



Northern Ireland  
Assembly

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**COMMITTEE FOR  
SOCIAL DEVELOPMENT**

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**OFFICIAL REPORT  
(Hansard)**

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**Housing (Amendment) Bill**

16 September 2009

**NORTHERN IRELAND ASSEMBLY**

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**COMMITTEE FOR  
SOCIAL DEVELOPMENT**

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**Members present for all or part of the proceedings:**

Mr Simon Hamilton (Chairperson)  
Mr David Hilditch (Deputy Chairperson)  
Mr Billy Armstrong  
Mrs Mary Bradley  
Mr Mickey Brady  
Mr Thomas Burns  
Mr Jonathan Craig  
Mr Alex Easton  
Ms Anna Lo  
Mr Fra McCann  
Ms Caral Ní Chuilín

**Witnesses:**

Ms Nicola McCrudden	)	Housing Rights Service
Ms Janet Hunter	)	
Mr Paddy McGettigan	)	Simon Community NI
Ms Ciara O'Hagan	)	
Ms Alyson Kilpatrick	)	
Ms Ricky Rowledge	)	Council for the Homeless NI
Mr Tony McQuillan	)	

**The Chairperson (Mr Hamilton):**

I welcome the representatives of the Housing Rights Service to this morning's Committee meeting. Janet Hunter is its director and Nicola McCrudden is the policy and communications

manager. The Committee has received a submission from the Housing Rights Service on the Housing (Amendment) Bill, with a supplement to that in the tabled items. Ms Hunter will make some introductory remarks, to be followed by members' questions.

**Ms Janet Hunter (Housing Rights Service):**

Thank you for this opportunity to come back and speak to the Committee, now that we have had an opportunity to review the text of the legislation in detail. As we said previously, the Housing Rights Service does not have any major concerns about the Bill; it is largely uncontroversial. It contains a number of provisions that we are keen to see reach the statute book. In the interests of brevity, our submission will focus on the provisions contained in the Bill and will highlight one or two areas in which we think that changes in wording would improve the Bill. As well as that, I will highlight two areas of the Bill about which we have more substantial concerns

Clause 1 is about placing a duty on the Housing Executive to formulate a homelessness strategy. The clause states that the Housing Executive:

“may formulate and publish a homelessness strategy”.

That is an unusual form of words to use. Locally, in legislation, the use of “may” generally implies a power rather than a duty. Having read the rest of clause 1 and the explanatory and financial memorandum and having been involved in the background to the Bill, we know that that is not the Department's intention. The intention is to introduce a requirement for such a strategy. To avoid possible ambiguity in any future interpretation of clause 1, our recommendation is that “may” be changed to “will”.

We have more substantive concerns about clause 4, which are outlined in our supplementary paper. Clause 4 gives the Department the power to prescribe the form of advice and assistance that the Housing Executive offers to people who present to it as homeless and who are undergoing a formal assessment process. The Housing Executive has had that duty for over 20 years. Although we would not claim that there could not be some improvement in how the Housing Executive discharges that duty, that alone does not warrant legislative intervention or the provision of guidance from the Department to the Housing Executive.

The background to all the homelessness provisions in the Bill is supposed to be the work of the promoting social inclusion (PSI) group on homelessness and ‘Including the Homeless’, a strategy published by the Department for Social Development. As a member of the PSI group

and as someone who was involved in those discussions all those years ago, I am clear that, as it stands, clause 4 represents neither the spirit nor the intention of the working group, nor does it reflect the intention of the Department as stated in 'Including the Homeless', in which the recommendation was for:

"DSD Housing Division to amend the law to provide for NIHE to have statutory responsibility for ensuring advice is available and to regulate the form of advice and the means of provision."

That recommendation is about introducing a new and additional duty; it is not about something that has been in existence for 20 years. That distinction is important because a central theme of the strategy is to try to place increasing emphasis on the prevention of homelessness and recognising the key role that good-quality advice can play in preventing homelessness if it is delivered early in the process. One example that is relevant in the current economic climate is the provision of debt advice to someone who is in mortgage arrears. Good advice given at the right time can prevent someone from losing their home as a consequence of debt. That is different from the type of advice that the Housing Executive will be giving to someone who is already homeless. I hope that that helps the Committee to understand the distinction.

