



Northern Ireland
Assembly

Committee for Social Development

OFFICIAL REPORT (Hansard)

Housing (Amendment) Bill: Landlords'
Association for Northern Ireland

1 October 2015

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Alex Maskey (Chairperson)
Mr Fra McCann (Deputy Chairperson)
Mr Jim Allister
Mr Roy Beggs
Ms Paula Bradley
Mr Gregory Campbell
Mr Stewart Dickson
Mr Sammy Douglas
Mr Phil Flanagan
Mr Gordon Lyons

Witnesses:

Mr Raymond Crooks Landlords' Association for Northern Ireland

The Chairperson (Mr Maskey): With us today is Raymond Crooks from the Landlords' Association for Northern Ireland (LANI). You will be aware that we are not technically at the formal Committee Stage of the Bill; nevertheless, we are hearing evidence on the basis of the Bill as we know it to try to make sure that we do not hold it up any longer than might otherwise be the case. As you responded to our call for evidence, I wanted to give you the opportunity to come and present your points, Raymond. You are very welcome. Over to you in the first instance. We will then open the meeting to members' questions.

Mr Raymond Crooks (Landlords' Association for Northern Ireland): First, thanks for the invitation. I must apologise for my sole representation. Between holidays, weddings, funerals and everything else, I am the last man standing. Obviously, we are a voluntary organisation, so it is not easy sometimes to arrange much representation. To give you an indication of my background, I am a practising solicitor in north and west Belfast. I specialise in property and act for both tenants and landlords, so I have a good grasp, in my mind anyway, of what is involved in the legislation. I specialise in repossessions, debt restructuring and bankruptcies, so I have a good general understanding.

You will be more than well aware of LANI. We like to think that we promote ourselves as using good practice in the private rented sector. We have monthly meetings where we try to educate all our members on legislation, especially in the recent past when there has been substantial legislation regarding the tenancy deposit scheme, landlord registration etc. Our website is also quite informative, and we are hopefully moving towards some sort of accreditation to assist with stakeholder meetings and whatever else we are asked to do.

From our reading of the Bill, it is really based on the public rather than the private sector. We would, however, like to be more involved and have more input into aspects of the housing sector. The Bill extends to mention antisocial behaviour and problems with information sharing in relation to tenants. That really should be made public. How we do that or how you would dress that up I am not sure, but it would definitely be beneficial to both the social and the private rented sector.

As you are aware, the private rented sector is probably the biggest housing sector in providing social housing for tenants. On bad tenants — that is the wrong description. If landlords are not aware that tenants who created problems in the social housing sector and who have ended up in private sector have ASBOs or other problems, it creates problems for them, which, of course, compounds the housing sector problem. Landlords are already burdened with several pieces of additional information. We feel that it would help if we had some sort of facility for information sharing. We have been contacted on many occasions by landlords who have said that they have had a tenant that has done x, y or z, and asked whether there is a list or some sort of format that they could use, not necessarily to name and shame tenants but, if they are repeat offenders, you would like to know what the position is.

There was the example on the news yesterday or the day before about the lady who stabbed a paedophile in a housing sector. How relevant that is to Northern Ireland, I do not know, but there are cases where tenants with problems and issues arrive from the social housing sector. The last thing that a landlord wants is for somebody to move into your home who will create instability in the local housing environment. I had a property where people were growing a cannabis farm. It was one of the first cannabis farms to be found in Northern Ireland, and it gave me grave difficulties with the neighbours. That was in a housing estate in north Belfast, and I got serious grief. That was a tenant who had come from the social housing sector into the private rented sector, and it is an example of where there is a need for more information for all parties. If the private rented sector has a problem tenant, the social sector should be made aware of it; it works both ways.

The Bill refers to sharing data on identifying homes that are not being used or empty properties. I would like to see more use of the Land Registry. Every person who owns a property in Northern Ireland must register it. A lot of that is now online, especially in the social housing sector, and a £6 or £7 search of the Land Registry will give you the name of the registered owner of most properties. They are all aiming towards land registration instead of the old registered deeds system.

