members that they had received a response from the Department for the Economy in relation to the increase in Domestic Energy Costs explaining that fuel price rises are beyond the control of the devolved administration and that responsibility for fuel poverty payments rests with the Department for Communities.

Agreed: The Committee agreed to write to the Department for the Economy concerning the lack of funding available for the Utilities Regulator compared to the Commission for Regulation on Utilities in the Republic of Ireland and Ofgem in Great Britain. The Committee enquired whether the Department has considered reviewing the funding of the Utilities Regulator.

Agreed: The Committee agreed to write to the Committee for the Economy enquiring if they have considered a review of the funding and resourcing of the Utilities Regulator.

The Deputy Chairperson informed Members that they had received a response from the Child Poverty Action Group and Save the Children in relation to the financial implications of mitigating the two-child limit, which was introduced in 2017.

Agreed: The Committee agreed to forward a copy of the response from the Child Poverty Action Group and Save the Children to the Independent Panel for their information and consideration.

Agreed: The Committee agreed to write to the Minister for Communities enquiring if the Minister has reached any agreement with Westminster so the payments are not clawed back from the block grant. The Committee request to be kept informed of any negotiations or ongoing dialogue on the matter.

5. Committee Deliberations on the Private Tenancies Bill

The Deputy Chairperson informed Members that they had received a response from the Housing Executive in relation to the cost and number of homeless households placed in temporary private rented sector accommodation.



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Agreed: The Committee was content to note.

The Deputy Chairperson informed Members that they had received a response from the National Union of Students with additional information relating to their recent briefing.

Agreed: The Committee agreed to write to NUS-USI requesting further information and clarification regarding an issue they raised during their briefing; that landlords were prohibiting tenants under the age of 25 from accessing tenancy contracts. The Committee noted the issue may disproportionately affect student renters and requested further clarification from NUS-USI to assist the Committee in its deliberations of the Private Tenancies Bill.

The Deputy Chairperson informed Members that Committee Deliberations on the Private Tenancies Bill would now continue.

The Deputy Chairperson reminded Members that this was not the formal Clause by Clause stage, but rather an opportunity for Members to continue to discuss Clauses comprehensively with Departmental Officials.

The Chairperson welcomed the following Departmental Officials to the meeting:

David Polley

Eilish O'Neill

Karen Barr

The Officials briefed the Committee on its responses to Committee queries on Clauses 6 to 14 as well as the information on Clause 3 which was missed from the previous response, and any outstanding clarifications needed for the remaining Clauses.

The Officials participated in a question and answer session with Members on the clauses of the Bill.

Clause 3.

The Committee discussed their preference for all cash payments relating to the tenancy to receive a receipt, rather than purely rent payments, highlighting that the



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2006 Order requires a rent book, which records all payments, to be given within 28 days of agreeing the tenancy, whereas this Bill does not make the same provisions.

The Officials felt the issue of legislating on cash payments potentially strayed into the issue of legal tender and may be outside scope of the Bill or a legal issue as to contravene other legislation.

Some Members raised their preference for the removal of Clause 3 (5) (3) (B). The Committee agreed to discuss matter further in closed session with Bill Office Clerk and the Officials agreed to return to the Committee with answers to the queries raised.

The Committee was content with the concept of a receipt as explained by the Officials as it will include written text, allowing for mobile text messages, email, and any other digital formats which are durable and cannot be amended.

Clause 4.

The Officials confirmed that legislation covering rent payments in advance would be covered by the second phase of reforms, anticipated in the new Mandate. The Committee was content with the Officials' clarifications relating to Clause 4.

Clause 5.

The Committee did not raise any further issues related to Clause 5.

Clause 6. Certain offences in connection with tenancy deposits to be continuing offences

The Committee did not raise any further issues related to Clause 6.

Clause 7. Restrictions on rent increases

Members raised an issue relating to the title of Clause 7 and the possibility of adding 'frequency' to the title. Officials noted that there were two parts to the Clause and that, as each part had a different intent, there was therefore no need to rename the Clause. The Committee noted its preference for the wording of Clause 7 to be amended to 'up to three months' as this allows for, but does not dictate, a three-month period. Officials stated this issue had been raised with the Minister for potential amendment. The Committee was content with the Officials' responses.



