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Your Ref: CSD/008/2015/AM

Dear Kevin,

HOUSING (AMENDMENT) BILL – DEPARTMENTAL BRIEFING

Thank you for your letter raising a number of issues that the Committee wish to consider, following the briefing by Departmental officials on 24 September.

Sharing of information in relation to empty homes

The Committee asked what the position is for the Department of Finance and Personnel's Land and Property Services to provide access to information on empty homes to councils and registered housing associations. I can confirm that there is no statutory provision for the Department of Finance and Personnel to provide such information to councils or housing associations, and that, for the purposes of the Empty Homes Strategy, there is no requirement for such provision.

The Committee asked if the Bill should include using information from utility providers to identify empty homes. Such information is considered to be of very limited use for the purposes of the Empty Homes Strategy. The Explanatory and Financial Memorandum for the Bill explains that a current impediment to progress is "a lack of *reliable* data about the *location* and *ownership* of empty homes". The Empty Homes Strategy aims to identify the owners of empty properties and contact them with a view to bringing the empty property back into use. For this aim, information on whether or not a property might be empty is of relatively limited value:

what is essential is information on the owner of the empty home, and how they may be contacted. This is the nature of the information that could be shared by Land and Property Service.

Sharing of information in relation to anti-social behaviour

Extending the sharing of information to private landlords

I note the Committee's intention to continue to engage with the Department on how the Bill could be amended to include the private sector in the sharing of information about anti-social behaviour. The Department will continue to consider the options.

Legal indemnity for those providing information

The Committee challenged the Department's assessment and reasoning that there is no need or requirement to provide a legal indemnity to a person who provides information about anti-social behaviour.

It may be helpful if I explain the background to the provision as drafted in the Bill. During the policy development process, the Housing Executive and some registered housing associations made representations to the Department that certain statutory bodies who are "data processors" for the purposes of the Data Protection Act 1998 were unwilling to disclose information about anti-social behaviour to the Executive or the associations due to concerns that such disclosures could breach the terms of that Act.

The Department received advice from the Departmental Solicitor that the most satisfactory way of ensuring that data sharing is compliant with the Data Protection Act is to create legal gateways by introducing a 'stand alone' provision in housing legislation. The Department instructed the legislative draftsman to draft a provision to ensure that any person may disclose to a landlord under an introductory or secure tenancy such information as may be required for the purpose of enabling the landlord to take appropriate action in relation to certain orders of the court etc. Clause 2 was drafted on the basis of this instruction.

The Committee may wish to note that Section 13 of the Housing (Amendment) Act (NI) 2011 provides for the disclosure of information on orders etc. for anti-social behaviour. That provision takes a similar form to Clause 2 of the current Bill. It states: "*Any **person** may disclose relevant information to a landlord*" for a number of specified purposes, including the purpose of enabling the Executive to decide whether an applicant is to be treated as ineligible for an allocation of social housing or for homelessness assistance.

The 2011 Act did not create any new offence in respect of breaching the terms of the legislation, nor did it make any provision giving legal indemnity. While there are

examples elsewhere of statutory information sharing gateways which do create offences in respect of breaching the terms of the legislation, it was not considered necessary to create any offences under section 13 of the 2011 Act or under clause 2 of the current Bill and, in the circumstances, the Department's legal advisers stated that no indemnity was required.

Definition of "a person"

While clause 2 provides that "a person" may disclose relevant information, it should be noted that section 37(1) of the Interpretation Act (Northern Ireland) 1954 provides that

"words in an enactment importing (whether in relation to an offence or otherwise) persons or male persons shall include male and female persons, corporations (whether aggregate or sole) and unincorporated bodies of persons".

This means that, in law, "persons" means organisations as well as individuals. Given that private individuals would not be regarded as "data processors" for the purposes of the Data Protection Act 1998, information about anti-social tenants provided by neighbours would not fall within the scope of clause 2 and, therefore, there is no requirement for provision to indemnify individuals against civil action for defamation.

Current protocols for reporting anti-social behaviour and protections afforded

The Housing Executive has published procedures for supporting complainants and witnesses in cases of anti-social behaviour and this can be provided to the Committee if required. The procedures do not include the provision of any indemnity in relation to the provision of inaccurate information because under the principle of judicial proceedings immunity, no action for defamation can be brought against a person for something said in a witness statement prepared for Court proceedings..

Potential for legal proceedings against a person for defamation

In addition to the principle of judicial proceedings immunity, legal aid is not available for civil actions for defamation. In the circumstances, it is considered highly unlikely that any person would attempt to sue a neighbour for defamation.

Compatibility with the ECHI

You mentioned that the Human Rights Commission has questioned the Bill's compatibility with the European Charter of Human Rights, and requested that the Department sets out for the Committee the basis for its assessment that there are no compatibility issues.

The Charter of Fundamental Rights of the European Union sets out a series of individual rights and freedoms, including those contained in the European

Convention on Human Rights. Section 6(2)(c) of the Northern Ireland Act 1998 provides that the Northern Ireland Assembly has no competence to make any provision that is incompatible with any of the Convention rights.

The Department received legal advice that the Minister could make a statement that the Bill would be within the legislative competence of the Assembly. On the basis that the Bill must be compatible with the Convention in order to be within the legislative competence of the Assembly, the Department does not consider that there are any compatibility issues with the Bill, as drafted. If the Committee continues to have concerns on this point, it may wish to pursue the matter with the Attorney General.

Comments from NIHRC on the breadth of the provisions

The Human Rights Commission has suggested that compatibility issues arise because the definitions of “person”, “information” and “purpose” within the Bill are broad, which means that clause 2 of the Bill may not meet the proportionality test under Article 8 of the European Convention on Human Rights.

In respect of the definition of “person”, as explained above, this definition of “person” is set out in existing legislation, namely section 37(1) of the Interpretation Act (Northern Ireland) 1954. The Department does not consider that there is any reason to apply a different definition of “person” for the purposes of this Bill.

In respect of the definition of “relevant information”, this is defined in prescriptive terms in subsections (3) to (7) of the Bill. The only information that could be disclosed under clause 2 would be information that indicates or suggests that a person has engaged in specified range of illegal or anti-social activities. (While such information may be offered as evidence in legal proceedings, it would be for the court to judge the value of such evidence.)

In respect of the definition of “relevant purpose”, this is also defined in prescriptive terms, in subsection (8) of the Bill. The only purposes for which information could be disclosed under clause 2 would be purposes relating to applications for a specified range of court orders or the exercise of social landlords’ existing statutory powers for dealing with anti-social behaviour.

