



Committee for Social Development

# OFFICIAL REPORT (Hansard)

Housing (Amendment) Bill:  
Belfast City Council, Lisburn and  
Castlereagh City Council and Northern  
Ireland Local Government Association

15 October 2015

# NORTHERN IRELAND ASSEMBLY

## Committee for Social Development

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**Members present for all or part of the proceedings:**

Mr Alex Maskey (Chairperson)  
Mr Jim Allister  
Mr Roy Beggs  
Ms Paula Bradley  
Mr Gregory Campbell  
Mr Sammy Douglas  
Mr Phil Flanagan  
Mrs Dolores Kelly  
Mr Adrian McQuillan

**Witnesses:**

Mr Stephen Leonard	Belfast City Council
Mr Colin Duff	Lisburn and Castlereagh City Council
Alderman Arnold Hatch	Northern Ireland Local Government Association
Ms Karen Smyth	Northern Ireland Local Government Association

**The Chairperson (Mr Maskey):** We have with us today Karen Smyth, Alderman Arnold Hatch, Stephen Leonard and Colin Duff. I formally welcome you to the Committee. I hand over to you, Arnold.

**Alderman Arnold Hatch (Northern Ireland Local Government Association):** Thank you very much indeed for your welcome, Chairman, and for the opportunity to discuss the Bill with the Committee this morning. You already have our written submissions and the councils' responses. There is a high degree of commonality among the 11 councils. We do not intend to add much more to what we have submitted, but we hope that we can use this time for positive discussion.

In the wider context, Chairman, I would like to say that the Northern Ireland Local Government Association (NILGA) is in the process of consulting the 11 councils on the proposed content of a Programme for Government. We will share that with the Committee when we have it finalised. However, we want to play our part in the delivery of that Programme for Government at Assembly level as well and in efforts to improve both vertical and horizontal collaborative effort. In that regard, it is quite good practice to have multilevel governance in any part of the world. It is a principle that gives better outcomes at local government, Assembly and Westminster levels, with policies in each correlated.

We are very supportive of the Executive's drive towards having more open and transparent government and the development of better regulations. We are therefore supportive of the move to

ensure that information can be shared. We will hear more about that from my colleagues in a moment. We are also aware of the data protection safeguards that are required.

Councils are willing partners in collaborative efforts to improve public services but within the resource constraints and provided that liabilities are not conferred without the funds. We outlined in our written responses where paths cross in service provision in relation to the Bill. Therefore, we are extremely keen to ensure that councils are treated as partners in government when it comes to the sharing of information to assist us to assist you in delivering better services. We have examples of building control, planning, work with the Housing Executive etc.

That is all that I have to say at the moment, and I will hand over to my colleague Colin Duff to deal briefly with clause 1.

**Mr Colin Duff (Lisburn and Castlereagh City Council):** Local councils are keen to see vacant properties brought back into use. Legacy and new councils have been working with Departments and are keen to move the issue on.

The councils often hold relevant information, which we share, at local level. The legislation should be extended to include the 11 councils seeking information on ownership of empty properties. Councils are required to comply with data protection and freedom of information legislation and are subject to enforcement by the Information Commissioner.

Councils believe that any sharing of information should include the councils in support of such issues as enabling a council to shape its own future in relation to the community planning duty; assist to utilise regeneration; help in the identification of property owners in relation to dilapidation and blight projects; and assist councils in dealing with dangerous buildings and relevant dangers to the public. Having legislation to assist in information sharing would allow councils to play their full part in the partnership.

That is all that I have to say on clause 1. It is over to Stephen for clause 2.

**Mr Stephen Leonard (Belfast City Council):** Councils welcome the inclusion of clause 2 and would probably request the insertion of councils in the clause. Currently, antisocial behaviour (ASB) forums at local authority level provide the PSNI, councils and the Housing Executive with a platform to exchange information on antisocial behaviour and to work together to ensure that appropriate action is taken on that. This amendment and the inclusion of registered housing associations will allow them to participate more fully in those forums. Currently, when you go to a local antisocial behaviour forum, and it comes to the disclosing of certain information about housing association tenants, the housing association cannot attend that part of the meeting. This inclusion will allow for the proper sharing of information and joining up in relation to those problems.