The PSI group felt that that distinction was so important that it recommended that a new, broader duty be imposed on the Housing Executive to ensure that advice and assistance was available to any person, free of charge, when he or she is faced with the threat of homelessness. In that case, people would not have to be at the crisis stage of formally presenting as a homeless person.

Clause 2 introduces a new, broader duty of providing advice, and it is that duty around which the Department needs to be prescriptive and produce guidance. The Department must ensure that that duty is implemented effectively, the advice is comprehensive and covers the full scope of issues and the quality of that advice can be assured. That is a fundamental point, as it would bring us in line with the position in England, Wales and Scotland. When the duty to provide advice was introduced in those places, it was quickly realised that without guidance from the relevant Department to ensure that the advice was comprehensive, that advice was largely ineffective.

I hope that I have conveyed the importance of that point and how we feel that what is represented in the Bill does not reflect in any way the intention of the original working group on homelessness. Later, the Committee will hear from the Council for the Homeless and the Simon

Community, organisations that were also involved in that working group, and I hope that they can support us on that point.

I draw members' attention to a technical point around clause 5. We have covered that in our written submission and, I suspect, it is one of those things that is easier to cover in writing than verbally. Clause 5 introduces a statutory right to a review of an adverse homeless decision. The clause includes a recommendation that the Housing Executive should, during any review process, be able to provide the applicant with temporary accommodation. A similar issue concerning the Housing Executive's ability to provide temporary accommodation is covered later in the clause. However, as currently drafted, the wording of the two proposed new articles is different. To ensure consistency, our recommendation is that where the two similar issues are covered in the same clause, the wording should be the same.

Clause 10 relates to antisocial behaviour. The clause suggests that there should be a statutory requirement on the Housing Executive to publish its policies and procedures in relation to antisocial behaviour. We fully support that proposal, and we absolutely agree with the Department's rationale for introducing it: not only will it allow tenants to see how any complaints that they may have in relation to antisocial behaviour will be progressed, it lets them know the standard of behaviour expected of them as tenants.

Our advisers would very much welcome the publication of policies and procedures. Those are an important tool when it comes to assisting clients who have issues relating to antisocial behaviour. However, our experience shows that it is not only Housing Executive tenants who are involved as the victims, or alleged perpetrators, of antisocial behaviour. For example, we deal with just as many people who live in the housing association sector. Our clear recommendation is that clause 10 be reworded to extend to all social landlords.

I am happy to take questions on those clauses; however, at this stage, I will hand over to Nicola. She will talk about clause 14, which concerns the definition of houses in multiple occupation, which, as I am sure members are aware, we have previously raised concerns about.

**Ms Nicola McCrudden (Housing Rights Service):**

Members who have been on the Committee for some time will be aware that we first raised this issue a year ago, when the Minister stated her intention to bring forward the Bill and propose an

amendment to the definition of a house in multiple occupation (HMO). We have a number of concerns about clause 14.

The rationale for regulating HMOs is to minimise the risk to the health and safety of the occupants living in them. Therefore, in our view, any amendment to that definition should be viewed as substantive, because it could significantly impact on the rights and protection of people living in such high-risk accommodation. As such, we believe that a thorough consultation should be carried out before any change is implemented. Unfortunately, it is being treated as a technical amendment and is being introduced without proper and due consideration.

We also have concerns that the explanatory memorandum to the Bill is, in fact, misleading. The definition being proposed goes further than what is stated in that document. As members are probably aware, the amendment is being introduced as a result of a judgment in 2005, in which a judge criticised the definition of “family member”. The view of the Housing Rights Service is that it would require one amendment to address those concerns; that is, a change to the definition of “family member” to ensure that extended family members are not treated as living in HMOs. We agree that that is the only definition that would need changed, but the amendment goes further than that. We feel that that is unnecessary and that the matter has not been given proper consideration.

The Bill also amends the definition of a HMO, which will have unintended consequences. It will mean that two unrelated families living under the same roof will no longer be treated as living in a HMO, and will no longer be afforded the protection that the regulations provide. That is very worrying. It has not been pointed out in the explanatory memorandum; therefore, there has been no proper consideration of the potential impact of the amended definition.