The Department considers that the definitions of “relevant information” and “relevant purpose” within the Bill are neither broad nor disproportionate. They are limited to information and purposes which are required for tackling anti-social behaviour. The ability of social landlords to successfully tackle anti-social behaviour is intended to protect the Article 8 rights of others.

NIHRC comments on proportionality

Article 8 provides that there shall be no interference by a public authority with the exercise of the right to respect for an individual's private and family life, his home and his correspondence except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

The Department considered the issue of proportionality at an early stage and reached the conclusion that the proposals were proportionate given that the purposes for which personal information could be shared would be circumscribed in primary legislation and limited to those that are necessary for tackling anti-social behaviour.

Compulsion to share information

The Committee also asked for the Department's views on making the sharing of information regarding a tenant with a history of anti-social behaviour compulsory. The Department will give consideration as whether there should be a legal requirement for information about tenants with a history of anti-social behaviour to be shared between social landlords. However, other Departments may have their own views on any proposal to compel any statutory body to disclose information to a social landlord.

Presumably, a compulsion to share information may mean that, in order to comply, all information must be shared. This would bring a much wider range of information, including one-off complaints and complaints that were closed with no further action, within the scope of the information that must be shared. The implications of this, particularly in respect of ensuring proportionality, may need to be considered in more detail.

Delegated powers

Following a briefing on 1 October on the Houses in Multiple Occupation Bill, the Committee wrote to the Department on 2 October to request a copy of the delegated powers memos of both Housing Bills (if applicable) as soon as possible. I can confirm that there are no delegated powers associated with the Housing (Amendment) Bill.

Issues raised by stakeholders

I attach a clause-by-clause table setting out Department views on the issues raised by stakeholders who responded to the Committee's call for evidence.

Summary

We value the Committee's proposals and queries on the Housing (Amendment) Bill, and would ask that the Committee note that, as advised in our briefing of June 2015, the Department removed a number of provisions from the Bill, some relatively minor and straightforward, in order to maximise the likelihood of the Bill progressing through the Assembly in the short time available. The benefits of the Bill as drafted would be:

- Enabling action by the Housing Executive to bring empty homes back into use;
- Enabling disclosure on anti-social behaviour to registered housing associations and the Housing Executive, for a wider range of purposes than is currently possible; and
- Enabling a cost-effective way of securing loans for improvements to private homes, thereby reducing unfitness in that sector.

Officials are giving consideration to how the Committee's requests for information sharing with private landlords to tackle anti-social behaviour, and information from utility providers, such as electricity companies, to identify empty homes, may be included in the Bill. I would respectfully remind the Committee of the timing issue, which means that significant changes to the Bill may delay its passage through the Assembly with the result that neither the above benefits, nor those raised by the Committee, can be delivered in the time available.

I hope this information is helpful.

Yours sincerely,



Dr Heloise Brown

Cc Stewart Kennedy
Ashleigh Mitford
Alicia Muldoon
Billy Crawford
Mick Shine
Bernie McCafferty
Ellen Corry
Kate Jeffrey

ANNEX B

Housing (Amendment) Bill – Clause by Clause Scrutiny Table

	<p>Housing (Amendment) Bill</p> <p>TO</p> <p>Make provision for the better sharing of information relating to empty homes or to anti-social behaviour; and to provide for the registration of certain loans as statutory charges.</p>
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Clause 1	Clause 1: sharing of information relating to empty properties
Explanation	<p>Clause 1 provides for circumstances in which the Department of Finance & Personnel must disclose to the Department for Social Development or the Housing Executive certain information about empty properties.</p> <p>Clause 1 also provides for circumstances in which Department for Social Development and the Housing Executive must disclose certain rating-related information to the Department of Finance & Personnel.</p>

Summary of Comments and Proposed Amendments	Departmental Response	Committee View
<p>SUPPORTING COMMUNITIES NI</p> <p>'We support the ...intention ...to identify empty homes and to take such steps to bring them back to occupation...'</p> <p>'..information sharing between government departments and agencies is an important element of the Empty Homes Strategy and Action Plan and a statutory requirement to this end would be useful, if not essential.'</p> <p>NILGA</p> <p>NILGA is supportive of this clause and would highlight to the Committee that councils often hold relevant information at local level and it may be appropriate, should this Bill be enacted, for both Departments to contact the 11 new councils with a view to enhancing the collaborative effort.</p>	<p>Department intends to work collaboratively with 11 Councils and with the Department of Finance and Personnel to ensure that information is shared legally to assist both Departments and all 11 Councils.</p>	

<p>LISBURN & CASTLEREAGH CITY COUNCIL</p> <p>Notes the progressive steps in sharing information across central government but believe this should extend to local councils. Emphasise that information should be provided at nil cost.</p> <p>BELFAST CITY COUNCIL</p> <p>'In light of the wide range of statutory functions councils have which can help ensure that vacant properties do not become an eyesore and can be brought back into use, it is surprising that the proposed Bill does not permit either DFP or DSD to share information with councils for the purposes of those functions.'</p> <p>It is therefore imperative that the proposed Bill provides for the sharing of information between DFP, DSD and councils. Currently DSD will only provide information to Council officers for the purposes of enforcement under the Private Tenancies (NI) Order 2006 which has created information management and data handling issues for operational staff.</p>	<p>Information will be shared at nil cost. As stated above the Department will work with Councils and if there is evidence that an information sharing gateway is needed between Councils and others this will be considered.</p> <p>As above if evidence is available information sharing with Councils will be considered. Clause includes information sharing between both Departments and the Housing Executive because it is necessary for the implementation of the Empty Homes Strategy.</p> <p>Belfast City Council and other Councils have signed up to the information sharing protocol for the purposes of landlord registration and will work with those Councils experiencing problems to iron out any management/handling/operational issues.</p>	
<p>MID AND EAST ANTRIM BOROUGH COUNCIL</p> <p>'In light of the wide range of statutory functions councils have which can help ensure that vacant properties do not become an eyesore and can be brought back into use, it is surprising that the proposed Bill does not permit either DFP or DSD to share information with councils for the purposes of those functions.'</p> <p>'It is therefore imperative that the proposed Bill provides for the sharing of information between DFP, DSD and councils. Currently DSD will only</p>	<p>As stated above for Belfast City Council.</p>	

