



Committee for Social Development

# OFFICIAL REPORT (Hansard)

Housing (Amendment) Bill:  
Committee Consideration

3 December 2015

# NORTHERN IRELAND ASSEMBLY

## Committee for Social Development

### Housing (Amendment) Bill: Committee Consideration

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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  
Ms Paula Bradley  
Mr Stewart Dickson  
Mr Sammy Douglas  
Mr Phil Flanagan

**Witnesses:**

Mr Stephen Baird	Department for Social Development
Dr Heloise Brown	Department for Social Development
Ms Maryann Dempsey	Department for Social Development
Ms Avril Hiles	Department for Social Development

**The Chairperson (Mr Maskey):** We have Heloise Brown, Maryann Dempsey, Avril Hiles and Stephen Baird here this morning. The intention had been to do the formal clause-by-clause consideration, but I think we have already agreed that we will do the informal clause-by-clause consideration today. It is a short enough Bill, so we can condense the key issues of concern to the Committee.

I refer members to the formal response from the Minister on page 7 of the tabled items, which sets out his final position on a couple of key issues of concern for the Committee. We propose to finally go through those issues today and, all being well, do the formal clause-by-clause consideration next week.

There was a bit of concern about the provision in clause 1 for data-sharing between the councils and so on. You will see from his letter that the Minister does not want to depart from the current provisions in the Bill. Members were concerned about closing gaps on information sharing and so on. I ask you to remind members that this is about dealing with empty homes; it is not about tackling antisocial behaviour or anything else. The clause has a fairly limited purpose. Will you elaborate on that? You might ease members' concerns. Even if they think there still is a data-sharing loophole, it might be better dealt with elsewhere. That seems to be the case. It is probably fair to say that the Minister has no intention of adopting the amendment.

**Dr Heloise Brown (Department for Social Development):** No, it is best practice to comply with the Data Protection Act 1998 and the guidance from the Information Commissioner that, when a legal gateway is put in place to share information, it must be very specific in purpose. That is why, in the preparatory work on the Bill that we did with DFP, it was very clear that the proposals in the Bill would be agreeable to both this Department and DFP. It is specific to information-sharing on vacant

properties and their owners for the purpose of tackling the problem of empty homes and bringing them back into use. It was not for any wider purpose. It was not for a wider range of information than that set out in the Bill. We see that it would really be for DFP to take forward information-sharing with councils, if it feels that that information needs to be shared directly with councils, or for councils to look for that in the local government legislation. It is not something that would necessarily be of any benefit to the particular purpose that is set out in the Bill, which is about bringing private housing back into use.

**The Chairperson (Mr Maskey):** To allay all of our concerns, we do not want loopholes that will make it more difficult for the Department to bring empty homes into use again so that we can get people housed. It is really about satisfying our concerns about that. Can you reinforce the fact that this is specifically about empty homes, and that the failure to include the councils in this information-sharing loop will not in any way inhibit the empty homes strategy being implemented in full? That is what we need to hear.

**Dr Brown:** The councils will be brought in at a later stage.

**Ms Avril Hiles (Department for Social Development):** If needs be.

**Mr F McCann:** That clears up some of the difficulties that I had, even for practical purposes. On a number of occasions I have been in touch with councils about empty homes, and they had no information at all, including about the owners. That made it very difficult for people, and those were houses that people had just walked away from during the economic boom. I would have thought that it would be easier to include councils. It may have opened up that way to allow you to deal with issues like that.

I have seen it in the past that Departments do not like anybody else infringing on what is their territory. I was a bit concerned that that might be the case with DFP. It seems to be a logical piece of legislation. We are dealing with other aspects of information-sharing protocols, and I would have thought that it would have been welcomed. I found it difficult to get into my head why there was such a blockage on that.

**Dr Brown:** Our focus has really been on what we specifically need for the purpose of the strategy, and we have done a lot of preparatory work with DFP to make sure that it is confident that the information that is being shared is relevant. It is subject to the Data Protection Act 1998 as well, and the information that we are giving back supports it in its rating purposes. The strategy will cover any council areas where people find empty homes. If the concern is for the purpose of bringing those back into use, the Department and the Housing Executive will be the main —

**Ms Hiles:** The information that the Housing Executive will get from DFP will help it assist councils with blight or anything else that is happening in council areas. We do not see that councils have a role in bringing empty properties back into use, given that the Housing Executive will be able to allocate those houses or talk to housing associations about bringing those properties back into use.