Housing associations can get information, but they have to apply through their legal representative to the PSNI's occurrence case management teams (OCMT), and that can be a long and drawn-out process. This will improve that. We feel that it will provide a robust gateway for the sharing of information and ensure that councils recognise that it needs to be done in a consistent manner. There will be a need for protocols to be in place to outline clearly what information can be shared, for what reasons and the arrangements required in the storage and disposal of data on both sides.

Neighbourhoods are generally of mixed tenure. You will have a mixture of people in Housing Executive properties, private properties and housing association properties. We find that tenants of privately rented properties can also be problematic. The Houses in Multiple Occupation Bill includes provision for licence conditions around the management of behaviour and information-sharing clauses. Down the line, that may create a loophole in relation to private tenants in that they would sit outside the sharing of information and management of antisocial behaviour. We request that that is looked at in the Bill. Councils have access to information on landlords through landlord registration. We are restricted to the Private Tenancies Order in using our powers. However, it may be a gateway that will allow us to engage, through antisocial behaviour forums, with private landlords in managing tenant behaviour.

**Alderman Hatch:** I have a few brief comments on clause 3. Although the provisions of the clause fall outside the remit of councils, NILGA is generally supportive of efforts to improve the use of public finances and government attempts to work more effectively. Therefore, we are supportive of the principle of a pilot scheme or pilot schemes as a method of testing new ways of working, and we

support clause 3 in that context. We will not know how it works until you actually have some pilot projects, but, as far as we as a local government association are concerned, we would support the testing of the system.

That completes our presentations, Chairman. We are happy to take any questions that you may have for us.

**The Chairperson (Mr Maskey):** Thanks very much for that. Before I bring members in, I have a question. Both council representatives, Colin and Stephen, referred to the councils having relevant information that you would like to share. I know that some of it relates to void properties and so on, but, in respect of the Bill, in terms of tackling antisocial behaviour, will you give us a flavour of the information that you say you have? I do not mean any personalised or individualised information. What type of information do you have? How do you have the information that you would like to share?

**Mr Duff:** I come from a building control background. We share a lot of information with central government and DFP in relation to new-build properties, extensions and that sort of thing. We supply that information monthly. In relation to antisocial behaviour and empty properties, that is probably for Stephen.

**Mr Leonard:** The council holds information in relation to antisocial behaviour. We are responsible for enforcement around noise and sometimes on-street drinking. Through our antisocial behaviour forums, we provide a forum where agencies can share all their information in relation to antisocial behaviour. That allows the agencies to agree common approaches to problems or particular individuals in an area. At the moment, because the Housing Executive is at the table, we can be seen to be dealing with its tenants because we can share the information, but a growing frustration for people in the community is that they do not see it being evenly applied because they do not see the same actions being taken against people living in housing association properties or, potentially, people living in private rented sector properties.

**Mr Campbell:** There was some discussion earlier and last week in the Committee about what constitutes antisocial behaviour in terms of information sharing. Do your members have any view on the sharing of information about tenants who might have a severe history of the non-payment of rent as opposed to being convicted of partying or excessive drinking?

**Mr Leonard:** It is not something that a council holds any information on. We —

**Mr Campbell:** I understand that, but do you have a view on whether that would be an appropriate sharing of information?

**Mr Leonard:** It would probably not be classed in the definitions or the information that we collect on antisocial behaviour. We deal primarily with legislation such as clean neighbourhoods, which sets out the various types of antisocial behaviour that we can deal with. I do not think that it is classed in that, so the council's view is that, at the moment, the definition covers whatever the definition of antisocial behaviour in law is.

**Ms Karen Smyth (Northern Ireland Local Government Association):** If we were to consider that issue, we would need to take it back to the membership and the councils to seek a view on it. It is not something that we have considered in relation to the Bill.

**Mr Allister:** You possibly heard the discussion earlier about the extension or non-extension of the Bill to information sharing with the private landlord sector: do you have a view on that subject?

**Mr Leonard:** Provided that the information is shared properly in a form that protects that data, we are of the view that it would be helpful in managing antisocial behaviour. As I mentioned previously, we have areas where we have individuals living in different tenures; as a result, we can deal more effectively with certain types of tenant than others. From a council point of view, the criticism that we get from members of the public is that there is inconsistency. We would probably welcome the opportunity to do that, provided that there are guarantees and a protocol in place on how that information is used and the purposes that it is used for.