<p>provide information to Council officers for the purposes of enforcement under the Private Tenancies (NI) Order 2006 which has created information management and data handling issues for operational staff.'</p> <p>CHARTERED INSTITUTE OF HOUSING</p> <p>'..we support measures including the proposed clauses for information sharing which could help bring such homes back into use. CIH Northern Ireland supports the policy intention to allow information sharing between DFP and DSD or NIHE relating to empty homes.'</p> <p>NORTHERN IRELAND FEDERATION OF HOUSING ASSOCIATIONS (NIFHA)</p> <p>Strongly support the clause and support the sharing of information in both directions.</p> <p>HELM HOUSING</p> <p>Support the sharing of information relating to empty properties and suggest that this is extended to Housing Associations</p> <p>However they state that it is unclear why existing information sharing protocols don't already permit this sharing of information between internal Departments of Government and their agents.</p> <p>LANDLORDS ASSOCIATION NI (LANI)</p> <p>Sharing of information both for the purposes of identifying owners of empty homes, and for the disclosure and sharing of information relating to anti-social behaviour should be made available to those landlords within the Private Rented Sector who provide social housing.</p>	<p>There is currently no evidence to support extending the information sharing provision to include Registered Housing Associations. The Housing Executive will continue to share information on empty properties which Associations might wish to purchase. Data held by Land and Property Services cannot be legally shared with the Department or the Housing Executive. Legal advice to both Departments supports this hence the reason for this information sharing clause.</p> <p>Once owners are identified and contacted then using the soon to be introduced Matching Service (managed by the Housing Executive) Private Landlords and Social Housing Providers could be matched with empty properties.</p>	
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<p>‘..there is no referral to The Land Registry. The Land Registry is the definite register for ownership of property...’ and ‘...the Rating Authority simply knows who may be responsible for rates which is not necessarily the owner.’</p> <p>‘...also suggest that electricity supply companies be used by Government Departments as an efficient and effective source of information to determine if a property is empty.....’ If there is no electricity usage after a designated period of time perhaps the electrical supplier should be duty bound to report this....’</p> <p>NORTHERN IRELAND RURAL RESIDENTS ASSOCIATION</p> <p>Supportive of this clause</p> <p>ROYAL TOWN PLANNING INSTITUTE NI</p> <p>support the proposal</p>	<p>This information sharing clause could be seen as a first step in assisting with the implementation of the Empty Homes Strategy however the Department intends to explore what role Land Registry can also play.</p> <p>The Department already asked NIE to share data but data protection law prohibited this.</p>	
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Clause 2	Clause 2: disclosure of information relating to anti-social behaviour
<p>Explanation</p>	<p>Clause 2 provides that a person may disclose certain information about anti-social behaviour to the Housing Executive or a registered housing association where such information is required for certain housing management purposes. Those purposes include applying for injunctions on grounds of anti-social behaviour, applying for possession orders on such grounds, withholding consent to the mutual exchange of secure tenancies and determining that a person is not eligible for accommodation on the basis of their unacceptable behaviour.</p>

Summary of Comments and Proposed Amendments	Departmental Response	Committee View
<p>SUPPORTING COMMUNITIES NI</p> <p>“...this should be a transparent process and that information should be shared and handled in a responsible manner; further,</p>	<p>Where the information disclosed under this provision is to be used in any court proceedings, the individuals concerned will have an opportunity to refute any spurious or inaccurate allegations. Where the information is</p>	

Summary of Comments and Proposed Amendments	Departmental Response	Committee View
<p>measures should be introduced to ensure that information is accurate in order to prevent spurious claims being made against an individual or family and those involved should have the right to respond to any allegations made against them.</p> <p>The information shared should be sufficient and not excessive and it should strike the right balance between sharing 'truly relevant' information and the need to ensure that an individual is treated fairly. Furthermore, any action taken to address Anti-Social Behaviour (ASB) should be proportionate and appropriate.</p>	<p>used to inform a decision relating to eligibility for social housing or homelessness assistance, the individuals concerned have a statutory right to request a review of the decision. Organisations disclosing information would have a responsibility, for their own protection, to ensure that the information disclosed is fair and accurate.</p> <p>Existing legislation provides that where the Housing Executive decides that an applicant for housing accommodation is ineligible for such an allocation, the Executive must notify the applicant of its decision <i>and the grounds for it</i>. In such cases the applicant also has a statutory right to make a fresh application if they consider that they should no longer be treated as ineligible. Where the Housing Executive decides that an applicant for homelessness assistance is ineligible for such assistance, the Executive must notify the applicant of its decision <i>and the grounds for it</i>. In such cases the applicant also has a statutory right to a review of the decision, with a right to appeal to the county court on any point of law.</p> <p>The Bill defines "relevant" information, and the "relevant" purposes for which such information can be provided, in some detail. SCNI's suggestion that action taken to address anti-social behaviour should be proportionate and appropriate reflects the Department's position on this matter. Guidance issued by the Department to the Housing Executive emphasises that where the Executive is seeking an order for possession on grounds of anti-social behaviour, its approach should be demonstrably proportionate and incremental i.e. it should be clear that it is reasonable in the circumstances to seek such an order and that other remedies have been tried and found to be ineffective.</p>	

Summary of Comments and Proposed Amendments	Departmental Response	Committee View
<p>'7(b) defines relevant information as including information regarding applications for injunctions or orders which are pending before any court. We would be worried about this information being used in making a decision about an individual's housing situation as no court order or injunction will have, at that point, been granted. '</p> <p>'3(b) and 6(a) refer to someone being 'guilty' of conduct even though they may not have been convicted of any offence. How can we ascribe 'guilt' if there has been no conviction?</p> <p>'..Finding improved ways of dealing with.. (ASB).. are ...welcome, however there are already a range of statutory and non-statutory measures available to social landlords to deal with ASB and there does not appear to have been any review to determine the effectiveness of these tools prior to proposing these additional tools (see submission for more commentary on this point).'</p>	<p>Certain orders of the court such as Anti-Social Behaviour Orders can be applied for by a number of public bodies including the Housing Executive. To avoid duplication of effort, it is important for the Housing Executive to know whether another organisation has applied for such an order.</p> <p>Clause 2(3)(b) refers to information which <i>indicates</i> or <i>suggests</i> that a person has used a dwelling for illegal purposes and does not mention "guilt". Clause 2(6)(a) refers to information which indicates or suggests that a person is "guilty" of conduct that would amount to offences of certain descriptions <i>even though the individual has not been convicted of such an offence</i>. It is therefore clear from the context that the term "guilty" as it is used in clause 2(6)(a) is not meant to imply that an individual has been found guilty of any offence by a court. It should be noted that, under existing legislation (Article 22A(6) of the Housing (Northern Ireland) Order 1981), the Housing Executive may decide that an applicant is to be treated as ineligible for an allocation of housing accommodation if it is satisfied that the applicant has been "guilty" of unacceptable behaviour. There is no requirement for such an applicant to have been convicted by a court.</p> <p>As SCNI correctly points out, there are a range of statutory and non-statutory measures available to social landlords to deal with anti-social behaviour. There is ample evidence to suggest that these measures are not effective unless social landlords have access to reliable information about anti-social behaviour committed by tenants and others and can (a)make informed decisions about how to deal with such problems and (b)present an acceptable standard of evidence to the courts. It is not in fact proposed to provide any additional tools for dealing with anti-</p>	