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Clause 8. Fire, smoke and carbon monoxide

The Officials responded to Committee queries related to communal areas of buildings with multiple private tenancies, confirming that responsibility for fire, smoke and carbon monoxide alarms rests with the managing agent or building proprietor. Officials confirmed that enforcing powers related to Clause 8 already exist. The Committee raised the issue of whether any information from the Bill alluding to the legislation needed to be added to the Technical Booklet. Officials agreed to respond to queries raised by the Committee on Clause 8.

Clause 9. Energy Efficiency Regulations and Schedule 2

The amended Schedule 2 was issued to the Committee during the meeting, having only been received by the Clerk during the meeting. The Officials agreed to return on 16 December to discuss the new Schedule once Members had had time to consider it.

Clause 10. Electrical Safety Standards Regulations

Members raised the issue of frequency of electrical safety checks and whether it should be every 3, 5 or 6 years. Some Members felt every 6 years was a suitable alternative as it would align more with landlord registration. Members and Officials discussed that the frequency of testing is to be dealt with by regulations and not in the Bill. The Committee agreed that it would not pursue the addition of PAT testing.

Clause 11. Validity requirements for Notice To Quit

Stephen Dunne joined the meeting at 10.14 am

Officials informed Members that the Departmental consultation related to Clause 11 is not open and will run for 8 weeks. The Committee noted its dissatisfaction that the Departmental consultation will only end after the conclusion of the Committee Stage. Members discussed a range of options for the Clause. Officials confirmed that certain exemptions, such as incidents of Domestic Violence, will be considered in regulations.

Clause 12. Interpretation

The Committee did not raise any issues related to Clause 12.

Clause 13. Commencement



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The Committee did not raise any further issues related to Clause 13.

Clause 14. Short Title

The Committee did not raise any issues related to Clause 14.

The Deputy Chairperson thanked the Officials for their attendance.

The meeting was adjourned at 10.38 am.

The meeting reconvened at 10.42 am in closed session to allow the Committee to receive advice from Claire McCanny, Bill Office Clerk.

The meeting went into public session at 11.32 am.

Agreed: The Committee agreed to seek legal advice on potential amendments discussed during the closed session.

6. Departmental briefing on Fuel Poverty Payments

The following Departmental Officials joined the meeting:

David Polley

David Tarr

Gareth Kelly

The Officials briefed the Committee and participated in a question and answer session with Members.

The Deputy Chairperson thanked the Officials for their attendance.

Agreed: The Committee agreed to write to the Department of Finance requesting information on what updates the DoF has received from other Departments relating to resources for the Energy Payments Support Scheme.



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7. Northern Ireland Amusement and Caterers Trade Association (NIACTA) briefing on the Betting, Gaming, Lotteries and Amusements (Amendment) Bill

The following representatives joined the meeting:

Brendan McAreavey

Gerald Steinberg

The representatives briefed the Committee and participated in a question and answer session with Members.

The Deputy Chairperson thanked the representatives for their attendance.

Agreed: The Committee agreed to write to NIACTA requesting a copy of their Code for Social Responsibility mentioned during their briefing and to forward the Code to the Department for consideration as a model code of practice.

Andy Allen left the meeting at 12.19 pm.

8. Northern Ireland On-Course Bookmakers Association (NIOCBA) briefing on the Betting, Gaming, Lotteries and Amusements (Amendment) Bill

The Deputy Chairperson welcomed the following representatives to the meeting:

Brian Graham

Gerry Donnelly

The representatives briefed the Committee and participated in a question and answer session with Members.

The Deputy Chairperson thanked the representatives for their attendance.

Agreed: The Committee agreed to write to the Department regarding Clause 14 (2) (A) of the Betting, Gaming, Lotteries and Amusements (Amendment) Bill. The Committee requested clarification related to on-course bookmakers and whether they fall under this Clause, as NIOCBA indicated on-course bookmakers should be a



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separate category. The Committee also enquired where the Department would stand on the creation of a separate on-course bookmaking license.

9. SL1 – Draft Welfare Supplementary Payment (Amendment) Regulations (NI) 2021

Agreed: The Committee was content for the Department to proceed to make the rule.