Thirdly, as I think everyone is aware, there are significant numbers of non-UK nationals, migrant workers and young people living in that form of accommodation. Unfortunately, the equality-impact assessment does not contain any statistics relating to HMOs and their occupancy with regard to migrant workers and young people. That is a concern. There was no consultation on the equality-impact assessment. Had it been put out for consultation, we — along with other stakeholders, including the councils and other colleagues — would have had the opportunity to make some input.

The Housing Rights Service agrees that the definition of HMO needs to be reviewed. We believe that the definition as currently worded should be removed from the Bill, and should be subject to proper consultation with key stakeholders. It should be emphasised that councils must be involved in that process, because they will be taking over the statutory responsibility from the Housing Executive for the registration scheme for HMOs under the review of public administration (RPA) in 2011. That is why we recommend that the amended definition should be removed, because if it is included in the legislation, and that is passed in the Assembly, it will have a detrimental impact on people who were never intended to be included in the definition.

**The Chairperson:**

Thank you for your presentation. To return to the homelessness strategy, do you consider that the list of organisations, agencies and Departments in clause 1 is complete?

**Ms Hunter:**

A lot of the recommendations were made as far back as 2004. Nicola mentioned the forthcoming review of public administration, which is relevant because it will give councils a bigger role, not only in private-rented housing but in the whole community-planning process. It might be good to extend that list to include councils.

**Ms McCrudden:**

We suggested that registered housing associations should be required to be involved in the development of the homelessness strategy. They will be involved in implementing it, but, as housing providers, they should also be involved in its development.

**Ms Hunter:**

That would make sense, as housing associations will have an increased role in housing provision.

**The Chairperson:**

You have touched on a lot of salient points in the Bill, and I know that members will wish to ask some questions.

**Mr F McCann:**

I want to make a couple of points. Along with a number of other groups, the Housing Rights Service took part in drawing up a homelessness strategy in 2004. Having spoken to some of

those groups, I understand that there were concerns that by the time that the strategy was implemented, a lot of its content would be out of date and would need to be upgraded. I notice that you said that the Bill is a tidying-up exercise to take account of some issues that were raised. Do you not feel that the Bill presents an opportunity to deal with some other outstanding issues; not only antisocial behaviour, but homelessness and immigrants? If we miss this opportunity, it may be years before we are again in a position to deal with those issues.

**Ms Hunter:**

We agree with that. A lot of the things that were talked about as part of the formulation of the homelessness strategy did not make it into the final document. There are other legislative reforms to deal with homelessness and the broader housing world that we would be keen to see being made. Our understanding was that, at this stage, it was almost too late to bring those things to the table and that the opportunity to debate them would come with plans for any future housing legislation; for example, legislation around the private-rented sector. If we had a carte blanche, we could add a lot more to this.

**Mr F McCann:**

I am concerned that it could be years before a lot of those issues can be picked up on. We have an opportunity now. This Bill goes to the Assembly and it is for political parties to debate it in the House, but it would be a wasted opportunity not to pick up on a number of the outstanding issues. For instance, Nicola spoke about HMOs. The interpretation that we were given is fairly vague, as you said. I would like to see you expand on what that actually means to people in houses of multiple occupation. It would give us a good insight into how that matter is approached. We were also told that, because of the court case that took place, you may have little room for manoeuvre; however, you are saying that that is not exactly the case.

**Ms Hunter:**

Yes, Nicola was quite clear on that point. The issue around the court case was about the definition of “family member”, not the definition of HMOs. It is our view that that legal concern could have been dealt with simply by changing the definition of “family member”. Our view on that is very clear.

**Ms McCrudden:**

The amended definition is the Scottish one. The practice of lifting clauses from other



jurisdictions and introducing them locally is probably a throwback to direct rule. It seems to be felt that, because something has been used in other jurisdictions, it can be brought in here. However, Scotland never had our definition, so we do not see why we need to bring in its definition. It has gone beyond what the judge's concerns were, so we think that that change in definition is unnecessary.

**Mr F McCann:**

The issue of antisocial activity affects not only the elected representatives here, it affects everyone in society; we are all inundated with problems to do with it. We have been told that there is sufficient scope in the Housing Executive's regulations to deal with antisocial behaviour. If that is the case, has the problem not been dealt with by the Housing Executive? There is talk about publishing those regulations; how will that impact on antisocial activity?