Summary of Comments and Proposed Amendments	Departmental Response	Committee View
<p>NILGA</p> <p>Supportive of Clause 2 as it provides legal comfort in cases where data protection may be an issue and will enhance the activity already taking place locally to share information across agencies, to deal with anti-social behaviour issues more effectively and target resources, using a 'One Public Purse' approach.</p> <p>LISBURN AND CASTLEREAGH CITY COUNCIL</p> <p>Supportive of this clause and recommend extending it to private Landlords.</p> <p>Information sharing should be at zero cost to partners.</p> <p>BELFAST CITY COUNCIL</p> <p>'...recommend that this clause should be amended so as to provide for the disclosure of information between NIHE, registered Housing Associations, the PSNI and councils...' This would facilitate the partnership working between those agencies with statutory responsibility</p>	<p>social behaviour to social landlords. The information sharing proposals in the Bill are a necessary provision to ensure that the existing measures for dealing with anti-social behaviour are effective. The existing provisions relating to anti-social behaviour are kept under review. The Department considers that injunctions against anti-social behaviour could be strengthened by the addition of a power of arrest but there was insufficient drafting time available to include this provision in the Bill.</p> <p>The Department welcomes NILGA's support for the proposals.</p> <p>The Department welcomes the Council's support for the proposals. It is not proposed to extend the proposals to private landlords for the reasons set out in the Departmental response to comments submitted by the Landlords' Association of Northern Ireland.</p> <p>It is not envisaged that there would be any significant costs associated with information sharing. In any case, partners cannot be compelled to disclose information.</p> <p>The clause, as drafted, would permit any organisation (including registered housing associations, the PSNI and councils) to disclose relevant information to the Housing Executive for relevant purposes, and would also permit any organisation (including the Housing Executive, the PSNI and</p>	

Summary of Comments and Proposed Amendments	Departmental Response	Committee View
<p>for dealing with antisocial behaviour.</p> <p>‘...Council will expect that all relevant data sharing protocols are in place before information can be disclosed.’</p> <p>With the introduction of the Landlord Registration Scheme, legislative provision should be made for sharing relevant information between statutory agencies to tackle anti-social behaviour in <u>private</u> tenancies.</p> <p>MID AND EAST ANTRIM BOROUGH COUNCIL</p> <p>‘..recommend that this clause should be amended so as to provide for the disclosure of information between NIHE, registered Housing Associations, the PSNI and councils.</p> <p>....Council will expect that all relevant data sharing protocols are in place before information can be disclosed.’</p>	<p>councils) to disclose relevant information to registered housing associations. If councils feel that they have an operational need for any information about anti-social behaviour that could be provided by other bodies such as the Housing Executive or registered housing associations, it might be appropriate to make provision for such information-sharing in Local Government legislation, given that councils would not be using the information for housing-related purposes.</p> <p>The Housing Executive already has a data sharing protocol with the PSNI, councils and the Youth Justice Agency, and a similar protocol between registered housing associations and the PSNI is in development. If Belfast City Council feels that a data sharing protocol with housing associations would be helpful, it should approach the Northern Ireland Federation of Housing Associations with its proposals.</p> <p>There is no provision in the Landlord Registration Scheme for tackling anti-social behaviour in private tenancies. However, the Department’s review of the private rented sector will consider whether the Scheme should address this issue.</p> <p>See Departmental comments on similar point raised by Belfast City Council.</p> <p>See Departmental comments on similar point raised by Belfast City Council.</p>	

Summary of Comments and Proposed Amendments	Departmental Response	Committee View
<p>‘...legislative provision should be made for sharing relevant information between statutory agencies to tackle anti-social behaviour in private tenancies.’</p> <p>‘Recommend that this clause should be amended so as to provide for the disclosure of information between NIHE, registered Housing Associations, the PSNI and councils.’</p> <p>CHARTERED INSTITUTE OF HOUSING NI</p> <p>As well as being potentially required to take the specific available actions outlined in clauses (8) (a) through (f), information can facilitate supportive intervention such as sharing between criminal justice agencies/partners and the community to enable more sustainable housing solutions and related support to offenders, and to improve joint working around witness and victim intimidation. Thus, we support the inclusion of clause (8) (g) which we think could be interpreted broadly enough to allow information sharing for broader actions, including supportive intervention under a social landlords’ comprehensive ASB strategy subject to an information sharing protocol/template and the recommendations below. The clause could also be interpreted as a catch-all clause for supporting any enforcement actions omitted in (a) through (f), so DSD would need to satisfy itself that it can be used to support supportive intervention, in order to make full use of information sharing to resolve instances of ASB.</p>	<p>The Housing Executive and registered housing associations already have power to tackle anti-social behaviour by private tenants where such behaviour affects tenants of social housing and clause 2 as drafted would support these powers. . It is not proposed to extend the proposals to private landlords for the reasons set out in the Departmental response to comments submitted by the Landlords’ Association of Northern Ireland.</p> <p>See Departmental comments on similar point raised by Belfast City Council.</p> <p>Social landlords in Northern Ireland are committed to a supportive approach to dealing with anti-social behaviour where such an approach would be effective. Clause 2(8)(g) could be used to support this approach where “relevant information” would facilitate supportive interventions.</p>	

