



**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 by Friday 4th September 2015.

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Organisation: (if applicable) Housing Rights

Date: 9th 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)

Introduction

- Housing Rights welcomes the invite from the Committee for Social Development to respond to the Housing (Amendment) Bill.
- At the outset, Housing Rights would like to state that it welcomes the Department for Social Development's decision not to proceed with the proposals in the original Housing (Antisocial Behaviour) Bill to introduce a new type of social housing tenancy.
- The evidence we are providing reflects our experience and so is restricted to the content of Clause 2. Housing Rights has a wealth of experience in dealing with cases involving antisocial behaviour; including advising both those who are victims of antisocial behaviour and those who are accused of such actions. We hope that this evidence will be of use to the Committee in their deliberations.
- There is no single statutory definition of antisocial behaviour. It is regarded as encompassing a diverse range of actions and behaviours including, for example, causing noise, blocking driveways, graffiti, drug dealing and assault. Generally, where a person's behaviour unreasonably interferes with another's right to quiet enjoyment of his/her home or adversely affects the quality of life of the community, then that behaviour can be classified as antisocial.

- Housing Rights accepts that antisocial behaviour can be a blight on communities and can cause severe disruption and distress to the lives of those directly affected. Tackling the effects of antisocial behaviour can also have an adverse affect on the public purse with a substantial amount of resources from the police, local councils and other statutory and voluntary agencies being spent annually in tackling this problem.
- Housing Rights recognises that there is merit in allowing statutory agencies to share relevant information in working together to tackle antisocial behaviour.

Clause 2 – Sharing of Information

- Housing Rights understands that the Bill will introduce new powers for information sharing for the purpose of pursuing possession action (in accordance with Grounds 1, 2 and 3 of Schedule 3 to the Housing (NI) Order 1983) and to allow Housing Associations to share information. **Housing Rights is unclear as to why it is either necessary or appropriate to also include Ground 1 (*any rent lawfully due from the tenant has not been paid or any obligation of the tenancy has been broken or not performed*) as, in our view, Grounds 2 and 3 already comprehensively cover possession on the grounds of antisocial behaviour.**
- Given the significance to an individual or family of losing their home, an action for possession must be based on sound information and must only ever be pursued as a last resort. When hearing an application for possession, the courts already have the discretion to weigh up evidence put before them, including hearsay evidence. In cases of possession action against a secure tenant the courts must also look at the 'reasonableness' of such an action. **Housing Rights would seek reassurance that information gathered under this Bill will not be used in any way that undermines the established principle of 'reasonableness'.** Reasonableness should also be exercised by all agencies throughout the information gathering and sharing processes.
- There is always a risk that information gathering and sharing can be open to abuse. To help prevent this, it is in our view essential that strict guidelines are produced setting out clearly when information can be gathered and shared. **Safeguards must be put in place to ensure that information collected with the aim of verifying or establishing the occurrence of antisocial behaviour by an individual meets a high test of credibility.**
- In Housing Rights' experience, mental health issues can play a significant role in cases of antisocial behaviour. Unfortunately, a client's vulnerabilities can emanate in a negative way on themselves and on others. A good example is neglect of a dwelling, as referred to in Clause 2(4). There may be instances where the neglect of a property is a person's chosen lifestyle, but it can also be an indication of mental health and vulnerability. In such cases, pursuing a possession order or other court action will not be the most appropriate action. Housing Rights believes there is a need to ensure that prior to action being taken against an alleged perpetrator of antisocial behaviour the situation is examined for any signs of the behaviour resulting from health issues. In fact, the gathering of such information could be used in a positive way to help those identified with possible health issues to access appropriate support to rectify

their behaviour and to help sustain their tenancy. This is in line with the Department's '*Model Statement of Policies and Procedures on Antisocial Behaviour*' which considers the underlying causes of antisocial behaviour and the support which may be required.

- To this end there is a compelling need, as a minimum, for the DSD's '*Antisocial Behaviour Guidance for the Northern Ireland Housing Executive*' to be fully revised to ensure that proper safeguards are put in place and extended to all relevant authorities who may be engaged in information sharing in relation to Anti Social Behaviour. **The Committee should therefore, in our view, consider inserting the following clause in the proposed legislation: "*Any person who, by virtue of this Act, must or may provide information or who provides or receives information for the purposes of any provision of this Act shall have regard to any relevant guidance given by the Minister*".** This would place the Guidance on a statutory basis and mirror the arrangements which are currently in place to safeguard the disclosure and sharing of information on similar issues in Scotland.
- **Housing Rights also recommends that the Committee actively seeks the input of the NI Human Rights Commission, the Equality Commission and the Information Commissioner** as to the implications of the Bill on data protection, disability discrimination legislation, privacy laws and Article 8 of the Human Rights Act.

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