On electricity and gas use, if a house burns down, the first thing that the insurance company will ask you for is proof that somebody was living in the house, and they will ask for usage. In relation to that aspect of the Bill, if you are looking at information sharing and how you can see whether a property is empty, we had a very recent case in my practice where a landlord was prosecuted for evicting a tenant, but the guy had not lived there and had been using it as a broo drop. We were able to show that because there was £5, which is the emergency top-up, on the gas and the electricity meters for over a year. He had never been in the house; he had never used the house. The landlord changed the locks but, because he did not get a court order to evict the tenant properly, he was found guilty. He was only fined £250, so I do not know how successful that was for the other party, because it would have cost the council who prosecuted the landlord far more than that to prosecute him. He would have to be interviewed under police caution, put on file, and the council would have had to instruct a solicitor to prosecute. All those sorts of problems could be helped if you were using this sort of scenario.

In my experience, the broo drop facility, if you want to call it that, is a problem in Northern Ireland. I am aware and have been aware in the past of lots of individuals who live in a house but do not live in it; they are living with a girlfriend or a boyfriend. Then, there is the tenant who lives on her own but has four children over the space of six years. Everybody has the right to have a child, but that is the sort of issue that creates problems in both the private and the social sector. It costs money to house individuals who are not actually living in properties. That sort of thing could be checked through information sharing. The same goes for antisocial behaviour. Those are the main points of what we are discussing there. There are problems on both sides and, if information on these issues could be shared, it would definitely help us.

The Bill also makes reference to statutory charges, which, again, affects the public sector more than the private sector. However, one thing that I would point out to the Committee is that landlords have problems at the moment. On the mainland, there are up to 40 lenders for finance and refinance for buy-to-let properties. In Northern Ireland, it depends on how many mortgages you have. If you have more than three mortgages on your buy-to-let portfolio, the chances of getting another mortgage now are virtually nil. A lot of landlords are stuck as mortgage prisoners and are having great difficulties. Again, this impacts on the whole wider community because landlords cannot refinance or are not in a

position to possibly pay off an interest-only loan when it expires and the house is in negative equity. I know that there is no money left in the pot for anybody, but when you are looking at loans, grants and other facilities, the private sector could be considered. I do not know how that would work, but I thought that I would raise the point.

There is a private rented sector review going on at the moment. That is very relevant because, in my experience, there is a problem with the eviction process. My opinion is that it does not work in Northern Ireland. It is not fit for purpose; it takes too long and is too expensive. You are probably aware of the repossession task force. I was involved in that as well. The stats behind that in regard to mortgage prisoners and people who are stuck in negative equity are quite scary. There is a rates liability in Northern Ireland that no other part of the UK has, because landlords are liable for the rates in Northern Ireland regardless of what the agreement is or what happens with the individuals involved.

The Immigration Bill is coming into force. That will be quite effective and is geared towards the eviction process, which will have to change, because the eviction process here cannot be compared to that in England and Wales. These are all issues that are not necessarily linked to this Bill but are very relevant to landlords at the moment. The Bill is geared towards public sector, but those are our thoughts on the legislation.

The Chairperson (Mr Maskey): Thank you for that, Raymond. You are suggesting that the Land Registry should be included in the Bill.

Mr Crooks: When I was reading the Bill, I saw that clause 1 is about the sharing of data and the ability to trace individuals to show who owns the property. Part of the problem with the Bill is that there are too many properties that are vacant and doing nothing. In my mind, it is an easy process to find out who is the registered owner through sharing of information between the different bodies. There is the rates body, the electricity board, gas, but the most important part is that, if it is in the Land Registry, you will know who the solicitor was because the solicitor has to be noted on the land certificate as the person who acted in the purchase, and the registered owner is also noted. You should be able to find them that way and, if it is an individual from outside our jurisdiction, the service address is nearly always the solicitors who acted. That provision of the Bill could be tightened up. To me, that is easy; maybe that is because I deal with the Land Registry day and daily. There is not much science in it.

