



**Northern Ireland  
Assembly**

**COMMITTEE FOR SOCIAL DEVELOPMENT**

**Please use this form to submit written submissions in relation to the Housing (Amendment) Bill. Return to [committee.socialdevelopment@niassembly.gov.uk](mailto:committee.socialdevelopment@niassembly.gov.uk) by Friday 4<sup>th</sup> September 2015.**

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**Date: 4<sup>th</sup> September 2015**

*(where possible, please structure your response to the specific clauses of the Bill and, if appropriate, suggest alternative or additional wording to clauses, which may assist the Committee's consideration of the need for any amendments to the Bill)*

**Clause 1 – Sharing of information in relation to empty properties**

This clause provides that the Department of Finance and Personnel ('DFP') must disclose certain information about empty properties to DSD or NIHE for identifying the owners of vacant properties or for the purpose of bringing those properties back into use.

This clause also provides that DSD and NIHE must disclose certain rating related information to the DFP so as to allow it to exercise its rating functions.

**Comment:**

Local district councils ('councils') in Northern Ireland have a range of statutory functions which deal with vacant and dilapidated properties. For example, a local district council can serve notices requiring owners to do works when buildings are dangerous or dilapidated.

It can also serve notices where the condition and/or of properties is such that they are prejudicial to health or constitutes a statutory nuisance. They can also issue certificates of disrepair and can prosecute landlords who do not have a certificate of fitness for their properties. These are all tools which will support the better use and management of the housing stock in Northern Ireland.

Since the property crash in 2007, there has been a marked increase in dangerous

and dilapidated properties throughout Northern Ireland. Belfast City Council ('the Council') has been at the forefront of trying to tackle this blight by taking robust enforcement action wherever possible, together with carrying out works in default where owners of properties cannot be identified or do not have the means to repair buildings. Indeed, the DSD has recognised the role that the Council has played in that regard and has provided substantial funding to facilitate that ongoing project. In light of the wide range of statutory functions councils have which can help ensure that vacant properties do not become an eyesore and can be brought back into use, it is surprising that the proposed Bill does not permit either DFP or DSD to share information with councils for the purposes of those functions. It is therefore imperative that the proposed Bill provides for the sharing of information between DFP, DSD and councils. Currently DSD will only provide information to Council officers for the purposes of enforcement under the Private Tenancies (NI) Order 2006 which has created information management and data handling issues for operational staff. Indeed under local government reform the transfer of regulatory functions in relation to Houses in Multiple Occupation and Unfitness from NIHE to councils will require a close working relationship between DSD, DFP, NIHE and councils, which will inevitably require effective statutory provisions around information sharing. It has been the experience of this Council that the inability to find a legislative route to share of information has been prohibitive in the effective delivery of its regulatory functions. DSD and NIHE officials are also aware of the limitations around this but the opportunity now exists to rectify this anomaly

#### **Clause 2 – disclosure of information relating to anti-social behaviour**

This clause provides that a person may disclose relevant information about anti-social behaviour to NIHE or a registered housing association where such information is disclosed for a relevant purpose. The Council currently has an information sharing protocol with NIHE; however registered Housing Associations were not signatories of the protocol.

Relevant information is classed in the Bill as any person residing in or visiting a dwelling has (or has allowed, incited or encouraged any other person):

- engaged in or is likely to engage in conduct likely to cause nuisance or annoyance
- used the dwelling for illegal purposes
- Or the condition of the dwelling has deteriorated by act of waste or neglect

A relevant purpose is classed as:

- An injunction under the Housing (NI) Order 2003 (against anti-social behaviour)
- An injunction under breach of tenancy agreement
- An anti-social behaviour order under the Anti-Social Behaviour (NI) Order 2004
- An order for possession on the grounds of behaviour causing annoyance or nuisance
- An order for possession of a dwelling house let under an introductory tenancy
- Conducting criminal proceedings
- Deciding whether to withhold consent to a mutual exchange of tenancies
- Deciding whether a secure tenant can exercise a right to buy
- To treat an applicant for housing accommodation of applicant for special assistance as ineligible

#### **Comment:**

The Council strongly welcomes the introduction of a legislative basis for sharing information more effectively between housing providers and especially across the range of housing associations. However, the Council notes that there are the three relevant authorities referred to in the Anti-Social Behaviour (NI) Order 2004 which are

councils, NIHE and PSNI. Dealing effectively with anti-social behaviour requires a partnership approach and indeed in accordance with the said Order, consultation between relevant authorities must take place before applying for an anti-social behaviour order. The Council would therefore recommend that this clause should be amended so as to provide for the disclosure of information between NIHE, registered Housing Associations, the PSNI and councils. This would facilitate the partnership working between those agencies with statutory responsibility for dealing with anti-social behaviour. Whilst the legislation provides a statutory basis for the sharing of information, the Council will expect that all relevant data sharing protocols are in place before information can be disclosed.

The Council also notes that this bill makes no reference to information sharing in respect of dealing with anti-social behaviour coming from private tenancies. The Council believes that with the introduction of the Landlord Registration Scheme, legislative provision should be made for sharing relevant information between statutory agencies to tackle anti-social behaviour in private tenancies. The inability to share information in relation to anti-social behaviour in the private rented sector continues to be a significant barrier in the effective delivery of the Council's statutory functions and the attempts to reduce anti-social behaviour connected to those tenancies.

### **Clause 3 – Registration as statutory charge of certain loans**

This clause provides that so long as any part of the principal of, or any interest on, a loan made by NIHE under Article 9 of the Housing (NI) Order 1981 (for certain purposes including make repairs or improvements to a house) remains outstanding, the loan is to be a charge on the house or building (s) in question, and that such charges shall be registered in the Statutory Charges Register.

### **Comment**

This clause falls within the statutory remit of the Housing Executive only.

### **For official use only**

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