



Northern Ireland
Assembly

Committee for Social Development

OFFICIAL REPORT (Hansard)

Housing (Amendment) Bill: Supporting
Communities NI

8 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 Stewart Dickson

Mr Sammy Douglas

Mr Phil Flanagan

Witnesses:

Mr Murray Watt

Supporting Communities NI

The Chairperson (Mr Maskey): I welcome Mr Murray Watt and Ms Linda Watson to the table.

Mr Murray Watt (Supporting Communities NI): Linda is not with us, I am afraid.

The Chairperson (Mr Maskey): Sorry. Are you on your own?

Mr Watt: I am on my own. I feel slightly exposed.

The Chairperson (Mr Maskey): I am sorry; I had not done my homework. The Clerk had given me notes on this. Linda has apologised; due to extenuating circumstances, she is unable to make it today.

Murray, you have listened in to the previous two sessions, and you are well experienced on a number of these issues.

Mr Watt: I apologise if I duplicate anything that has already been said.

The Chairperson (Mr Maskey): That is not a problem. I will just remind people that they have the written submission on pages 31 to 33 of their meeting packs. Without any further ado, Murray, do you want to make some opening remarks?

Mr Watt: OK. I am just going to add some commentary to some of the points that are already in the submission. Hopefully you are OK with that. I am a policy and information officer for Supporting Communities NI. I also do community development work in west, south and east Belfast and the Shankill.

Supporting Communities NI is an independent charitable organisation providing advice and support to community groups across the Province. We also facilitate the Housing Community Network on behalf of the Housing Executive. We are also undertaking increasing amounts of work on behalf of housing associations. I know that that has been mentioned a couple of times already. We recently facilitated consultation with community reps on elements of the social housing reform programme. I know that you have been busy with Bills of late, so I thank you for the opportunity to engage with you today. I want to address a number of issues, offer a few comments on the Bill and hopefully provide a number of intelligent answers to questions that you might have. I will restrict my comments to those pertaining to information relating to empty properties and antisocial behaviour.

The first thing that I would like to say is that Supporting Communities NI welcomes the decision not to proceed with demoted tenancies and assured tenancies, which were in the previous intended legislation. We considered the rationale for such, but we feel that that mechanism would not be the most useful in addressing antisocial behaviour as it appears to be designed to be a quick step to repossession.

To the Bill proper: the requirement to disclose relevant information regarding empty properties appears, on the face of it, to be a useful mechanism. However, going a step further, you might wonder what powers a relevant authority, such as the Housing Executive, might have to be able to act appropriately on any information that it receives — for example, in returning the property to the occupied housing stock. We believe that the Committee might want to consider that further. Nonetheless, information-sharing between relevant agencies has to be seen as a good thing.

We do not have a single definition of what constitutes antisocial behaviour, and it seems to me that the term covers a wide range of behaviours and nuisances and, in some cases, possibly some prejudices. We need to exercise caution that when we use this label, we know exactly what type of behaviour and nuisance we are referring to. That having been said, there are behaviours which cause interference to the quiet enjoyment of someone's home and neighbourhood. Further along the spectrum, they can have serious adverse impacts on people's quality of life and well-being. These need to be regulated. That is, I would offer, the central element of good housing and neighbourhood management. It certainly appears to my colleagues and me that this is the central purpose of the Bill, and, as such, it is welcomed and supported.

Information-sharing across landlords is an increasingly important part of neighbourhood management, certainly now that we have many multi-tenure neighbourhoods. It is also important that those with responsibility for neighbourhood management are aware of the responsibilities and powers that they have in addressing issues and incidences of antisocial behaviour and that this is shared openly with other partners. Experience tells us that it is right and proper that landlords and other agencies respond to any complaint or report properly made and that such information is investigated, corroborated and recorded before any further action is taken.

The Bill refers to "a person", and we believe that this needs to be clarified or at least defined. Does it mean a qualified person or just anybody off the street? There should be clarity on that. There should also be safeguards in any system to protect an individual from mischievous, malicious or vindictive complaints and to ensure that a suitably high test of credibility is placed on any information that may be kept by an agency and/or shared with another. There should also be accountability in any complaints process so that individuals have the right to know what it is in their behaviour or lifestyle that warrants a complaint and what means of redress or response is available to them.