The Chairperson (Mr Maskey): OK. Thank you for that.

Mr Dickson: I will just ask you a general question first. You represent the Landlords' Association for Northern Ireland. What is the extent of your membership, and, geographically, are you spread right across Northern Ireland?

Mr Crooks: Originally, before my time, it was known as the Landlords' and Tenants' Association. It involved everybody and anybody who wanted to join. We have landlords from Belcoo to Ballycastle, literally. I could not tell you how many properties they have. We have asked the question, but of course nobody in Northern Ireland ever gives you information that would be relevant. We have nearly 300 members, but some of our members have just one home and others have 300. We have quite a lot of agents who are members and are involved in the rental sector, and we have quite a lot of HMO landlords. HMO landlords are very prevalent.

Mr Dickson: You have approximately 300 members.

Mr Crooks: Yes.

Mr Dickson: Have you any idea how many private landlords in Northern Ireland are not your members?

Mr Crooks: I am not sure. Our friends sitting behind me — the representatives of DSD — might be able to help with that, but it is a substantial number. In my experience, in 2001 and 2002, down to 2005, all you had to do was stand up and you got a mortgage.

Mr Dickson: I understand that.

Mr Crooks: A lot of people then became accidental landlords when mum and dad left the home, or something happened to a brother or sister or whatever. Either they kept the house at the time

because it was a good investment or, alternatively, they were left the house and it is now in negative equity and they cannot get rid of it.

Mr Dickson: Do you have a code of practice for your members?

Mr Crooks: I do not know. There you are. It is a long-standing organisation, and I have been chair for two years. I think that we do, but, if you were to ask me to put my hand on it now, I would not have it.

Mr Dickson: Do you not think that, as a landlords' association, it is something that you should have, so that tenants can say, "My landlord is a member of the Landlords' Association, and it has a code of practice which tells me that they will be a good landlord to me"?

Mr Crooks: I think that we have a code of practice but, to be honest, I do not know. I cannot confirm that. Our whole mode of operation is geared towards educating the landlord. We run bimonthly meetings; we have monthly meetings but the bimonthly meeting is the main event. We also have an annual event. When the landlord registration and the tenancy deposit schemes were brought in — all the legislation and the private sector rental review that is going on at the moment — we were bashing heads, if you like, to show landlords the legislation and try to make sure that anybody who was a member of LANI was doing what they should do.

Mr Dickson: Do you agree that the best way for landlords to know what they should do to be a good landlord and meet all the requirements would be to follow some form of code of practice which, as a professional or member organisation, you should have?

Mr Crooks: Obviously, we are all members of the landlord registration scheme or should be.

Mr Dickson: I appreciate that.

Mr Crooks: Do you mean a code of practice in relation to licensing or some form of accreditation?

Mr Dickson: Some form of accreditation: how you treat tenants, ensure that your members are up to date with all their legislative and registration requirements and things like that. Most organisations that represent groups of people in the way that you do tend to have some sort of guidance or rules. As a landlords' association, I assume that you want to ensure that you attract good tenants. I would have thought that one of the purposes of your organisation would be to ensure that, for example, you discourage antisocial behaviour among tenants, which we have been talking about. If I come along to one of your landlords and want to be their tenant, I go to them because I see that the association has some kind of standards.

Mr Crooks: Yes. We had a meeting recently with the Chartered Institute of Housing (CIH) in relation to accreditation. Licensing has been bandied about quite a lot. I do not know whether you are familiar with the problems that they have had in England with licensing due to judicial reviews and other aspects. Initially, licensing was brought in in certain areas to deal with antisocial behaviour, but it seems that different councils have come up with ideas: Liverpool, Camden and other councils have come with the idea of licensing.

The Chairperson (Mr Maskey): These are important issues, but let us stick to the Bill.