**Mr Allister:** Your letter sets out the Minister's pretty emphatic position on these matters. You have confirmed that there is a protocol for information-sharing between the Housing Executive and one utility provider. Is that NIE or whatever the relevant title of that organisation is now?

**Dr Brown:** It is not. There are a range of providers, and a protocol is in place in one case. It is not with one of the larger providers and, because there is no legal gateway, it is very much a voluntary agreement between the provider and the Housing Executive to have that protocol.

**Mr Allister:** Are you telling us who that is?

**Dr Brown:** I can certainly check if I can get you that information.

**Mr Allister:** Does that exist for the purposes of identifying the owner of the empty property or for some other purpose?

**Dr Brown:** If the Housing Executive is aware that one of its own properties are empty, it may run through a checklist to see if there was any use of the property and if it is occupied —

**Mr Allister:** So it is nothing to do with identifying the owners of their own property.

**Dr Brown:** It is not private property, no. It is just the Housing Executive's properties.

**Mr Allister:** So it is about getting information about whether energy is being used in the house.

**Dr Brown:** If the Housing Executive has tried to contact a tenant and has been unable to do so, it may use a checklist of measures that would include approaching a utility provider. It may approach a range of providers. It would not just approach the one that it has the protocol with. They would approach the relevant provider and ask for confirmation of use.

**Mr Allister:** Part of the letter states:

*"The Minister's final position on this issue is that information sharing between utility providers and social landlords is not relevant to the purpose of identifying the owners of empty homes".*

That protocol is not relevant to that either.

**Dr Brown:** Do you mean the protocol between the Housing Executive and the utility provider?

**Mr Allister:** Yes.

**Dr Brown:** No, that is very much about checking whether tenants are occupying Housing Executive homes.

**Mr Allister:** There now seems to be some question as to the validity of such a protocol, given what is going to be checked with the Information Commissioner. Is that right?

**Dr Brown:** Any body can put in place a protocol, and the protocol should set out what can be done within the current legislation. The protocol —

**Mr Allister:** Yes, but your letter says:

*"Objections have been raised by some companies"*

and that the Information Commissioner has now been asked to clarify the position.

**Dr Brown:** The Housing Executive will approach providers and ask for information. It has found that there is variation. Some companies will treat it on a case-by-case basis and will provide the information, and it has a protocol with one company. It is getting a range of information from a range of companies, but in slightly different circumstances. I think that its intention is to —

**Mr Allister:** The question that I am asking you is whether, in the upcoming meeting with the Information Commissioner, the validity of the existing protocol will be under discussion.

**Dr Brown:** It may be one of the issues. It will certainly be one of the things that it will consider. It will consider what protocols it could usefully put in place and whether it can address any of the utility companies' concerns and look at putting protocols in place that will address those concerns.

**The Chairperson (Mr Maskey):** OK; thank you for that. If members — sorry, Phil.

**Mr Flanagan:** I am interested in the protocol that exists between one electricity supply company and the Housing Executive. The answer that I got to a question for written answer on 7 October states:

*"The Housing Executive has advised that arrangements are in place between themselves and electricity providers when a suspicion of non-occupation arises."*

Was it the case that more than one provider was involved in the protocol in October and they have pulled out, or —

**Dr Brown:** No —

**Mr Flanagan:** Which information is correct?

**Dr Brown:** The Housing Executive will have informal arrangements, perhaps, with all the electricity companies. It may simply be a case of somebody in a district office phoning the company and asking for information. The provider may give that information, and that provider may not be the one that is in the protocol with the Housing Executive. It will simply ask, and, if that information is given, it will make use of that. As I understand it, it is trying to formalise or, at least, standardise the procedure a little more.

**Mr Flanagan:** I can understand why we would want to know which electricity company was involved in the protocol, but that might bring in concerns that social tenants might avoid that company if it is the only one that was sharing information with the Housing Executive. Is there any rationale for one electricity supply company being involved and not others?

