



Committee for Social Development

OFFICIAL REPORT (Hansard)

Housing (Amendment) Bill: Clause-by-
clause Scrutiny

10 December 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 Roy Beggs
Ms Paula Bradley
Mr Gregory Campbell
Mr Stewart Dickson
Mr Sammy Douglas
Mrs Dolores Kelly
Mr Adrian McQuillan

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): I welcome Heloise Brown, Maryann Dempsey, Avril Hiles and Stephen Baird. Before we move to the formal clause-by-clause consideration of the Bill, I ask the officials to update us on the Department's meeting with DFP in respect of the sharing of information on empty properties with councils.

Ms Avril Hiles (Department for Social Development): We met representatives of DFP Land and Property Services on Monday this week to confirm whether they would be happy to have an information-sharing clause extended to councils. They replied to us in writing to say that it would not be appropriate because councils do not have a role in implementing the empty homes strategy.

The Chairperson (Mr Maskey): You got the answer you expected, I guess.

Mr Beggs: They are saying that the councils do not have a role in implementing the empty homes strategy. They have a role in community planning. They have a role in addressing antisocial activity. They have a role in trying to meet the needs of the local community. Why do they not have a role in addressing the empty homes strategy, if you are saying that is the reason not to widen this?

Ms Hiles: They did not give a reason. All they said was that, if councils wanted an information-sharing clause, they could have the appropriate legislation drawn up, but it could not be done through our legislation.

Mr Beggs: Can we not build enabling powers into our legislation so that we would not have to go through a two- or three-year consultation period to subsequently put such legislation together? In that way, through regulation, it could be easily addressed in future.

Dr Heloise Brown (Department for Social Development): I realise that it is frustrating. I think that the issue is that it is DFP's rating information, and it is its call, really, on where it is appropriate to share it. We did a lot of lead-in work with DFP to get the clause that is in the Bill and to make sure that it understood the purposes for which we need information to ensure that it would meet the purposes of the empty homes strategy. Additionally, in supporting DFP's rating duties, information can be provided back to DFP if it is not correct. A lot of lead-in work was done to achieve that. I think the issue is that it believes that providing all that information to the councils is not necessary for the purpose purely of the strategy, because the Department and the Housing Executive lead on the strategy. For the specific purposes set out in the Bill, which are required to be specific for data protection purposes, DFP decided that is not appropriate to extend them to councils.

Mr Beggs: I have given evidence about antisocial activity that has been adversely affecting local communities, which is a very specific area. Can we not provide an information mechanism at present? I have had to consider various mechanisms. You can pay personally to find out who owns a house. Would it not make sense to build in a provision for joined-up government even for restricted areas where there is an identified need, if not for every vacant property?

The Chairperson (Mr Maskey): I think that the difficulty we have is that the information belongs to DFP. The issue around information-sharing does not fall within the scope of this Bill, which gives the Department a problem. The Department does not have the power to compel another Department to do something and, actually, when you look at it, we are also being told that the legislation to deliver that is best placed in DFP and DOE as the Departments that lead on local government.

Mr Beggs: Where is the joined-up government? That is what I am asking.

The Chairperson (Mr Maskey): It is about the scope of any particular piece of legislation. That is really what we need to consider. This might well be a point where we accept the clause as it is but make a very strong recommendation outside of a making formal amendment, because I do not think that we are going to get a valid amendment that is going to stand scrutiny or test. You may want to come back on that, Avril or Heloise.

Dr Brown: It is a data protection issue, really. The Data Protection Act 1998 is there to make sure that information is shared for very specific purposes, and that has been the main limiting factor on this.

Ms Hiles: Yes, and the Housing Executive is very keen to work alongside councils. Once they have made contact with known owners, that information could be shared with councils, with the permission of the owner.

Mr Beggs: With the permission of the owner?

Ms Hiles: Yes.

Mr Beggs: That is the problem. Nobody knows who the owner is.

Ms Hiles: We will know once this becomes law.

The Chairperson (Mr Maskey): There has been a fair bit of discussion around this and laypeople were asking, "Why can we not have that sharing?" We have been given the explanations. It seems to me that we will be flogging a dead horse on this particular issue. We are not going to get an amendment that is going to be valid or which will pass through the Assembly. I think it is an area where we could make a very firm recommendation as a Committee.

Mr Campbell: Chair, it might be something that, under the new Department, 12 months from now, could be brought under review, but it seems as though we cannot make much more progress on the issue at this time.

The Chairperson (Mr Maskey): I agree. Is that fair enough, Roy? It is one of those issues where we are just at the end of the line. On that basis, members, if you are content, we will move on to deal with clause 1 formally. Are we content to do that, notwithstanding the concerns that we have tried to address?

Members indicated assent.

Question, That the Committee is content with clause 1, put and agreed to.

The Chairperson (Mr Maskey): We will return to the issue of the information-sharing protocol at the end of this.

Clause 2 (Disclosure of information relating to anti-social behaviour)

The Chairperson (Mr Maskey): I refer members to the proposed amendment by the Department on page 6 of the tabled items.

Question, That the Committee is content with the clause, subject to the proposed amendment, put and agreed to.

Question, That the Committee is content with clause 3, put and agreed to.

Question, That the Committee is content with clause 4, put and agreed to.

Question, That the Committee is content with clause 5, put and agreed to.

Question, That the Committee is content with the long title, put and agreed to.

The Chairperson (Mr Maskey): That concludes the Committee's formal clause-by-clause consideration of the Bill.

At this point, we seek any recommendations that members want to include in the report. We have a paper that sets out some possible draft recommendations. The officials have produced those on the basis of the discussions thus far. Those are on page 16 of the meeting pack. They are, obviously, only to guide and help the Committee in any recommendations that it wants to make and include in the drafting of the report. We recommend that the report comes back to the Committee on 7 January 2016 for formal consideration. Are there any recommendations? I take it that we want to make a firm recommendation — I am not sure how to word it — that the matter of information-sharing protocols between local government and the relevant Departments is addressed. Are members happy that we form a recommendation on that basis? Roy, are you content with that?

Mr Beggs: OK.

The Chairperson (Mr Maskey): That will come back to us at the meeting on 7 January in the final report. Are members happy enough with that?

Members indicated assent.

The Chairperson (Mr Maskey): I thank Heloise, Avril, Stephen and Maryann very much for your help to the Committee and for all the work that you have been doing.