Mr Dickson: I appreciate that. I suppose that the Chair will tell me that this is not part of the Bill, but it is an area that should be part of it and one that we clearly need to discuss. You have told us that you spend a lot of time talking about a range of housing issues: to what extent have you discussed what contribution, as a landlords' association, you can bring to shared and integrated communities or to integrating communities?

Mr Crooks: I think, from a landlord's perspective, probably in our sensible country politically and geographically, you can integrate as much as you like, but it will depend on where your property is. My experience is that landlords do not care who pays the rent; it is an investment. Obviously, they are keen to have someone who, in their mind, is a good tenant who will look after the property and maintain it. What flag or where they are from is probably not relevant. That said, I have personally had tenants who left properties because they were victimised, especially eastern Europeans.

Recently, I had an Indian lady — somebody spat in her face, which was quite unpleasant. That is, unfortunately, a wider social problem; it is not really a landlord-tenant problem.

Mr Dickson: To what extent would a landlord take cognisance of that and provide support to a tenant in those circumstances?

Mr Crooks: It depends on the individual landlord. Some of the landlords I know would be very proactive. Some are not involved at all; they would give the information to an agent and say, "Look, these are my three properties. Please deal with it. I don't want to know anything about it". It is down to the individuals. It is very dependent on where your property is. If your property is in north Belfast or your property is in the middle of the country somewhere, there will be a different attitude.

The Chairperson (Mr Maskey): With respect, I think we need to — We have quite a number of people who want to speak.

Mr Dickson: Finally, in relation to information sharing particularly, I take your point in respect of people who have a record of antisocial behaviour. You indicated that you are a solicitor. Do you think that we should get around all the appropriate data protection issues to ensure that there is best practice in terms of sharing information and that that should be provided to private landlords so that you are aware that a tenant who is coming to one of your members perhaps brings with them a record of issues and that that may be something that the landlord will have to take into consideration?

Mr Crooks: I do not know how we solve that problem, and I am very aware that data protection is a real issue, but I feel that, if you speak to members of the Housing Executive, you hear that there are certain individuals who just go round and round. You should not have to arrive with a reference. In fact, I am very wary of a tenant who arrives with a beautiful reference for me. That is the first thing that would put me off giving a house, because that is not the real world.

On the data protection point, as I said, I do not know how we possibly deal with that. We have been asked — I have been chair for two years — six times probably in two years to produce a list, and we have had to say, "No, we can't produce a list of people who are not suitable, dare we say". Of course, what is suitable for you may not be suitable for me, and there are reasons behind every story, but there are definitely individuals, both landlords and tenants, who possibly should be on some form of register. If you have three or four ASBOs and you have been put out of six houses in the social sector or whatever, why should the landlords in the private rented sector not be aware of that?

Mr Dickson: Being aware of it and refusing to house them are two different things.

Mr Crooks: Yes.

Mr Dickson: Do your members — even though they may not know officially, they will know from perhaps community information — successfully provide tenancies for people who perhaps have had a difficult track record previously?

Mr Crooks: It depends on what the track record is and, again, every tenant or landlord would be different. Personally, I have taken in tenants who I know have alcohol problems, drug problems or whatever. In fact, some of my best tenants have been what you might class as problem tenants. It is relevant to where the property is. Obviously, if it is a five-bed house in the middle of some nice development, somebody who has had three ASBOs against them is not going to get into that; but, if it is a two-bed flat somewhere, and I am not casting aspersions — I probably am — the landlord may be happy to take someone who has a few issues. Again, it is relevant probably to the actual individuals.

Mr F McCann: Thanks very much for the presentation. I know that Stewart strayed —

The Chairperson (Mr Maskey): Can we stick to the Bill?

Mr F McCann: — but there will be chances, hopefully in the coming months, to work on HMOs and the review of the private rented sector, which I believe is overdue. On the sharing of information, there are thousands of individual landlords, many of them probably not members of your association. How would you handle information that has been shared by other statutory authorities, given that you are a wide organisation with many individuals? There is sometimes a serious problem with the level, quality and quantity of information that may be passed.