**Dr Brown:** It is simply based on agreement. That company has agreed to enter into a protocol. The protocol will only allow the sharing of what can be shared under the legislation. Other companies may have decided that they do not need a protocol, but they have agreed to share information.

**Mr Flanagan:** Do you have a legislative barrier to accessing that information?

**Dr Brown:** The barrier is really only the Data Protection Act 1998. Some companies may see that they can provide that information on request and others may see that they cannot. Under proposals for tenancy fraud legislation, one of the aims might be to create a stronger gateway for information-sharing, to avoid any of the concerns that information —

**Mr Flanagan:** But legislating for the sharing of information between the Housing Executive, housing associations and electricity supply companies through this Bill would strengthen the hand of the Housing Executive in identifying tenancy fraud. That might not be the purpose of your Bill, but surely you can understand why some people want to see that happening.

**Dr Brown:** It would be a more holistic approach to put it within the context of a tenancy fraud Bill. It could be put in here, but, as I understand it, there is no specific offence for tenancy fraud in Northern Irish legislation.

**Mr Flanagan:** When can we expect to see a Bill on tenancy fraud being brought forward?

**Dr Brown:** I think that the previous response was that there would hopefully be a consultation in May next year, with introduction hopefully in May 2017.

**The Chairperson (Mr Maskey):** That is a separate point

**Mr Flanagan:** That is fine; that is it.

**The Chairperson (Mr Maskey):** It is in the letter anyway.

If members are content, we will just run through the clauses on an informal basis, and then, hopefully, we can focus now in preparation for next week. You are going to meet DFP officials, and the suggestion is that it might be a pointless exercise because you almost know the answer already. However, you are going to do it anyway, and we will not prejudge that discussion for next week.

Members, we will deal with clause 1, which is the sharing of information relating to empty properties. At this stage, does any member have any further comment on the extension of the provision to councils, or is the Committee minded to propose an amendment?

**Mr Flanagan:** Alec, I do not know about an amendment, but one of the issues that I raised when there were people in from local government is that there should be a consistent form of database across the North so that each of the 11 councils does not have a disparate system. I do not know whether including that in legislation would be the right way, but I would be keen to see it.

**The Chairperson (Mr Maskey):** We can certainly come to that by way of a commentary at the end. The Committee will do clause-by-clause scrutiny, and then we will make recommendations, observations or whatever. We can seek clearance to make recommendations.

Are members content with the reasons that have been given? We are dealing with sharing between utility companies, social landlords and so on. At the minute, are members content that they are not going to make any further argument around extending the data-sharing to social landlords and so on? We had some discussion around that, and people have been made aware. I think that I am hearing that people will deal with that issue in relation to the wider private rented sector regulations. Are members happy to leave the social landlords issue to the context of another Bill?

*Members indicated assent.*

**The Chairperson (Mr Maskey):** There are no other outstanding members in relation to clause 1. Are members content with clause 1 at this moment, notwithstanding some of the concerns that they may want to put on the record? You do not want anything additional from the officials, apart from the feedback from the meeting with DFP.

*Members indicated assent.*

**The Chairperson (Mr Maskey):** Clause 2 is disclosure of information relating to antisocial behaviour. Most of the concerns were around the addition of grounds 1 and 3. We see in the letter from the Department on behalf of the Minister that it is content that grounds 1 and 3 can be removed from the Bill. That appears to satisfy most of the concerns that I have heard so far. Is that an accurate reflection?

*Members indicated assent.*

**The Chairperson (Mr Maskey):** Are members content that there are no other outstanding issues with clause 2?

*Members indicated assent.*

**The Chairperson (Mr Maskey):** Clause 3 is registration as statutory charge of certain loans. This is kind of the Cinderella clause. It has not really had any deliberations on it at all. Are members content that there are no other issues to be addressed?

*Members indicated assent.*

**The Chairperson (Mr Maskey):** Are members content that we do the formal clause-by-clause scrutiny at the 10 December meeting?

*Members indicated assent.*

**The Chairperson (Mr Maskey):** On that basis, then, Heloise, Avril, Maryann and Stephen, thank you very much for being here again this morning and helping us.