**Mr Allister:** One of the objections to the extension is that the private sector does not have the capacity to deal with it in terms of data processing and putting in place all the protections necessary. Do you think that that is valid or not?

**Mr Leonard:** The antisocial behaviour forums and the sharing of information in those might provide protection around that. How we engage with landlords in that forum might provide some protection around how information is shared and stored.

**Mr Allister:** In the councils' experiences, is there any preponderance of complaints from one sector rather than another within the range of private, housing associations and the Housing Executive?

**Mr Leonard:** I do not have a breakdown of that, to be honest.

**Mr Allister:** Do you have any feel for it?

**Mr Leonard:** I would not want to say, because I am not 100% sure. The only feeling that we get through feedback from residents is that, sometimes when we are dealing with problems in an area, we unfortunately cannot deal properly with tenants who are in the private rented sector. We get that feedback in certain instances or areas where we have problems from time to time, but I could not quantify it. I have not really sat down to do that or thought about it. It is something that we could look at.

**Mr Allister:** OK, thanks.

**Mr Beggs:** I assume that, at present, if a noise nuisance or rubbish nuisance has been reported to the council and you feed back through the social landlord, the housing officer will visit and explain to the tenant the difficulties that they are creating and how they are breaching their tenancy and that that can bring about improved behaviour and issues can go away. Is that the normal practice when engaging with housing associations or the Housing Executive?

**Mr Leonard:** Yes. It is just the timing of that at present, because, at times, we can only share information with housing associations when it becomes public; ie where there has been a noise abatement notice served or where we have taken enforcement action. At that point, it is public, and we can share that. However, in the build-up to that, where a tenant is causing problems and he or she is affecting a range of agencies, the antisocial behaviour forums allow you to share that and target it before it actually gets to the point of the notice being served or action being taken. Presently, the housing associations cannot be involved in that, but the Bill will allow that.

**Mr Beggs:** So, you are sharing with the Housing Executive.

**Mr Leonard:** Yes, we can do that.

**Mr Beggs:** Does its engagement sometimes resolve the issue at an earlier stage without it needing to be pursued?

**Mr Leonard:** It can do, yes. You can definitely do that at an earlier stage. There are people who will persist, but early intervention is usually very effective. We find across all realms but with noise legislation in particular that, when we speak to someone once, that generally tends to deal with the issue.

**Mr Beggs:** OK. So you do not engage with the private sector whatsoever; is that correct?

**Mr Leonard:** We just have to be careful about the data that we share with them. We cannot share certain data with them.

**Mr Beggs:** OK. I could understand there being higher risks when you are talking about historical data, something that goes back years to a previous tenancy and all of that. However, if there is a live case today where tenants are unable to sleep or there are vermin, you still cannot share with the landlord that there is a problem at their property; is that correct?

**Mr Leonard:** In some instances, it is still unproven, and it is not —

**Mr Beggs:** I came across a case, in the last month or so, where rubbish had piled up in the backyard. They were not using bins and just piling the rubbish up. At present, could you share that information with the landlord?

**Mr Leonard:** We would probably serve a notice on that and then make the landlord aware. It is a public notice at that stage, so we would make them aware that that action has been taken.

**Mr Beggs:** There is then a delay for that process to kick in. How long would that delay be?

**Mr Leonard:** It depends. We usually give people a fair chance to deal with rubbish in their garden and clean it up themselves before going along the line of serving a notice.

**Mr Beggs:** Again, if you had noise levels for regular party houses, at what point can you share that with the landlord?

**Mr Leonard:** The Noise Act 1996 allows us to serve fixed penalties after 11.00 pm. Once we have served a fixed penalty or a warning notice, which happens on the night, it is available straight away and we can share that information.

**Mr Beggs:** It is available, but how does the landlord get to know about it?

**Mr Leonard:** It is difficult, sometimes, because, when something like that occurs, we deal with the matter, but it is only a warning notice or a fixed penalty. We have to be careful about sharing information with private sector landlords because they can use it to remove a tenant from a property. We have to be sure that it is a proven allegation at that time before we would think about doing that. On the issue of personal data and what we can share, there are issues around information and, when we hand it over, what that information is. We could maybe provide a copy of the notice, but we would have to redact certain personal information.

**Mr Beggs:** If it is a noise level, there is a reading and you have hard, objective information. Are you saying that that cannot be shared? There seems to be a certain amount of doubt as to whether that would be shared.