Mr Crooks: Most of the documentation that we receive goes on our website, and nearly all the landlords have an email address. That information includes anything on legislation or anything coming through that is relevant to the private rented sector review. I and a number of other committee members met the DSD to discuss all aspects of that. We were involved in a meeting at the Lighthouse Building to give our general opinion along with many other individuals, including the Housing Executive, various government bodies and those associated with the homeless. As a rule, any information that we are given will be informed to the members either at a monthly meeting or by email. We do not really hold what I would class as personal or private information on anybody. There is no information that I am aware of that would prejudice anyone. We put out to our members anything that we are given. From my perspective, it is about trying to push the education part. The more we can help our landlords understand what they need to do, the better the whole system works.

Mr F McCann: I raised this at the Committee last week when we spoke about the information-sharing protocols. Many housing associations are not included in the sharing of information. That raises all sorts of problems, but it is about how that information is delivered and acted on. I think that you would agree that quite a lot of landlords in the private sector provide good, decent housing for people, but a rump of private landlords do not. You talked about the two-bedroom flat. To me, right away, that indicates a tenant being brought in who will torture the tenants that live on either side of them. It is about how you deal with all that. It sends out all the wrong signals. I know that empty houses have an impact, but the impression out there is that most of the empty houses are owned by private landlords who may have fallen into financial difficulties or may not have the money. How do you deal with that?

Mr Crooks: You can trace the owner. I had a real issue with an empty property beside one of mine. It was empty for about three years, and the landlord basically handed the keys back to the bank. The bank never did anything; it sat tight. Then, it instructed an asset recovery agent from England, who did not have a clue. That is my personal opinion. That agent did not know where the Shankill Road is, or Belfast, never mind Northern Ireland. That house just lay and lay. Eventually, kids got into it, set it on fire and it burned down four other houses. That is a real problem. From a sharing perspective, they will know who the lender is because the charge will be registered on the title.

If a house has been repossessed or the keys have been handed back, it is the easiest thing in the world to see. A £7 search of the Land Registry will allow you to see who the owner is. Maybe there should be a more proactive stance. If a house is empty for so long, the rates department should know that it is empty because nobody is paying the bill. It should find out who the owner is, which mortgage company is involved and whether it has been repossessed or is going through that procedure. The bank will say, "We can't take it until we physically get our order in the High Court". That can take 18 months, because the bank will write to the owner, write to the owner, and write to the owner again, and then take action. At the moment, with the recent case last year with Bank of Scotland, some lenders are not really doing anything. They have so many people, and, in my mind, it is a time bomb.

There are so many landlords that, once the interest rates go up, there is a storm waiting to happen. The problem is that, in Northern Ireland, the values are nowhere near those in the rest of the UK, and, of course, the south-east of the UK is going bananas again. It is well past 2007 levels. We are nowhere near 2007 levels. That is a real problem because what is empty now — In two or three years, if the interest rate goes to 3% or 4%, what will it be? So many landlords are just about coping because of the interest rate and nothing else.

Mr F McCann: That will probably be a major problem that we will have to deal with in the future.

The Chairperson (Mr Maskey): I really want people to focus on the Bill itself. I appreciate, Raymond, that you are dealing with a lot of questions, but they are not —

Mr Crooks: They are not linked to the Bill.

The Chairperson (Mr Maskey): Yes, but you are being asked them.

Mr Flanagan: Raymond, can you indicate what response you have had from the Department about the non-inclusion in the Bill of the private rented sector?

Mr Crooks: Nothing that I am aware of. The Bill came to us and you have seen my reply. That has been it, really. I am not aware that anything else has come in.

Mr Flanagan: Have they had any further correspondence with you on it?

Mr Crooks: No, although, there is a grand, if you like, private sector review at the moment that is discussing everything. Everything is on the table, so we have met the Department in relation to that quite a few times. For me to say no is wrong, because —

Mr Flanagan: But there has not been any massive amount of engagement between you and the Department about this specific Bill on the inclusion of the private rented sector.