10. SL1 – Social Security (Income and Capital) Disregards Amendment Regulations (NI) 2021

Agreed: The Committee was content for the Department to proceed to make the rule.

11. SR2021/314 – Occupational Pensions (Revaluation) Order (NI) 2021

The Committee for Communities considered SR2021/314 – Occupational Pensions (Revaluation) Order (NI) 2021 and, subject to the Examiner of Statutory Rules report, has no objection to the rule.

12. SR2021/317 – The State Pension Revaluation for Transitional Pensions Order (NI) 2021

The Committee for Communities considered SR2021/317 – The State Pension Revaluation for Transitional Pensions Order (NI) 2021 and, subject to the Examiner of Statutory Rules report, has no objection to the rule.



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13. SR2021/318 – The State Pension Debits and Credits (Revaluation) Order (NI) 2021

The Committee for Communities considered SR2021/318 – The State Pension Debits and Credits (Revaluation) Order (NI) 2021 and, subject to the Examiner of Statutory Rules report, has no objection to the rule.

14. Correspondence

The Deputy Chairperson informed Members that they had received a memo from the CAMS Office on Deaf Awareness Sessions in December 2021 and January 2022 open to the Committee. The Committee was content to note.

The Deputy Chairperson informed Members that they had received a Departmental update on the sale of alcohol in Bingo halls.

Agreed: The Committee agreed to forward a copy of the response to the original correspondent, Mr Liam Boyle, Director of Boyle Bingo.

The Committee was content to note the following items of correspondence:

- i. Departmental letter regarding the proposed Statutory Rule on Section 32 of The Charities Act 2008;
- ii. Copy of correspondence from the Committee for the Economy to the Department on Energy Price Offsets;
- iii. Departmental update on the Review of Financial Processes;
- iv. Copy of the Ulster Supported Employment Limited (USEL)'s Annual Report and Accounts year ending March 2021;
- v. Departmental letter on the Pensions Review Fraud Compensation Levy Ceiling;
- vi. A copy of the Child Maintenance Service Annual Report on Decision Making 2020- 2021 from the Department for Communities;
- vii. A copy from the Department of Communities of SR2021/320 – The Pensions (2005 Order) (Contribution Notices: Circumstances in Relation to



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- the Material Detriment Test, the Employer Insolvency Test, and the Employer Resources Test) (Appointed Day) Order (NI) 2021;
- viii. An email from Michael Lorimer, Executive Secretary of Imtac, regarding the first ever Disabled People's Parliament;
 - ix. A link to the notification of Pre-Application Consultation for the redevelopment of lands at Queen's Quay and Middlepath Street, Belfast including the provision of a social/ affordable housing scheme from Tetra-Tech Consulting (NI) Ltd and Hamilton Architects Ltd.

15. Forward Work Programme

The Deputy Chairperson advised Members that the Committee will continue deliberations on the Private Tenancies Bill at the meeting on 16 December. The Deputy Chairperson advised Members that the Committee will also receive a Departmental briefing on the Covid Fund for Charities and Social Enterprises and on the Budget 2022 - 2025.

Agreed: The Committee agreed to forward a copy of the Forward Work Programme to the Departmental Assembly Liaison Officer.

16. Any Other Business

Agreed: The Committee agreed to write to the Department regarding the funding structure for Urban Community Networks compared to their rural counterparts receive funding directly from the Department for Agriculture, Environment and Rural Affairs (DAERA). The Committee enquired whether a review of funding structures was intended to better align the different funding structures and ensure equality of provision for community organisations.

Agreed: Due to concerns raised by some local producers, the Committee agreed to write to the Department requesting a timeline for the commencement of the provisions in the Licensing Act.



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Agreed: The Committee agreed to write to the Department to note the Committee's disappointment that no funding was made available to organisations marking the centenary of Northern Ireland.

17. Date, Time, and Location of next meeting

The next meeting will be held on Tuesday 14 December 2021 in Room 30, Parliament Buildings, at 9.00 am.

The meeting was adjourned at 12.59 pm.

Kellie Armstrong MLA
Deputy Chairperson, Committee for Communities