A further thought occurred to colleagues in our consideration of the Bill. There was a certain disquiet about sharing information on an individual where, for example, an application has been made for repossession but subsequently not granted. We question the usefulness and validity of this information. Similarly, we were concerned at the use of the phrase that information is relevant if it "suggests" or "indicates" that an individual is deemed to be guilty of conduct that amounted to an offence but where the same individual has not been found guilty of that offence in the courts. We believe that the wording in this clause allows too much breadth. We are not actually sure who does the deeming and what tests are being applied. Again, that deserves some further consideration.

We also share the view of others — I know that the Housing Rights Service referred to this in its presentation earlier — that information-sharing can be supportive of positive interventions where it is deemed that a household may have complex needs or vulnerabilities. I am confident that housing managers, in the light of information-sharing suggested in the Bill, will seek to effect positive intervention, in partnership with others, where tenants are found to have those complex needs or to be

vulnerable in other ways. It is, therefore, helpful that protocols exist to allow such information to be shared to effect positive outcomes and not just to seek repossession of the tenancy.

I will finish with a comment on something that was asked earlier. We engaged with the Department a number of years ago on what was then the Housing (Amendment) (No.2) Bill, which was not enacted but some elements of which have been enacted in other legislation. Some of the elements in the present Bill have been lifted out of that. That is going back to 2010-11.

The Chairperson (Mr Maskey): Murray, thank you. As you can appreciate, there is quite a bit of crossover in all three of the presentations so far. There are big concerns around the perhaps unnecessary widening of the scope of the legislation. We need to keep reminding ourselves that it is about tackling antisocial behaviour. You said, if I picked you up right, that there is not a clear definition of what antisocial behaviour is, although we heard in an earlier submission that there actually is, and it is rooted in jurisprudence.

Mr Watt: I will come back on that one right away. I was pondering this, and I thought to myself about somebody who is singing in the bath on a Saturday night, which might not be antisocial behaviour but might be a bit of a nuisance. However, if that were accompanied by Led Zeppelin at full belt and full volume, that might be —

The Chairperson (Mr Maskey): You are showing your age.

Mr Watt: — a little bit more antisocial. If the songs that are being sung are perhaps misogynist, racist or sectarian, you are certainly heading towards criminality or antisocial behaviour. There is a need to be quite specific. When you use the term "antisocial behaviour", to what behaviour are you ascribing that? Simply using the label is very unhelpful.

The Chairperson (Mr Maskey): Are you suggesting that Mario Lanza would move two or three houses away?

Mr Watt: Or that I have my bath on a Thursday night instead.

Mr F McCann: Again, I will be brief. I understand what you are saying, but there is a huge difference between playing a Led Zeppelin song while you are in the bath and playing a whole range of others from 7.00 pm until 7.00 am. I think that constitutes antisocial behaviour, especially if the people have been warned and tackled about their behaviour.

The Chairperson (Mr Maskey): I did not think culturally that you had been exposed to Led Zeppelin, but there you go.

Mr F McCann: I would hate to say that I am a bit old for it, but I am not. When I look around the room, I feel that I am in good company as far as that is concerned. I was not sure, in your presentation, whether you were for the information-sharing protocols taking in the likes of housing associations or against it, or whether you rested somewhere in the middle.

Mr Watt: OK then, let me come down firmly on one side or the other. Going back before the current antisocial behaviour protocols were put in place, the Northern Ireland Tenants Action Project (NITAP), as we were then, piloted quite a number of community crime watch schemes across the Province. I sat on the Castlereagh crime watch from its inception. We facilitated discussions between the three main agencies — the Housing Executive, the PSNI and councils — and there was information-sharing between all three as to what was the best way to approach a particular issue. Some of those might simply have been a housing management response or maybe the police had to call and have a word with someone. Sometimes it was a combination of all three. The opportunity to have all three agencies represented in the room to discuss, on a case-by-case basis, some of the more complex issues that were ongoing was a forerunner to the protocols that were subsequently established. The information-sharing that went on then was very effective. If that is the basis for this Bill, then I would say that we need to empower people to get the information that they need to be able to effect the kinds of solutions that are required.

