



**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.

Name: Environmental Health

Organisation: Mid and East Antrim Borough Council

Date: 1st September 2015

As a result of its ongoing work dealing with anti-social behaviour and housing issues, Council agrees that appropriate information sharing between the relevant agencies should be improved and the Council therefore welcomes legislative change that facilitates this.

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

District Councils in Northern Ireland have a range of statutory functions which deal with vacant and dilapidated properties. For example, 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 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 an increase in reports of in dangerous and dilapidated properties throughout Northern Ireland. Where appropriate Councils have taken enforcement action. In certain circumstances councils have carried out works in default where owners of properties cannot be identified or do not have the means to repair buildings. The DSD has recognised the role that Councils has played in that regard and has provided 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 requiring 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 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 housing management 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

Comment

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, 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, Council will expect that all relevant data sharing protocols are in place before information can be disclosed.

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

NIHE is preparing a pilot scheme of loan assistance for private sector housing repairs and improvements. 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 and is an effort to protect public finances

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