Summary of Comments and Proposed Amendments	Departmental Response	Committee View
<p>Clause 2 (1) -we recommend that “a person” be defined as we believe this should be a named authority e.g. PSNI, Councils</p> <p>-we recommend that “on request” be inserted as we believe that as the information must be used for a “relevant purpose” by NIHE or registered housing association that it should only be disclosed upon request by these housing providers</p> <p>Clause 2 (3) -we recommend that the “relevant information” should be evidence based</p> <p>While the policy intention for information sharing is to support enforcement powers more than provide support, we interpret that under these proposals information sharing could support supportive intervention as well as the more punitive approaches.</p> <p>We acknowledge the need for information sharing between authorities and recommend that DSD develop a model information sharing protocol and template which meets data protection requirements. This will help to ensure a consistent approach which is understood by all stakeholders and meets legal requirements. We would like to see other methods employed to tackle ASB as well as information sharing.</p> <p>NIFHA</p> <p>Strongly welcome the sharing of information in relation to tackling anti-social behaviour.</p> <p>‘Members particularly welcome the fact that local Councils would be part of any information sharing arrangement...’</p>	<p>The term “person” in law includes any legally-constituted organisation as well as an individual (see section 37(1) of the Interpretation Act (Northern Ireland) 1954).</p> <p>It is difficult to envisage any circumstances where information would be disclosed other than “on request”. If the information was not disclosed for a “relevant purpose”, there would be no legal authority to disclose it.</p> <p>If such information is not evidence based it would be of limited use in court proceedings.</p> <p>As mentioned above, clause 2(8)(g) is in fact intended to facilitate supportive interventions where appropriate.</p> <p>The Housing Executive has already developed a successful information sharing protocol with the PSNI, councils and the Youth Justice Agency which may form a useful model for further protocols. The Information Commissioner can provide guidance on information sharing protocols to all ‘data processor’s as defined for the purposes of the Data Protection Act.</p> <p>The Department welcomes the Federation’s support for the proposals.</p>	

Summary of Comments and Proposed Amendments	Departmental Response	Committee View
<p>Believe that the clause would be strengthened by the use of the word 'shall' rather than 'may' and would support such an amendment.</p> <p>Sections 8(f) and (g) are particularly welcome sections of the Bill as it appears to allow housing associations to act on the basis of information they have received in relation to anti-social behaviour.</p> <p>HELM HOUSING</p> <p>Welcome any changes that will assist in tackling anti-social behaviour but believe the proposed amendment doesn't go far enough and formal information sharing protocols should be put in place between statutory agencies and housing associations.</p> <p>Proposed amendments enables a "person" to disclose information about a tenant that will help tackle ASB but stops short of enabling other statutory agencies such as the PSNI, Councils, Youth Justice Agency and NIHE to share information with registered housing associations to allow us to work more effectively for the benefit</p>	<p>The Department feels that it should not be necessary to seek to compel any organisation to disclose information about anti-social behaviour.</p> <p>It should be noted that clause 2(8)(f) and (g) do not purport to confer upon housing associations any powers in respect of allocation of housing (or any other matter). Clause 2(8)(f) and (g) would enable any person to disclose relevant information where such information is to be used by an association in pursuance of its existing powers to allocate housing accommodation or to take any other appropriate action in consequence of, or relating to, the behaviour indicated or suggested by the information.</p> <p>While the Department welcomes Helm's support for the proposals, it would emphasise that it is not the function of legislation to put in place formal information sharing protocols. Such protocols are, by their nature, extra-statutory arrangements (although the existence in law of a relevant information sharing "gateway" will help to underpin such a protocol). The Department understands that an information sharing protocol between registered housing associations and the PSNI is in development and would encourage associations to consider developing such protocols with other organisations as considered necessary.</p> <p>The proposed amendments would not prevent statutory agencies such as the PSNI, Councils, Youth Justice Agency or NIHE from sharing information with registered housing associations (the term "person" in law includes any legally-constituted organisation as well as an individual). While the legislation could identify, by name, the organisations</p>	

Summary of Comments and Proposed Amendments	Departmental Response	Committee View
<p>of victims. (examples of their information sharing protocol success are set out in submission)</p> <p>Clause 2 Part 8 (d), HELM HOUSING would suggest that the reference to a “secure tenant” is not necessary and that the existing wording in Article 13 Part 1 (b) of the Housing (Amendment Act (NI) 2011 is adequate ensuring that this covers both Housing Executive and Housing Association tenants</p> <p>However, it is clear that the proposals contained in the draft legislation are largely tidying up some existing anomalies in previous legislation rather than taking this opportunity to significantly improve powers, duties and responsibilities in these areas.</p> <p>LANDLORDS ASSOCIATION NI (LANI)</p> <p>Sharing of information both for the purposes of identifying owners of empty homes, and for the disclosure and sharing of information relating to anti-social behaviour should be made available to those landlords within the Private Rented Sector who provide social housing.</p> <p>LANI requests that the sharing of information relating to anti-social behaviour be extended to the Private Rented Sector. This would provide landlords, supplying social housing, with the same or partial information relating to anti-social behaviour as that to be supplied to Housing Associations.</p>	<p>that may share information with registered housing associations, such a list is unlikely to be exhaustive and will have the effect that any organisations not listed could be excluded from the data sharing arrangements.</p> <p>While the Department agrees that the reference to a “secure” tenant may not be strictly necessary in this context, the reference may be helpful to users of the legislation who are not aware that the right to buy is not available to tenants other than secure tenants.</p> <p>The Department would not agree that the proposals are intended to tidy up anomalies in existing legislation. In fact, the Bill would significantly extend the powers of relevant bodies to disclose information about anti social behaviour to social landlords, thereby enhancing those landlords’ capacity to exercise their powers and duties in this area.</p> <p>The Department would emphasise that accommodation provided by private landlords is, by definition, not social housing (the fact that a tenant of a private landlord may be in receipt of Housing Benefit does not mean that the tenant is a tenant of social housing).</p> <p>The Bill does not provide for information about anti-social behaviour to be shared with private landlords due to concerns about the adequacy of security arrangements, understanding of the implications of the Data Protection Act and arrangements for dealing with subject access requests. However, the Department is seeking legal advice on this matter.</p>	