**Ms McCrudden:**

Requiring the Housing Executive to publish that information would mean that there is more transparency. Our concern is not to do with the Housing Executive, because we have that information already. Our concern relates more to housing associations because not all of them have policies and procedures and sometimes it can be difficult for our advisers to get their hands on that information. If somebody comes to us with a complaint that another tenant is being antisocial, it takes us a while to get the information on how the association will deal with it and whether it is following its procedures. It is very important that housing associations be required to publish that information so that they are transparent. It would also mean that the Housing Rights Services, and other groups like us, may have an opportunity to input to their procedures and policies. Therefore, it is not only to do with the Housing Executive; it is broader than that.

**Mr F McCann:**

Do you regard the Housing Executive's regulations as being ample to deal with antisocial activity? Are those the sort of regulations that should apply across all social providers, including housing associations and the private-rented sector?

**Ms McCrudden:**

My understanding is that the housing associations have similar powers to those of the Housing Executive in the procedures that they follow and the eviction process for a tenant who is being antisocial. For example, they all have introductory tenancies, which was brought in under the

Housing (Northern Ireland) Order 2003 and means that tenancy is probationary for one year and there is a quick process for a landlord to evict a tenant who is being antisocial. That applies to both the Housing Executive and housing associations. We think that there is sufficient legislation and powers, but they have to be enforced and used.

**Ms Hunter:**

Making the process transparent will assist in that.

**Mr F McCann:**

You mentioned the duty on the Housing Executive to formulate a homelessness strategy, and I understand that that strategy is supposed to be reviewed every five years. I am not sure whether it was representatives of the Simon Community who told us that if it has taken four years for the original recommendations to be made into a strategy, to wait another five years will mean that ten years will have passed before the review takes place. In the South, a group looks at all aspects of homelessness and other housing-related issues. Rather than relying solely on the Housing Executive, would you see such a group as well-placed to do that review and pull together the family-housing sector, as was done with the PSI group on homelessness?

**Ms Hunter:**

That would be useful. That sort of model was created with PSI, when it was not only the statutory players who were involved in discussions; the voluntary sector and other key stakeholders were involved. It is important to continue with that model because those groups have a lot to bring to the table in such discussions, and PSI is proof of that.

**Mr Hilditch:**

Is there much of a difference between the Housing Executive policy on antisocial behaviour and that of the registered housing associations? Have you been able to get a hold of any of the housing association policies?

**Ms Hunter:**

That is one of the difficulties. It is hard to say because, as we cannot access the policies, we are not able to draw those comparisons. Our advisers inform us that some of the housing associations have policies that are fairly easy to access and that are similar to the Housing Executive's, but they also say that it is difficult to access the policies of some other housing associations. That

does not mean that they do not have a policy in place, but in its absence, it is difficult for us to progress work on behalf of a client.

**Mr Brady:**

Thank you for your presentation. In your comments on clause 4, you emphasised the need for proper and comprehensive advice on homelessness, because the Housing Executive's current advice is minimal.

**Ms Hunter:**

That is correct; it is narrow and, at present, the requirement for it is also narrow. However, there is little point in introducing a new, broader duty unless guidance is offered on how that should be implemented. There is, therefore, a need to redraft clause 4 and relocate it so that it clearly relates to the new duty, which is contained in clause 2, and not to the existing duties. As you rightly say, currently the advice is minimal and I do not believe that it would prevent anyone from becoming homeless, which is what the whole thrust of the strategy is supposed to be.

**Mr Brady:**

The Housing Executive's advice on the wider issue of homelessness is minimal. Do you think that it is incumbent on DSD to widen the scope of that advice? I think that that is what you are saying. Do you think, as I do, that there is a need for specialist homelessness advisers in the Housing Executive and that providing such advice should not be the responsibility of someone at the front counter who does not know much about it? Anyone who has dealt with such issues over the years or has sought advice will know that such advice is sadly lacking. If you are introducing legislation, it has to be backed up, because prevention is better than cure.

**Ms Hunter:**

That is correct, and that is the point that we are trying to make. The Department has gone part of the way by introducing a new duty, but without introducing the guidance to ensure that that is implemented effectively, there is little point in introducing it, because it could still mean very little to people on the ground. For the new duty to be effective, it needs to be accompanied by prescription or some form of guidance from the Department.

**Mr Brady:**

It is pointless to introduce the legislation unless there is strong backup. It will not solve the

problem; it will not go even close to solving it.

