



Northern Ireland  
Assembly

# Committee for Communities

## Minutes of Proceedings

Tuesday 11 January 2022

**Meeting Location:** Room 29, Parliament Buildings, Belfast

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

**Present by Video or Teleconference:**

Ms Paula Bradly MLA (Chairperson)  
Mr Mark Durkan MLA  
Mr Stephen Dunne MLA  
Ms Paula Bradley MLA  
Ms Ciara Ferguson MLA  
Ms Áine Murphy MLA  
Ms Aisling Reilly MLA

**Apologies:**

**In Attendance:** Dr Janice Thompson (Assembly Clerk)  
Mr Sean McCann (Assistant Clerk)



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Ms Rachel Ashe (Clerical Supervisor)

**In Attendance by Video or Teleconference:** Ms Antoinette Bowen (Clerical Officer)

The Deputy Chairperson, Kellie Armstrong, assumed the Chair. The meeting began at 9.03 am in public session. The following Members were present at the start of the public session: Kellie Armstrong (Deputy Chairperson), Andy Allen, Paula Bradley, Stephen Dunne, Ciara Ferguson, Paul Frew, Aisling Reilly and Áine Murphy.

Declaration of Interests:

Paul Frew declared an interest as a private landlord.

Andy Allen declared an interest as a private landlord.

Stephen Dunne declared an interest as a private landlord.

### **1. Apologies**

There were no apologies.

### **2. Minutes**

**Agreed:** The Committee agreed the minutes of the meeting held on Tuesday 21 December 2021.

*The meeting went into closed session at 9.06 am to allow the Committee to be briefed by the Examiner of Statutory Rules.*



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### **3. Briefing by the Examiner of Statutory Rules on the Delegated Powers of the Private Tenancies Bill**

The Deputy Chairperson welcomed Angela Kelly, the Examiner of Statutory Rules and Simon Kelly from the Assembly Legal Services Office to the meeting:

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

The Deputy Chairperson thanked the representatives for their attendance.

*The meeting remained in closed session at 9.14 am after the conclusion of the briefing by the Examiner of Statutory Rules to allow the Committee to receive advice from Claire McCanny, Bill Office Clerk.*

*Mark Durkan joined the meeting at 9.14 am.*

*The meeting was adjourned at 9.53 am.*

*The meeting recommenced in public session at 9.59 am.*

### **4. Committee Deliberations on 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 yet the formal Clause by Clause stage but, rather, a final opportunity for Members to continue to discuss Clauses comprehensively with Departmental Officials before the formal Clause by Clause stage later in the meeting.

The Deputy Chairperson welcomed the following Departmental Officials to the meeting:

David Polley

Conrad Murphy

Karen Barr



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The Officials briefed the Committee on the Department's responses to Committee queries on Clauses 3, 9 and 11 and new Schedule 2 as well as any outstanding clarifications requested by the Committee. The Officials also participated in a question and answer session with Members.

### Clause 3 – Tenant to be provided with a rent receipt for payment in cash

The Committee were content with Clause 3 as amended by the Department to ensure a receipt is provided for all cash payments in relation to the tenancy.

### Clause 11A

The Department confirmed that it had prepared a new Clause 11A as an enabling clause and an alternative to the Committee's proposed new Clause 2A (provided a choice of payment options for tenants) and that the Bill provides for it to lay the report on the findings of its consultation within 18 months to the Assembly, from of the start of the consultation and that it would meet with the future Committee for Communities to discuss the outcome of the consultation. The Department foresaw the main issues as being how to enforce payments and what the appropriate penalties would be. The Department noted that there was no benchmark in other jurisdictions for comparison with Northern Ireland.

The Committee requested that the Department provides a timetable to ascertain the Department's intended timeframe for completing the consultation and reporting to the Committee.

The Committee noted the Department's pledge to publish the findings of its consultation in 18 months and then draft the subsequent secondary legislation and that reference to this should be included in the Committee's Report on the Private Tenancies Bill and in the Committee's Legacy Report. This would enable a future Committee for Communities to continue scrutinising this action.

Members were content with the Department's amendment (new Clause 11A).



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### Clause 9 and New Schedule 2 – Energy Efficiency Regulations

The Department informed the Committee that some wording had been changed over the holiday period to clarify policy intent and improve the drafting language.

Officials informed the Committee that Schedule 2 is intended to constrain the Department's power regarding what constitutes a penalty.

Members were content with the changes.