Mr Crooks: No.

Mr Flanagan: OK. A primary reason why you want information shared about tenants is to help landlords identify tenants with a poor history, and that is understandable. As part of that process, is there any way that tenants can find out about landlords with a bad history?

Mr Crooks: Through the same procedure. That is partly why the landlord registration scheme was brought in, so that you can at least identify your landlord. I may stand corrected, but I think that you can find out who owns the property and who rents it, so at least you cannot hide behind the agency.

Mr Flanagan: That does not give you any indication, as far as I am aware, of whether that landlord has been subject to any previous action.

Mr Crooks: No, it is the same. I am not aware of anything.

Mr Flanagan: Would you approve of the Bill providing for the sharing of information about landlords and any previous action taken against them?

Mr Crooks: I think that that is fine. That is what we, as the Landlords' Association, are aiming for. Rogue landlords give the rest of us a bad name; that is the problem.

Mr Flanagan: OK. You raised the issue of dole drops, which was explored last week with the Department. It told us that it does not envisage the Bill as the best way of dealing with information sharing. The Department reckons that separate all-encompassing legislation would be much more appropriate, but we do not see any evidence of it working on that. Have you any insight into what the Department is working on to address that issue separately? Have you heard anything from the Department about it trying to address that issue with separate legislation?

Mr Crooks: Not that I am aware of, no.

Mr Flanagan: OK. In your briefing, you referred to anecdotal evidence of dole drops in the private rented sector. Have you anything more on that? Have you any statistical evidence?

Mr Crooks: No, all of it is personal. That is because I have been a landlord since 1998 and I act for a lot of landlords. It is a problem. I do not have stats. I have a small office based in Belfast, but I have a lot of landlords and tenants just because of where I am. On numerous occasions over the years, I have been told, "That is my address but I am actually living with her up the road" or "him down the road". That is when I am acting as a solicitor, which carries client confidentiality, but, in my mind, it happens far too often.

Mr Flanagan: Would you encourage your members in the Landlords' Association not to accept tenancies from people who engage in that type of behaviour?

Mr Crooks: Very much so. The landlord does not want somebody using their house as a brood drop because the main problem is that, if your house is unoccupied for 30 days, your insurance becomes void. Having had a home burned down, I know exactly how this works. You get a phone call on a Saturday night from one of your neighbours at 4.00 am to say, "Your house is on fire". When you arrive the next day, half the street is burnt to the ground. The insurance company is contacted, and the first thing it says to you is, "Right, who was in this house? Prove that they were living in it". It is a real problem.

Mr Flanagan: And that voids your landlord's insurance?

Mr Crooks: Very much so, and they will fight tooth and nail to void your insurance. That is my experience with quite a few tenants. That is where the electricity board is vital in being able to advise who or what is in a property. It was the same with the cannabis farm, as far as I am aware. The PSNI knew what was happening because the electricity board was able to say, "Number 1 is using 4,000 kW instead of 4 kW". It is the same principle when it comes to empty properties and information sharing. How you put that into legislation, I am just not sure. That is for you to deal with.

Mr Beggs: The Bill allows for information sharing about antisocial behaviour in the public rented sector, which represents the largest group of landlords in Northern Ireland. I dare say that, to a certain extent, you will agree that they are protected in that they have a large number of tenants and can perhaps better shoulder the burden of the odd person who may not be a good tenant than an individual landlord with a smaller number of tenants. Is that correct?

Mr Crooks: I think that, statistically, across the board, the social housing sector is now smaller. Housing associations and the Housing Executive are smaller than the private rented sector.

Mr Beggs: What is the typical number of tenants that one of your clients has?