**Ms Hunter:**

Without that back up, it is largely tokenism. The experience in England, Wales and Scotland has been just that: a duty was introduced, and several years later it became apparent that it had no teeth unless there was guidance to describe what that advice should look like in order to have an impact on people and prevent them becoming homeless.

**The Chairperson:**

To return to the issue of HMOs; it seems that the explanatory advice gives scant regard to the potential consequences of the change in definition. You have suggested that the amended definition should be removed and that there should be further consultation, but have you any preference for what a better clause should look like?

**Ms McCrudden:**

As I said, one way to address the issue would be to amend the definition of the phrase “family member”. That would address the judge’s concerns and those of the Department and the Minister. I do not think the Housing Rights Service is best placed to come up with a definition and form of words on its own.

**The Chairperson:**

Is it not simple or straightforward?

**Ms McCrudden:**

It is extremely complex. We have appeared before the Committee three times trying to explain it. The wording of the legislation is very complex, and it is very difficult for landlords to know whether their property is classified as a HMO. Any tinkering with the wording could have a significant impact on people. We are not confident in doing it on our own, but we would like to work with others, including the Department, the Housing Executive and councils, to try and come up with a Northern Ireland definition that suits our circumstances in today’s environment.

**The Chairperson:**

It is easy to see who would be negatively impacted by the proposed changes, but who would be impacted positively?

**Ms McCrudden:**

People affected positively would be those with aunts, uncles, nieces and nephews living in their accommodation. Currently, if one is living in a property with those relatives, that property could be classed as a HMO. It was never the policy intention to include such people in the definition, because a lot of people here live with their extended families.

The new definition will remove lodgers from the equation, but there are other ways of doing that. There could be a separate clause excluding lodgers, so that if a husband and wife rent a room to someone else, their property could be classed as a HMO. We have no objections to lodgers being excluded, but the new wording will mean that two families sharing a house will be excluded from the definition of a HMO. Such a situation can often happen with migrant workers. We do not feel that that has been properly thought through.

**The Chairperson:**

It sorts one problem out but gives rise to another. In relation to the publication of policies on antisocial behaviour, you said that references to the Housing Executive in article 27A should be changed to include all social landlords. When you say “social landlords”, you clearly mean registered housing associations. What do you intend the wording to be.

**Ms Hunter:**

That is what we mean. We want it to include registered housing associations.

**The Chairperson:**

You are not straying into the private-rented sector?

**Ms Hunter:**

No, because there have been difficulties with that in the past.

**The Chairperson:**

That was my fear.

**Ms Hunter:**

We are suggesting that registered housing associations be included.

**Ms McCrudden:**

Housing is allocated from a common waiting list; so if a tenant is allocated a Housing Executive or housing association property, those should be treated exactly the same. We cannot see any justification for having differences.

**Ms Hunter:**

People generally do have the same rights and entitlements; there is very little difference. We think that that parity should be maintained as a matter of principle.

**The Chairperson:**

They may pay more rent for the place.

**Mr F McCann:**

On the back of that, there is more reliance on the private-rented sector to provide houses for the social sector. Why should that sector be excluded when the other two social housing providers are being asked to take on those responsibilities? When dealing with the private sector, your organisation deals with a lot of cases, as other groups bear testimony to. You deal with illegal evictions, overcharging, poor housing, etc. How can those things be dealt with if that sector is excluded from the legislation?

**Ms McCrudden:**

You have raised an interesting issue. The clause is being inserted into the Housing (Northern Ireland) Order 2003 at a point relating to injunctions for antisocial behaviour. All landlords, including private landlords, can apply for injunctions to prevent a tenant from being antisocial. I do not know whether any private landlords have done so.

The Landlords' Association of Northern Ireland (LANI) took a case involving the HMO judgement against the Housing Executive under the HMO registration scheme. LANI argued that it was not a public authority and should not, therefore, have the same obligations imposed on it as other housing providers. LANI won the case.

**Ms Hunter:**

We do not necessarily agree with that, but the case has already been lost.

**Mr F McCann:**

Surely a body that receives nearly £100 million of public money annually to deal with the issue should have to adhere to the same rules and regulations affecting the other two.

**Ms Hunter:**

We agree, but we are aware that the legal debate has been lost.

**The Chairperson:**

It is a minefield.