### Clause 11 – Validity requirements for notices to quit given by landlords and tenants

Members once again noted their dismay and concern regarding the ongoing Departmental consultation for the Private Tenancies Bill occurring during the Committee Stage of the Bill.

Members asked the Officials to provide information on the number of replies the Department had received to the consultation, how the Department had promoted the consultation and whether the Department intended to present its findings before the Consideration Stage of the Bill.

The Committee indicated that it would respect the consultation and not seek to amend the clause in advance of knowing the outcome of the consultation.

The Deputy Chairperson thanked the Officials for their attendance.

*Stephen Dunne left the meeting at 10.25 am.*

*Paula Bradley left the meeting at 10.36 am.*

## **5. Briefing by the Department on the Emergency Fuel Payments Fund**

The Deputy Chairperson welcomed the following Official to the meeting:

David Polley



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

The Deputy Chairperson thanked the Official for his attendance.

**Agreed:** The Committee agreed to invite Bryson Charitable Group to brief the Committee on the operation and delivery of the Emergency Fuel Payments Scheme on Thursday 20 January 2022.

The Committee agreed to write requesting the full details of the £120 million funding allocation to alleviate fuel poverty.

*The meeting went into closed session at 11.32 am to allow Members to receive advice from Claire McCanny, Bill Office Clerk, on the Private Tenancies Bill.*

*The meeting went into public session at 11.34 am.*

### **6. Clause by Clause Consideration of the Private Tenancies Bill**

*Stephen Dunne re-joined the meeting at 11.26 am.*

The Deputy Chairperson informed Members that the Committee now needed to commence the formal Clause by Clause considerations of the Private Tenancies Bill with Departmental Officials.

The Chairperson welcomed the following Officials to the meeting:

David Polley

Conrad Murphy

Karen Barr

The Officials took part in a question and answer session with Members, and provided final clarifications in response to Members' queries in advance of the formal clause by clause stage.

#### Clause 1: Tenant to be given notice regarding certain matters

**Agreed:** The Committee was content with Clause 1 as drafted.



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Clause 2: Tenant to be given notice regarding certain past matters

**Agreed:** The Committee was content with Clause 2 as drafted.

Clause 3: Tenant to be provided with a rent receipt for payment in cash

**Agreed:** The Committee was content with Clause 3 as amended by the Department.

Clause 4: Limit on tenancy deposit amount

**Agreed:** The Committee was content with Clause 4 as drafted.

Clause 5: Increase in time limits for requirements relating to tenancy deposits

**Agreed:** The Committee was content with Clause 5 as drafted.

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

**Agreed:** The Committee was content with Clause 6 as drafted.

Clause 7: Restrictions on rent increases

**Agreed:** The Committee was content with Clause 7 as amended by the Department.

Clause 8: Fire, smoke and carbon monoxide alarms, etc.

**Agreed:** The Committee was content with Clause 8 as drafted.

Clause 9: Energy efficiency regulations

**Agreed:** The Committee was content with Clause 9 as drafted.

Clause 10: Electrical safety standards regulations

**Agreed:** The Committee was content with Clause 10 as drafted.

Clause 11: Validity requirements for notices to quit given by landlords and tenants

**Agreed:** The Committee reserved its decision on Clause 11 until the outcome of the Departmental consultation is known.

New Clause 11A: Payment options for tenants: power to make provision and duty to consult

**Agreed:** The Committee was content with Clause 11A as drafted by the Department.



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### Clause 12: Interpretation

**Agreed:** The Committee was content with Clause 12 as drafted.

### Clause 13: Commencement

**Agreed:** The Committee was content with Clause 13 as amended by the Department.

### Clause 14: Short title

**Agreed:** The Committee was content with Clause 14 as drafted.

### Schedule 1: Tenant to be given notice regarding certain past matters

**Agreed:** The Committee was content with Schedule 1 as drafted.

### Schedule 2: Energy efficiency regulations

**Agreed:** The Committee was content with Schedule 2 as amended by the Department.

### Schedule 3: Electrical safety standards regulations

**Agreed:** The Committee was content with Schedule 3 as amended by the Department.

The Deputy Chairperson informed Members that the Committee would be required to meet on Wednesday 12 January 2022 to consider the draft Committee report on the Private Tenancies Bill.

## **7. Date, time and location of next meeting**

The next meeting will be held on Wednesday 12 January 2022 in Room 29, Parliament Buildings, at 2.30 pm.

*The meeting was adjourned at 11.48 am.*



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**Kellie Armstrong MLA**  
**Deputy Chairperson, Committee for Communities**