**Mr Leonard:** In some instances, if an offence has occurred, we could share the information. It does not happen routinely, but we could probably share it.

**Mr Beggs:** I am not really looking at the case of someone who has a one-off party, but, where there are repeat offenders, at what point do you share it?

**Mr Leonard:** In certain instances, we would take our own cases through the courts in relation to that.

**Mr Beggs:** Is the landlord made aware at that point?

**Mr Leonard:** In some instances, we can contact the landlord and we might do so, but in other instances there is not that contact with the landlord because the notice is not on the landlord but on the person who is causing the noise. They may comply with that notice and not cause a problem again; therefore, there is no need for us to engage in that process in the long term.

**Mr Beggs:** I can see that, under the Data Protection Act, there are risks with sharing information, but if it is hard, factual information —

**Mr Leonard:** There is no real, robust way of doing that. There is no safe way of sharing that data at the moment. We need to think about how we could do that to allow ourselves to work in that way.

**Mr Beggs:** Have you any suggestions as to how the Bill could be adjusted to allow you to share hard, factual information that you may have at an earlier stage with landlords so that engagement can occur and, hopefully, an improvement in behaviour can occur at an earlier stage without, ultimately, going through a legal process that might, perhaps, result in evictions?

**Mr Leonard:** If we could use landlord registration data and engage them through our recognised antisocial behaviour forums, that would be the best way of doing that.

**Mr Flanagan:** Karen, you may be best placed to answer this: is there consistency across each of the councils in how they collect and keep data relating to individuals and organisations?

**Ms Smyth:** Each council will have officers who are tasked with data protection and freedom of information and will work with the different departments in councils to make sure that —

**Mr Flanagan:** I am focusing on the type of systems that they use. Do they all now use electronic systems, where a database or a spreadsheet can easily be searched to see whether an individual or an organisation appears on it, or are some of them still using paper-based systems?

**Ms Smyth:** I think that paper-based systems are in use for some areas of work. I would need to check that for you. I could find that out for you; I do not have that information at the moment.

**Mr Flanagan:** If paper-based systems are still being used, I do not think that this will work. Unless all the councils, the housing associations and the Housing Executive are using a very similar electronic system that can be searched at the touch of a button, we will be told that the process of searching to see whether an individual is on the list is too onerous and cannot be done. That is the fear that I have with this.

**Ms Smyth:** That is a valid point. There is a move in government as a whole towards a more open and transparent data system. That is being driven through the public sector information (PSI) directive from Europe. We are in discussion with DFP, Digital NI and open data people in government as to what data councils can or should share. When it comes to some of the issues and concerns about people's personal information in relation to their housing, we need to look carefully at how to take that forward.

**Mr Flanagan:** The legislation is due to come into operation two months after it receives Royal Assent, which might not be that far away depending on how it proceeds. I would be concerned that the way that councils collate information — I am not sure about the housing associations yet — might not be good enough to deal with the requirements of sharing information. Is that something that you can try to get the councils to deal with in that short time?

**Mr Leonard:** I can speak only from my experience. We record our information on our own database, and we can then capture that information in reports and forward it to the relevant agencies. We have agreements —

**Mr Flanagan:** But there is not consistency in how each of the 11 councils does that.

**Mr Leonard:** There will be consistency in that they all use particular databases to record their work, and obtaining reports from that probably would not be an issue for them. It is just a matter of defining what that information is and making sure that it is captured correctly and pulled off the system.

**Ms Smyth:** Post reform, the 11 new councils are starting new methods of operation. There have been discussions about computer systems and IT and how councils can go forward on a more even basis. They have been working closely with government to make sure that they are all on the NI Direct platform and to make sure that they can access the planning portal. There is more activity there to make sure that everybody does fairly similar things. I would need to check on the specific issue that you asked about.

**Mr Flanagan:** Some members are looking to explore whether tenants who have not paid their rent on time or for a considerable time should be included in this, and, conversely, I am interested in knowing about landlords who have a history of illegally evicting tenants, not keeping rent books, not returning deposits or not complying with some of the basic regulations that a landlord must comply with. Are there any mechanisms, in your eyes, for how sharing that information about bad landlords could be included in the legislation?