**Ms McCrudden:**

We are starting to stray into issues of private-rented accommodation. The Committee is aware that we support registration, but that is for another day.

**Mr F McCann:**

That is if it is ever dealt with at all.

**The Chairperson:**

We will come back to that. We have concentrated, naturally, on some of the parts of the Bill about which you are not overly happy. You said that you generally welcome the Bill. Do you want to highlight any positive clauses to the Committee?

**Ms Hunter:**

We are extremely supportive of the duty to form a homelessness strategy, as long as it is exactly that; a duty. We have long been concerned that, in Northern Ireland, no statutory right existed to request a review of an adverse decision, whereby the Housing Executive states that an individual is not homeless. We always considered that to be unfair. We are delighted that that is coming on to the statute books.

We also strongly support clause 2, which broadens the duty to provide advice and changes the emphasis to the prevention of homelessness. However, as I said, our reservations are that clause 4, as drafted, could render that meaningless, and that would mean the loss of a valuable opportunity.

**The Chairperson:**

Before I let you go, I will recap your evidence and go through the reasons why you are here today, because members may wish to express their views or put further questions to you. I will try to synthesize your evidence as best I can. Feel free to correct me.

The Housing Rights Service has made the following suggestions: the requirement to produce a strategy should be strengthened; the type of advice on homelessness should be specified; temporary accommodation for those awaiting decisions should be provided; housing associations should publish a policy on antisocial behaviour, and the HMO clause, which is clause 14, should be removed. Do members wish to express their views at this stage?

**Ms Lo:**

We had a long, detailed meeting with the Housing Rights Service, and I strongly support what it has said today. The new HMO definition will create ambiguity and cause many problems. Some health and safety issues will arise as an unintended consequence. I strongly support the removal of that clause. A proper public consultation should take place on that subject. Let us get it right, rather than rushing into including that clause.

**The Chairperson:**

If members have no further views, we will come back to that subject during the deliberations on our report. Thank you, Nicola and Janet, for your useful evidence today.

**Ms Hunter:**

Thank you.

**The Chairperson:**

We are now joined by representatives from the Simon Community: Paddy McGettigan, the director of housing and support services; Ciara O'Hagan, director of finance and facilities, and Alyson Kilpatrick. You are welcome, and thank you for coming to the meeting. As with the previous session, perhaps you will provide a few introductory remarks about your submission, after which I will open the session for members' questions.

**Mr Paddy McGettigan (Simon Community Northern Ireland):**

Thank you. I want to clarify that Alyson Kilpatrick is a board member with the Simon



Community Northern Ireland. She is also a barrister at law and an expert in housing.

**The Chairperson:**

We met informally, during the summer, at the Housing Commission

**Ms Alyson Kilpatrick (Simon Community Northern Ireland):**

I am not wearing that hat today.

**Mr McGettigan:**

The Simon Community thanks the Chairperson and Committee for the opportunity to comment on the Housing (Amendment) Bill. At the outset, I want to say that we fully endorse and support the comments made by the Housing Rights Service in its submission. You will see a correlation between some of the points in our submission and some of their remarks.

We want to concentrate on issues relating to the development homelessness strategy. Although Simon Community Northern Ireland has seen a decrease in the number of people who referring as homeless, we believe that it is essential that the work carried out following the publication of the 'Including the Homeless' strategy is continued and have concerns that there have been some suggestions that the work of the steering group and subgroups should be reduced. The DSD strategy document also recommends that it be a statutory requirement for the Northern Ireland Housing Executive to publish a homelessness strategy and, therefore, we welcome its inclusion in the Bill.

Now, more than ever, given the current climate, there is a need to concentrate on social-inclusion issues. It must be recognised that the challenges facing the sector, and the Northern Ireland Housing Executive as the statutory authority, are unprecedented. The development of a homelessness strategy must, therefore, become a priority in order to give clear direction to all providers.

The Simon Community Northern Ireland believes that, given the current environment, the suggestion in the Bill that the Housing Executive develop a five-year strategy is unrealistic. We recommend that the strategy should be developed for no more than three years, with an annual review to allow for appropriate action to be taken in a time of change.

The development of a homelessness strategy is essential to the targeting of limited resources in order to ensure the cost-effective use of public funds and to maximise value for money. The supporting people team is already leading the way in trying to encourage joint-working initiatives and co-operation in order to develop more effective ways of working. That work must be supported with the appropriate strategy in order to give a clear way forward for all providers. That would also help to provide some stability to the sector and allow organisations to plan ahead with some degree of confidence.