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<p>NORTHERN IRELAND RURAL RESIDENTS FORUM</p> <p>Bill 'should contain a reference to the need for potential tenants to be made aware of the allegations and information housing providers have used in making a decision which prejudices their interests. Furthermore the bill should state that housing providers must have due regard to verifying allegations of ASB'</p> <p>RRF suggest that a consistent definition of ASB is needed across agencies.</p> <p>HOUSING RIGHTS SERVICE</p> <p>'Housing Rights understands that the Bill will introduce new powers for information sharing for the purpose of pursuing possession action (in accordance with Grounds 1, 2 and 3 of Schedule 3 to the Housing (NI) Order 1983) and to allow Housing Associations to share information. Housing Rights is unclear as to why it is either necessary or appropriate to also include Ground 1 (any rent lawfully due from the tenant has not been paid or any obligation of the tenancy has been broken or not performed) as, in our view, Grounds 2 and 3 already comprehensively cover possession on the grounds of antisocial behaviour.'</p> <p>Housing Rights would seek reassurance that information gathered under this Bill will not be</p>	<p>Existing legislation provides that where the Housing Executive decides that an applicant for housing accommodation is ineligible for such an allocation, the Executive must notify the applicant of its decision <i>and the grounds for it</i>. In such cases the applicant also has a statutory right to make a fresh application if they consider that they should no longer be treated as ineligible. Where the Housing Executive decides that an applicant for homelessness assistance is ineligible for such assistance, the Executive must notify the applicant of its decision <i>and the grounds for it</i>. In such cases the applicant also has a statutory right to a review of the decision, with a right to appeal to the county court on any point of law.</p> <p>There is no single definition of anti-social behaviour in legislation. Where the term is used in legislation, the meaning of the term in that particular context is very clearly defined.</p> <p>Ground 1 refers to circumstances where "any rent lawfully due from the tenant has not been paid <i>or any obligation of the tenancy has been broken or not performed</i>". Clause 2(8)(a)(iv) makes it clear that the definition of a "relevant purpose" includes an application for an order for possession under Ground 1 <u>only so far as it relates to any behaviour causing nuisance or annoyance</u>. While the provision made by Grounds 2 and 3 for possession on the grounds of antisocial behaviour may be considered to be comprehensive, it would be improper to entirely exclude Ground 1 from the definition of a "relevant purpose" given that Ground 1 includes behaviour that is clearly "antisocial" by any standard.</p> <p>All the "relevant purposes" defined in the</p>	

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<p>used in any way that undermines the established principle of 'reasonableness'.</p> <p>Safeguards must be put in place to ensure that information collected with the aim of verifying or establishing the occurrence of antisocial behaviour by an individual meets a high test of credibility.</p> <p>'mental health issues can play a significant role in cases of antisocial behaviour..... In such cases, pursuing a possession order or other court action will not be the most appropriate action'.</p> <p>'...there is a need to ensure that prior to action being taken against an alleged perpetrator of antisocial behaviour the situation is examined for any signs of the behaviour resulting from health issues. In fact, the gathering of such information could be used in a positive way....'</p>	<p>Bill are subject to the test of 'reasonableness'.</p> <p>Where the information disclosed under this provision is to be used in any court proceedings, the court would expect any evidence presented to it to meet a high test of credibility. Existing legislation provides that where the Housing Executive decides that an applicant for housing accommodation is ineligible for such an allocation, the Executive must notify the applicant of its decision <i>and the grounds for it</i>. In such cases the applicant also has a statutory right to make a fresh application if they consider that they should no longer be treated as ineligible. Where the Housing Executive decides that an applicant for homelessness assistance is ineligible for such assistance, the Executive must notify the applicant of its decision <i>and the grounds for it</i>. In such cases the applicant also has a statutory right to a review of the decision, with a right to appeal to the county court on any point of law.</p> <p>Guidance issued by the Department to the Housing Executive advises that:</p> <p><i>The Executive should be conscious of the difference between anti-social behaviour which is deliberate and behaviour which, while it may have an adverse effect on neighbours etc., is the result of illness or some other form of vulnerability. Behaviour which falls into the second category needs to be addressed through the provision of support by the appropriate agencies. The Disability Discrimination Act 1995 prohibits eviction on the basis of a person's disability and the Executive should ensure that procedures are in place to facilitate the</i></p>	

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<p>Suggest that as a minimum : ‘DSD’s ‘Antisocial Behaviour Guidance for the Northern Ireland Housing Executive’ to be fully revised to ensure that proper safeguards are put in place and extended to all relevant authorities who may be engaged in information sharing in relation to Anti Social Behaviour. The Committee should therefore, in our view, consider inserting the following clause in the proposed legislation: <i>“Any person who, by virtue of this Act, must or may provide information or who provides or receives information for the purposes of any provision of this Act shall have regard to any relevant guidance given by the Minister”</i>. This wouldmirror the arrangements which are currently in place to safeguard the disclosure and sharing of information on similar issues in Scotland.</p> <p>HRS welcomes the Department for Social Development’s decision not to proceed with the proposals in the original Housing (Antisocial Behaviour) Bill to introduce a new type of social housing tenancy.</p> <p>HRS also recommends that the Committee actively seeks the input of the NI Human Rights Commission, the Equality Commission and the Information Commissioner as to the implications of the Bill on data protection, disability discrimination legislation, privacy laws and Article 8 of the Human Rights Act.</p> <p>NI HUMAN RIGHTS COMMISSION</p> <p>The Commission advises that the</p>	<p><i>provision of suitably-tailored support packages for vulnerable tenants. Where a vulnerability is identified in any case involving anti-social behaviour, part of the solution will involve addressing the vulnerability.</i></p> <p>If the information sharing provisions of the Bill are enacted in law, the Department will revise its Guidance to the Housing Executive, taking account of the Scottish Guidance. As always, the Department will work with the Housing Rights Service in revising the Guidance. While the Guidance on dealing with Anti Social Behaviour issued by the Department to the Housing Executive is non-statutory, decisions by the Housing Executive would obviously be vulnerable to challenge if they appear to conflict with Departmental Guidance.</p> <p>The Department is pleased to note Housing Rights Service’s support for the decision not to proceed with the proposal to introduce a new type of social housing tenancy.</p> <p>The Department has sought the Information Commissioner ‘s views on data protection aspects of the Bill. The Department notes that the NI Human Rights Commission and the Information Commissioner have responded to Committee on the implications of the Bill on the Human Rights Act and data protection.</p>	