**Mr Leonard:** There are provisions in the Houses in Multiple Occupation Bill on the fit and proper persons test that will —

**Mr Flanagan:** A lot of this Bill seems to protect landlords from taking in tenants who might have a history of antisocial behaviour. Some members want to include private landlords in that, which is

understandable. Do you accept that it might be fairer, if we are to give private landlords the ability to check the history of tenants, that tenants should be able to check the history of landlords?

**The Chairperson (Mr Maskey):** To be fair, that is for another piece of legislation as opposed to this one.

**Ms Smyth:** We would have to go back and consider that.

**The Chairperson (Mr Maskey):** For me, the issue of consistency is not so much about the format of the retention of the information as about whether there is a consistency across the councils in how you define antisocial behaviour. For me, that is the consistency that is the important bit for us to work out. You suggested earlier that you all work to a common definition.

**Ms Smyth:** With the way that the policy works, consistency is achieved in councils through people who work on these issues in each council meeting regularly to make sure that they are all singing off the same hymn sheet. That happens in building control and environmental health. The chief executives meet, and it all feeds into a regional approach.

**Mrs D Kelly:** My point has been dealt with; it was about that consistency. Councils get the blame for the antisocial behaviour, but I was wondering about noise nuisance complaints and how that information is shared. Is the point for action consistent across all councils, and is there a pattern of other agencies seeking that information from councils in relation to some tenancy schemes?

**Mr Leonard:** We receive requests from housing associations in relation to tenants from time to time, but we can only provide them with certain information and can only provide that information after we have taken action. The nature of a noise complaint is that we will receive a lot of complaints that are allegations, and, as a result of our investigation, we sometimes find that the person may not have actually breached any legislation. There are necessary controls around what we can share, and there is good reason for that, too.

**The Chairperson (Mr Maskey):** The last member to speak is Adrian. I remind members that this is Adrian's first contribution to the Committee. You are very welcome. This is your maiden speech in the Committee.

**Mr McQuillan:** Stephen, you said that you have no problem with sharing information as long as it is safe. How do you suggest that we keep the information safe if we share it with private landlords? How do you deal with a private landlord who is interested just in getting their rent and does not care what his tenants are doing around the neighbourhood, for instance? All he is interested in is getting the housing benefit paid into his account, once a month. Is there any way that the area responsible for housing benefit could look at that and hit him where it hurts — in the pocket?

**Mr Leonard:** I do not think that I can comment on that. We want to bring landlords into the established antisocial behaviour forums network. We would want to share information with them that way and try to make them more responsible with regard to their tenants. At present, the behaviour can continue without any action from the landlord. I think that it is a positive step, because we get approached by landlords who would be willing to engage and to take part in it. We feel that it would be a positive step.

**Mr McQuillan:** How can you guarantee that the information that you share with that private landlord will be held safely?

**Mr Leonard:** I suppose that that is one of the things that we would have to look at around the information-sharing agreements that we put in place. Currently, we have information-sharing agreements in place. We have to state what we share. In doing that, we also state in the protocol how we expect it to be shared and the controls that need to be in place for that individual to get the information. Vice versa applies. When we get information in, the way in which we store it is controlled through these protocols. We even have controls within our own database. Only our officers who are involved in the housing legislation side of it get to see that data; no one else across the environmental health service gets to see it. Very strict regimes can be put in place. Providing guidance, potentially, or protocols that are similar to what already exists will provide those safeguards, as will the possibility of some sort of audit or self-audit and confirmation that they are storing and using the information



properly. We get information, but we do not hold on to it. Once we use it, we dispose of it. Generally, that is the rule that we expect.

**Mr McQuillan:** And it works all right. It looks like it could work, on paper, but I am not sure how it would work, practically.

**Mr Leonard:** One thing that would have to be very clear in the Bill is that, if you misuse the data, you will be guilty of an offence. Some sort of punishment in the Bill around the misuse of data would cover that.

**Mr McQuillan:** A carrot-and-stick approach.

**Mr Leonard:** Yes.

**The Chairperson (Mr Maskey):** Thank you very much. No other members have indicated a wish to speak. Colleagues, unless you want to add anything to what has been said, we are happy to leave it for now. Thank you for coming here and for, first, giving us a written submission. Thank you for taking the time for that. We very much appreciate the information that you have given us. It will help us to deliberate on the Bill.

**Alderman Hatch:** Thank you.