Mr F McCann: I appreciate that you may have been tied into dealing with antisocial behaviour in the east of the city, but I worked with NITAP and Supporting Communities NI in the past and I never really heard of anything. I know you mentioned west Belfast, but I have never really heard of it around

where I live. There is a necessity for a change in the information-sharing protocols, which is to bring in the housing associations. After all, they are the only organisations that build socially rented accommodation at the moment. They are excluded from it, and, as I said before, there is a wee elite group operating that calls itself the statutory authorities. It is essential that the housing associations are brought into that thing to allow them to deal with a lot of the stuff.

Mr Watt: I absolutely agree. I am conscious that the Northern Ireland Federation of Housing Associations (NIFHA) and Helm Housing are following me in the next evidence session, so I do not want to get them in trouble before they start. It is my understanding that the section 75 duties and obligations were passed from the Housing Executive to the housing associations because the associations undertake work on behalf of the Housing Executive and are funded, in part, by the Department. Those duties and obligations under section 75 have been passed on, as have the high standards of housing management — both those that are reflected in the housing association guide and those that the Housing Executive would expect of itself. I know from personal experience — I will quote the Shankill on this — that we have had a high level of engagement with housing associations in the lower Shankill police and community together meetings. That happens on an informal basis. If this empowers people to be more strategic in the way that they address instances of antisocial behaviour collectively, then it needs to be seen as a good thing.

Mr Beggs: Should there be any barriers to what is shared between one organisation, the Housing Executive and social housing landlords and, going to the next stage, with private landlords?

Mr Watt: We are in danger of moving too far in the one direction and falling into the trap of the assumption that housing associations and landlords are gossiping and tittle-tattling about their tenants. It is not like that at all. Things are triggered when a complaint is made and, irrespective of the source of that complaint, the landlord is duty bound to corroborate the complaint and have discussions with whoever they need to in order to effect a solution to the problem.

The private sector probably falls outside the gift of the Bill and ought to as well, by virtue of the fact that those are private businesses. They need to conduct their behaviour subject to other rules and regulations which fall outwith the Department's responsibility.

Mr Beggs: You mentioned that you have worked in different communities to try to bring about improvement. Sometimes difficulties arise because of individuals who are the tenants of private landlords. Why should some level of information not be available, if it is very definite? A court conviction, for example, could relate to someone convicted of arson attack, or someone who has regularly abused their neighbours in other locations. Why should private landlords be susceptible to take that individual, but housing associations and the housing sector protected from them?

Mr Watt: I think that the Housing Executive has certain responsibilities with regard to tackling antisocial behaviour within its estates, irrespective of the source of that behaviour. There are other tools in the antisocial behaviour box. There is a whole raft of mechanisms: for example, anti-social behaviour orders (ASBOs) and the use of injunctions. If somebody's behaviour is such that it requires action on the part of the statutory authority, irrespective of what tenure they are in, legal remedies apply. That is my understanding. I do not think that they are used to the extent that they might otherwise be, but in my experience — a number of examples immediately rush to the forefront of my memory — the Housing Executive has taken tenants of a private landlord to court and secured injunctions against certain types of behaviour.

Mr Beggs: Do you accept that anti-social behaviour orders ASBOs etc are very costly to implement? I know that from experience, having acted as a witness. It necessitated my going to court for three days on three different sections, together with virtually the entire Carrickfergus community police force and several environmental health officers. There was the initial court case, which was successful; then the appeal, which was abandoned halfway through because the individual decided to dismiss his legal representation; and then a third day, six months later, when we had all to come back again for the final appeal, which was lost. Do you not accept that it is very costly to the public purse to rely on such mechanisms?

Mr Watt: I do not know how much ASBOs cost. I do not mean to duck out of the question. As I say, I think there are a number of tools in the box and it really is a case of making sure that public authorities know which are the best to apply to which particular set of circumstances. We have already heard that the Housing Rights Service delivers training on the legal remedies that are available, particularly across the housing association sector and the private sector as well. So, without doing an advert job

for them, I recommend that people broaden their experience and knowledge of all the tools that are in the box and how they might be applied.

The Chairperson (Mr Maskey): No other members have indicated that they want to speak. As I said earlier, that probably indicates that there is a fair amount of overlap in the presentations.

Murray, I thank you again for making your submission and turning up this morning to help us deliberate on this matter.

Mr Watt: I am pleased to, Chair. Thank you very much.

The Chairperson (Mr Maskey): We will be pleased to engage with you in the time ahead. Thank you very much, Murray.