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<p>definition of “person”, “information” and “purpose” within the Bill are broad. As a result of the cumulative effect of this, and the lack of legal certainty, it appears that Clause 2 of the Bill may not meet the proportionality test under ECHR, Article 8.</p>	<p>The definition of “person” is deliberately broad as there would be no reason to restrict the descriptions of persons or organisations who can disclose the relevant information. The proposals are intended to ensure that <u>any</u> person or organisation holding relevant information can disclose it to a social landlord. In the Department’s opinion, this is not disproportionate.</p> <p>“Relevant information” is defined strictly in terms of the kind of information that would be required:</p> <ul style="list-style-type: none"> • by a social landlord who is seeking an injunction or other order of the court in relation to anti social behaviour, or • to inform a decision by a social landlord about eligibility for social housing or entitlement to exercise certain tenancy rights taken in accordance with legislation. <p>No other description of information is included in the definition of “relevant information” which, in the Department’s opinion, is neither broad nor disproportionate.</p> <p>“Relevant purpose” is defined strictly in terms of applications by social landlords for injunctions or other orders of the court in relation to anti social behaviour or the exercise of certain other statutory powers of social landlords in relation to anti social behaviour. Given that the purposes for which personal information may be disclosed are limited to those that would support social landlords’ existing statutory powers for tackling anti-social behaviour, the Department takes the view that clause 2 is neither excessively broad nor disproportionate.</p> <p>Where the information disclosed under this provision is to be used in any court proceedings, the tenant will have an opportunity to challenge any</p>	

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<p>The Committee may wish to inquire as to what procedural safeguards will be put in place should a tenant wish to contest the accuracy or completeness of the information provided or wish to have an opportunity to set out what action has been taken to end the behaviour or conduct under scrutiny.</p> <p>The Commission suggests the Committee asks whether the Department conducted their own exercise in considering the proportionality of the proposed arrangements for disclosure of</p>	<p>evidence presented to the court. Existing legislation provides that where the Housing Executive decides that an applicant for housing accommodation is ineligible for such an allocation, the Executive must notify the applicant of its decision <i>and the grounds for it</i>. In such cases the applicant also has a statutory right to make a fresh application if they consider that they should no longer be treated as ineligible. Where the Housing Executive decides that an applicant for homelessness assistance is ineligible for such assistance, the Executive must notify the applicant of its decision <i>and the grounds for it</i>. In such cases the applicant also has a statutory right to a review of the decision, with a right to appeal to the county court on any point of law.</p> <p>Existing legislation provides that where the Housing Executive decides that an applicant for housing accommodation is ineligible for such an allocation, the Executive must notify the applicant of its decision <i>and the grounds for it</i>. In such cases the applicant also has a statutory right to make a fresh application if they consider that they should no longer be treated as ineligible. Where the Housing Executive decides that an applicant for homelessness assistance is ineligible for such assistance, the Executive must notify the applicant of its decision <i>and the grounds for it</i>. In such cases the applicant also has a statutory right to a review of the decision, with a right to appeal to the county court on any point of law. It is not clear what the Human Rights Commission means by procedural safeguards should a tenant wish to set out what action has been taken to end the behaviour or conduct under scrutiny.”</p> <p>The Department can confirm that it has considered the proportionality of the proposed arrangements for disclosure of information related to anti-social behaviour and reached the following conclusion:</p>	

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<p>information related to anti-social behaviour and; if so, what conclusions were reached.</p> <p>The Commission advises the Committee for Social Development to ask the Department to set out the basis for the statement of compatibility.</p> <p>MID ULSTER DISTRICT COUNCIL</p> <p>Mid Ulster District Council encourage the introduction of legislation to allow the sharing of information between Housing providers and in particular registered housing associations. Existing sharing arrangements under the Anti-social behaviour Order should also be revisited allowing the exchange of information between NIHE and relevant housing associations, which would facilitate greater partnership working.</p>	<p><i>The purposes for which personal information can be shared between social housing providers will be circumscribed in primary legislation and will be limited to those that are necessary for tackling anti-social behaviour.</i></p> <p>The Minister has stated that in his view the Bill would be within the legislative competence of the Assembly. The Minister was able to make this statement because the Department's legal advisers could not identify any basis for concluding that the Bill would be outside the Assembly's legislative competence. It should be noted that, if any of the provisions of the Bill were incompatible with Human Rights requirements, the Bill would not be within the Assembly's competence.</p> <p>The Department welcomes the Council's support for the proposals. While the Council has suggested that existing sharing arrangements under the Anti-social behaviour Order should also be revisited to allow the exchange of information between the Housing Executive and housing associations, it should be noted that responsibility for amending the Anti-social Behaviour (NI) Order 2004 would fall to the Department of Justice. However, because clause 2 would enable any person to disclose relevant information to the Housing Executive or a registered housing association, this means that the Bill would enable the Housing Executive to disclose relevant information to a housing association, and <i>vice versa</i>.</p>	

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<p>As the legislation provides a statutory basis for the sharing of information, it is recommended that the necessary protocols are in place prior to the transfer of data.</p> <p>The committee may also wish to consider the potential for data transfer relating to tenants in the private rented sector and those relevant statutory authorities.</p> <p>THE INFORMATION COMMISSIONER</p> <p>Within the Data Protection Act 1998 (the DPA), disclosures required under law can be made, however there are other aspects that should be considered in order to be compliant with the legislation. These include that any processing of personal data is 'fair' and 'lawful' and it should be obtained only for limited purposes. The Department also must be satisfied that any disclosures are consistent with the individual's right to privacy under Article 8 of the Human Rights Act and are in line with the common law duty of confidentiality.</p>	<p>The Department recognises the value of information sharing protocols and would encourage the Housing Executive and housing associations to consider developing such protocols with other organisations where this would be helpful.</p> <p>The Bill does not provide for information about anti-social behaviour to be shared with private landlords on the same basis as the Housing Executive and registered housing associations due to concerns about the adequacy of security arrangements, understanding of the implications of the Data Protection Act and arrangements for dealing with subject access requests. However, the Department is seeking legal advice on this matter.</p> <p>The Department received legal advice that the Minister could make a statement that the Bill would be within the legislative competence of the Assembly. On the basis that the Bill must be compatible with the Human Rights Act in order to be within legislative competence, the Department does not consider that there are any issues with Article 8. Having regard to the Commissioner's advice that disclosures must be consistent with the individual's right to privacy under Article 8 of the Human Rights Act and in line with the common law duty of confidentiality, the Department would have concerns about the processing of information by private landlords and in particular the security of the conditions under which the information would be held.</p>	