When it comes to the co-operation of other statutory organisations, it is essential that the organisations listed in the proposed article 6A, paragraph 5, be required to take account of, and give effect to, the strategy. Without that approach, the effect of any strategy will be severely limited. We see the strategy as an opportunity to point in the direction of homelessness prevention, highlighting the need for community education on homelessness. A co-ordinated approach to homelessness prevention involving all Departments in the Executive is essential. In addition, the strategy must point the way forward in securing community ownership of the problem of homelessness.

**Ms Ciara O’Hagan (Simon Community Northern Ireland):**

For future provision and regulation, we suggest that the development of a homelessness strategy provides an opportunity for the Housing Executive to carry out a critical analysis of the homelessness sector and its own landlord function. In the current climate, the Housing Executive has been under increasing pressure financially; and, as the largest social landlord, it must look at how it is to maintain, sustain and develop its property base in the future.

The Simon Community suggests that the homelessness strategy looks at the development of options, such as community housing companies, as an effective way of providing opportunities for the cost-effective management of social housing without increasing the demands on the public purse. That could offer a way forward for community ownership linked to community regeneration, development, and a shared future in housing. There are also links to community planning, RPA, council reform and the management of community behaviour.

The Simon Community recognises the need for the private rented sector to be seen as one of the solutions to future housing need. However, we suggest that regulation of that sector is necessary, using a balanced approach that will encourage the inclusion of the many excellent

landlords already operating within the sector. At the same time, such regulation will act as an effective disincentive to poor practice and have the overall aim of providing an affordable housing option. Regulation of the private-rented sector could provide assurances, with respect to standards, in that type of accommodation and be seen as a reasonable way of providing housing for people on the common selection scheme list.

In summary, the Simon Community sees the requirement to publish a homelessness strategy as essential to mapping the way forward. We believe that it offers the best opportunity to provide innovative solutions, to secure a collective approach to the problem of homelessness and to strengthen our Northern Ireland communities.

**The Chairperson:**

Thank you very much. I will open up the meeting for members' questions.

**Mr F McCann:**

Over the past number of years, the private-rented sector has performed what has been termed as "taking up the slack" with respect to the lack of social housing. If that sector is to be more widely used, how far would you go with legislation? For example, would it be mandatory legislation? Surely, at the minute, quite a number of people are being grossly abused by landlords through poor conditions and by being charged over and above the rate of housing benefit. How would you deal with that?

**Ms O'Hagan:**

That is a big question. There are already good landlords working in the private-rented sector. The Housing Executive relies on that sector and puts homeless people into private-rented-sector houses. The legislation must be regulatory in allowing people to register and continue as private-rented landlords, but not so onerous that it discourages them from registering and being subjected to standards. If landlords do not register, that will force people towards an almost black-market economy in the private-rented sector. I suppose that the standard needs to be at a level where it is not a barrier for private-rented landlords to sign up to such a register.

**Mr F McCann:**

Surely, strong regulations, which are currently not in place, will start to pull this unregulated sector into line. In England, opinions are starting to change on how the private-rented sector has

been treated. Obviously, a large section of private landlords provide an excellent service, but a sizeable rump of them do not, and they grossly abuse their tenants.

**The Chairperson:**

Fra, we are in danger of straying into an entirely different issue.

**Mr F McCann:**

It came up during the debate, but I will move on.

Your documentation refers to how you would deal with 16 year olds and 17 year olds. Will you elaborate on that?

**Mr McGettigan:**

We are concerned that the Housing (Amendment) Bill does not include anything about that group being a priority need: we understood that that was going to be part of the Bill. However, we have been advised that a process is ongoing that will bring that part of legislation forward without the need for it to be included in this Bill. Case law on the issue has developed in England. In May 2009, the case of G versus Southwark went through the House of Lords, and we believe that that will set a precedent in law. The choice is whether to set legislative requirements or allow case law to develop that will point the way anyway.

**Ms Kilpatrick:**

Sixteen year olds and 17 year olds who leave care here are not automatically considered to be in priority need, whereas they are in Great Britain. They could be accepted as being vulnerable for another reason, but I have only seen that happen in a handful of occasions. As a matter of law, I can see no reason why either primary legislation, which could have been included in the Bill, or secondary legislation could not have stated that 16 year olds and 17 year olds leaving care are considered to be in priority need. That would mean that they would be accepted by the Housing Executive as being owed a housing duty.