Mr Crooks: I act for a guy who owns 400 houses and another who has two or three, so I do not think that there is a typical number in Northern Ireland. That is the problem. I have found that it is a real problem for the accidental landlord who has one or two properties at the very most and is now stuck spectacularly. I do a lot of debt recovery and debt restructuring for an accountancy firm in Belfast, and some of the figures for west of the Bann and the border area are just scary.

Mr Beggs: Let me rephrase the point: could a bad tenant put one of those small landlords out of business and make them insolvent?

Mr Crooks: Yes, very much so.

Mr Beggs: Therefore, that knowledge is more critical for a small landlord than a bigger landlord.

Mr Crooks: Yes, very much so. I talked about the eviction process. If you were living in my house and were to say, "I am not paying my rent", I would send you a 28-day notice to quit. You could say, "Tough, I am not moving". We had a recent case that took nearly three years and £5,000 to physically remove that tenant from the property. That is just unacceptable. In England and Wales, it takes 11 weeks and costs £1,100, and that is probably the worst-case scenario in England and Wales.

Mr Beggs: Can you draw our attention to the specific differences there? When did they introduce changes that have not been introduced here?

Mr Crooks: Going back to 1925, they had the Law of Property Act. In Northern Ireland, I think that the equivalent legislation came in in 2003 in the form of the Land Registration Act. I do not know all the legislation off the top of my head, but the eviction process in Northern Ireland is that you must apply to the County Court to get an ejectment civil bill. First, you issue your civil bill like a normal civil bill. You go into the court process, which takes a lot of time. I have an example of where the tenant turned up on his own and the judge would not hear him on his own. The judge said, "This is too important. You need to get legal advice. Go away and get a solicitor". The tenant went and got a solicitor. At the next hearing, the solicitor acted, and it was adjourned another time. Then the solicitor was sacked. The next solicitor turned up on his own. The tenant just played the system, and, in my mind, he knew exactly what to do. The problem is that you can have a tenant who says, "I am not paying you" or who trashes your house. The worst-case scenario is people who play the system. They are the problem, because they can live there rent free for literally years. The eviction process is very expensive and time-consuming.

Not that long ago, I gave a seminar on the eviction process to landlords. I started off by asking them, "Who wants to pay their bad tenant to leave?". They all looked at me as if I had two heads, but, after I had gone through all the procedures and talked about ASBOs, I asked the same question, and they all said that they would pay the tenant to get out, because he was not paying them the rent, the chances were that he was damaging their house and the situation was becoming a time bomb. If you are that individual who has one home, you are paying the mortgage on it. Of course, landlords here are liable

for the rates, which also differs from the mainland. Potentially, you are liable for the electricity if you have not transferred costs out of your own name. There are so many problems for the landlord. I was going to say, "If the tenant is bad enough", but that is the wrong description. If the tenant knows how to play the system, it does not work.

Mr Beggs: You refer to the rogue tenant.

Mr Crooks: Yes. Rogue tenants and rogue landlords.

Mr Beggs: The vast majority of tenants are good. Would tenants who are playing the system be entitled to legal aid when they turn up without a solicitor or change their solicitor?

The Chairperson (Mr Maskey): Roy, we are —

Mr Beggs: There is an issue here. I am trying to find out whether the law is with the good landlord or the bad tenant —

The Chairperson (Mr Maskey): We are dealing with the legislation —

Mr Beggs: — because it has an impact. Is legal aid also preventing the eviction and —

Mr Crooks: I would say that tenants probably could get legal aid depending on their position, but the thing about it is that they do not need it. Even if they never turn up at court, the process is so slow. Then the judge says, "Here is your notice of eviction. You now have to vacate the property". That goes to the Enforcement of Judgements Office, and it can take six or nine months. If a tenant has two sheep or a horse in their back garden, he can be evicted, but it is a longer process, because, in Northern Ireland, unlike in the rest of the UK, landlords must give full vacant possession. Therefore, if you as a landlord have a back garden or anything that is big enough to hold any animals at all or if the property is in the country and you have a bit of acreage with it and the tenant has a horse, it just slows things down. It is almost comical how different it is here compared with the mainland. That is a problem for landlords because they are still having to pay the mortgage and everything attached to it.