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<p>If disclosures <i>are</i> required by law, the need for fair processing may fall, however as a matter of good practice individuals should be informed about the possibility of such disclosure. Updating a Housing Executive tenancy agreement will provide this to new tenants but may not cover tenants who have previously entered into a tenancy agreement, nor will it take account of the information pertaining to a Housing Association. The reasonable expectations of individual tenants and whether they would expect to have their information shared in this way should also be considered. These issues will need to be addressed before any disclosure of this kind would be commenced.</p> <p>Personal information must also be relevant, adequate and not excessive. In this regard, it will be necessary to establish the boundaries of what is deemed to be anti-social behaviour and under what circumstances this should be disclosed. The relevancy of any disclosure must be taken into account. For example, it may be relevant to make a disclosure relating to a repeated pattern of anti-social behaviour, but this may not be the case with respect to a single isolated issue. Also, if a significant period of time has passed, this should also be taken into consideration, as the information may no longer be adequate or relevant. We would therefore stress the importance of proportionality with any disclosures. Principle 5 of the DPA requires that personal data should only be kept for as long as necessary and this should also be taken into account by any organisation that holds this information, particularly as it will in some cases constitute sensitive personal data. A retention period should be agreed between all parties.</p>	<p>The Department agrees with the Commissioner that all existing tenancy agreements for Housing Executive and housing association tenants could have to be changed to ensure that tenants are informed about the possibility of disclosure. This could be a major logistical exercise.</p> <p>Clause 2(3)-(7) defines “relevant information” in terms of information about certain kinds of conduct and clause 2(8) defines “relevant purposes” in terms of actions being taken in relation to social landlords’ statutory powers to deal with anti-social behaviour. These provisions clearly establish what is deemed to be anti-social behaviour for the purposes of the Bill, and the circumstances in which information about such behaviour should be disclosed.</p> <p>Guidance issued by the Department to the Housing Executive advises that the Executive should not normally take action on the basis of a single isolated instance of anti-social behaviour so it seems highly unlikely that a social landlord would be seeking information about such incidents. The guidance also emphasises the need for legal action to be proportionate to the tenant’s conduct and stresses that individuals should not be considered ineligible for social housing on the basis of a past conviction if they have subsequently been of good character.</p> <p>The Department has noted the Commissioner’s advice in relation to retention periods.</p>	

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<p>Principle 7 requires that personal data is kept secure and that appropriate technical and organisational measures are taken against unauthorised or unlawful processing. In these circumstances, before disclosure, the Housing Executive or Housing Association should be satisfied that the recipient private landlord has adequate security arrangements in place. In the same respect, they should be assured that the organisation/s understand the implications of the legislation. This includes the provision for dealing with subject access requests under the right of access under Principle 6 of the DPA.</p> <p>Before commencing any information sharing of this nature, we would refer you to the ICO Privacy Impact Assessment (PIA) Code of Practice and also to the ICO Data Sharing Code of Practice. A PIA may be useful to undertake to assist with determining the potential privacy risks to individuals if the sharing takes places. Any sharing should conform with the Data Sharing CoP and a data sharing agreement be put in place. Finally, I would highlight the provision of the Freedom of Information Act 2000 and the accountability and transparency required by public bodies. This should be taken into account, particularly given any proposed disclosure with the private sector, and indeed the potential of disclosure to individual landlords.</p>	<p>The Department notes the Commissioner's concerns about information private landlords, particularly in respect of the adequacy of security arrangements, understanding of the implications of the Data Protection Act and arrangements for dealing with subject access requests.</p> <p>The Department notes the Commissioner's comments in relation to the relevant Codes of Practice. The Department also notes the Commissioner's comments in relation to the requirement for accountability and transparency and, in particular, the implications for any proposal to share information with private landlords.</p>	

Clause 3	Clause 3: registration as statutory charge of certain loans
<p>Explanation</p>	<p>Clause 3 provides that so long as any part of the principal of, or any interest on, a loan made by the Housing Executive under Article 9 of the Housing (Northern Ireland) Order 1981 (for certain purposes including making repairs or improvements to a house) remains outstanding, the loan is to be a charge on the house or building(s) in question, and that such charges shall be registered in the Statutory Charges Register.</p>

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<p>SUPPORTING COMMUNITIES NI</p> <p>‘as..the property.. could be repossessed if the borrower defaults on any loan .we would.. recommend that anyone applying for a home improvement loan from NIHE is referred for independent financial advice as part of the application process.’</p> <p>NILGA</p> <p>supportive of the intent to operate a pilot scheme of loan assistance for private sector housing repairs and improvements, and the proposal to enable the Housing Executive to register a statutory charge in respect of grants by way of loan. NILGA is satisfied that this is the most economic way to protect public finances where such loans have been made.</p> <p>CHARTERED INSTITUTE OF HOUSING NI</p> <p>does not disagree with the principle of registering a statutory charge, however cannot comment with authority on the impact of this as they are not aware of the detail regarding a scheme for loan assistance for private sector housing repairs and improvements.</p> <p>They have one specific comment – Page 5 line 18 after "paragraph (1)(a) is" insert "or" so the clause reads “So long as any part of the principal of, or any interest on, a loan under paragraph (1)(a) is or remains outstanding...” (emphasis added).</p> <p>HELM HOUSING</p> <p>Suggest this could be extended to other grants including mortgage interest relief and house sales discounts.</p>	<p>Matters of this kind will be considered as part of any substantive scheme which may arise from existing provisions.</p> <p>Any scheme resulting from the existing legislative provision would be subject to the usual publication of a draft for public consultation.</p> <p>The provision should read: “So long as any part of the principal of, or any interest on, a loan under Paragraph 1(a) remains outstanding”. A correction will be made in respect of this drafting error.</p> <p>These policy and operational matters do not fall within the scope of this Bill.</p>	

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<p>Clause 3 details registration as statutory charge of certain loans and expands on Article 9 of the Housing (NI) Order 1981 under Advances by the Executive. However, the reference in the amendment to be added after Paragraph (2) appears erroneous as there is no Paragraph (2) in Article 9 and maybe this should be added after Paragraph 2 in Article 10 which details "Directions to the Executive"?</p> <p>LANDLORDS ASSOCIATION NI</p> <p>If this would be extended to cover the Private Rented Sector then LANI would not foresee any issues with statutory charges.</p> <p>MID AND EAST ANTRIM BOROUGH COUNCIL</p> <p>'...falls within the statutory remit of the Housing Executive only and is an effort to protect public finances.'</p>	<p>While Article 9 of the Housing (Northern Ireland) Order 1981 as originally enacted had no paragraph (2), a new version of Article 9 (which includes a paragraph 2 listing the purposes for which the Housing Executive may exercise its powers under Article 9(1)) was inserted by Article 85 of the Housing (Northern Ireland) Order 1983.</p> <p>The statutory provision at Article 9 extends to 'any person', including the private rented sector.</p>	