Mr Beggs: To go back to the sharing of information, I have seen vacant properties in which antisocial activity occurs and is a problem for the neighbourhood. My perception, like yours, is that frequently that can be related to negative equity, and the tenant can perhaps just walk away from the property. Is there an automatic awareness of where the debt sits? Is it with the bank or building society?

Mr Crooks: Yes. It should be registered with Land Registry. Historically, banks lent money and held what was called an equitable deposit, so they held the deeds. That is all gone. There is no such thing as an equitable deposit any more, because Land Registry is bringing in a system of electronic registration, where people no longer need the deeds to put a charge on or to sell a house. That used to be the case, however. Now, you should be able to find out who owns the house and whom the mortgage is with.

Mr Campbell: I want to ask about the issue of disclosure of information relating to antisocial behaviour. You said that you have almost 300 members.

Mr Crooks: Yes.

Mr Campbell: Northern Ireland is quite a small place, and that is a reasonable number, so I imagine that quite a number of landlords know others in the buy-to-let sector. I am thinking about the Data Protection Act again. How might the Bill protect potential tenants who have never been convicted of anything but about whom malicious gossip has been spread, which a landlord feels might be a reason not to let the property to them, while, at the same time, protect a landlord from people who have not been convicted but who they know, from talking to other landlords, are an extreme risk? How could the Bill reconcile those two protections for, in the one case, a genuine possible tenant and, in the other case, a genuine landlord?

Mr Crooks: That is a hard question. Landlords will talk. Like in any business or organisation, everybody talks. However, I am not sure how relevant that would be — apart from possibly to students in the Holylands, where there is a large selection of landlords. There are plenty of landlords

who have properties from Carrickfergus to Ballycastle. In my experience, very few landlords own three houses in the one street and nothing else. Their properties are usually spread out. Therefore, if your tenant in No. 1 has misbehaved, the chances of the landlord of No. 10 knowing about it are slim. I know what you are saying as it relates to the Bill, but I am not sure how it would help. As you said, is it the case that you have to have been convicted, have to have an ASBO or have to have been put out of so many houses before that information is made available?

Mr Campbell: In your experience, is there much in the way of persons who have no convictions? For persons who have convictions, I can see how that it is fairly black and white. However, is there much experience of those about whom you have suspicion but who have never had a conviction?

Mr Crooks: I am not sure. Personally, I do not think that there is much evidence of that. We all live in our towns, cities or wherever, and maybe certain families have a certain name. However, a lot of it boils down to pure numbers. If your house is sitting empty, it is costing you £300 or £400 a month, so, as a landlord, you cannot let it sit for too long. Even though person x may not have the best reputation in the world, you are getting your money paid. Those are the bare stats. There are not too many landlords who do not have a mortgage or financial hardship — I was going to say that "hardship" was the wrong word, and maybe it is. A lot of landlords need the money, probably more so than the tenant.

Mr Campbell: They have to pay their rates anyway.

Mr Crooks: Yes.

The Chairperson (Mr Maskey): Jim, do you want to come in?

Mr Allister: My point has been covered.

The Chairperson (Mr Maskey): Raymond, no other members have indicated that they wish to speak. I know that we have strayed a fair bit, but it gives you an indication of the interest in the issue of housing and in the general intent of the Bill. Unless there is anything that you want to add to your evidence —

Mr Crooks: No. I think that I have covered most points. The Bill deals mostly with social housing. I would like to be involved, but I do not envy whomever is writing the legislation to try to make it happen. It is tricky, especially around data protection.

The Chairperson (Mr Maskey): Some of the people behind you will have been listening acutely to what you have been saying, as they will have some role in that.

Raymond, I thank you for taking the time to come out and help us with our deliberations on the Bill. Feel free to come back to us if you want to add anything. Hopefully, you have an open door if we want to go to you.

Mr Crooks: No problem. Thank you.