**Mr McGettigan:**

Even more worrying are the cases of 16 year olds and 17 year olds who have no care history. Quite often, they are shifted between the health authorities and the Housing Executive, with no one taking real responsibility for them. The Simon Community feels that those young people are

at real risk, because they do not have support. It is also an issue for young people who leave care, but, generally, they have social work support and a number of agencies working with them. Young people who leave home one night after falling out with their parents and have nowhere to go are at real risk in the current system.

**Mr F McCann:**

Around 20,000 people declare themselves homeless each year, and less than half are accepted as homeless. I am always trying to work out where the rest of them go, but I take it that many 16 year olds and 17 year olds are left to their own devices.

**Mr McGettigan:**

We have no definite figures on that. However, the point links back to the duty to give advice and assistance. Under the legislation, no such duty lies with the Housing Executive. We think that a child in such a position should be assessed as a child in need, but the health authorities are reluctant to take young people of that age into care. If a child were to be assessed as a child in need, he or she would automatically enter the care system.

The case that went through the House of Lords in May 2009 clarified that the primary responsibility for a young person of that age presenting as homeless lay with the health authority and that they could not be regarded under homelessness legislation. I think that, eventually, the precedent from that case will apply here. The issue comes up day in and day out, and, from a practical point of view, a young person who presents as homeless at a Housing Executive office is often told to go to a social work office. When they present at a social work office, they are often told to go the other way. That toing and froing is not helpful.

**Ms Kilpatrick:**

For those looking at the legislation, it must be clarified as to who owes the duty. Do the two agencies owe it? Should they liaise with each other? If so, what is the duty? How do you discharge that duty to them? Does it encompass accommodation needs, support needs and social services needs? That is what people need to grasp. Who owes the duty and how is it discharged?

**Mr McGettigan:**

We are going back to the point that we made in our submission about the homelessness strategy. The development of the strategy is a great opportunity, but it will not work unless there is buy-in

from all Departments. There are links throughout education, health and employment, which need to be considered in tandem if we are to address the issue of homelessness.

**Mr Hilditch:**

I think that Ms Kilpatrick has already referred to my next point. The proposed statutory rule, the Homeless (Priority Need for Accommodation) (Northern Ireland) Order 2009 will replicate the English and Welsh situation. Will that address the concerns here?

**Ms Kilpatrick:**

I think that it will. There is case law, albeit from the English Court of Appeal; and I think that one of the points was taken in the House of Lords, which makes it fairly clear. It takes longer to feed through the courts, but I think that the Order will fill the gap.

**Ms Lo:**

I agree with what you say about the 16 year olds and the 17 year olds declaring themselves homeless: often, it is a ping-pong situation. From my experience as a family and childcare social worker, I know that social services are reluctant to take on anyone at age 17. With the closing of so many children's homes, they do not have places for them. Often, as you say, they disappear. They could be sleeping on the streets, finding themselves in vulnerable situations and going to live with inappropriate people.

**Mr McGettigan:**

There were approximately 2,800 referrals last year, and 50% of the people who are referred to us are under 25. The majority are around the ages of 16 and 18.

**The Chairperson:**

You spoke about developing community housing companies. Will you elaborate on what the role of such a company would be and how that would differ from that of a registered housing association?

**Mr McGettigan:**

We relate that to the current arrangement in the Housing Executive, which is regulator and landlord. If you are to look at real community involvement in the future, an opportunity to address the issues around antisocial behaviour, community development, community planning

and community regeneration could be linked to giving ownership to the community by way of their housing. Therefore, it is an opportunity to create a housing company from existing structures within the Housing Executive. They are structured along district and area lines.

If ownership of accommodation was registered as a housing company, with a board that was made up of local people and local businessmen and linked to the new council structures, it would provide an opportunity to give ownership back to the community and have the people invest in their communities. That has the potential to help to give some of the answers to antisocial behaviour, because people are less likely to destroy or be at odds with something if they feel that they belong to it or have ownership of it. Alyson has some knowledge of the linkages from some of the work that she has done.

**Ms Kilpatrick:**

It is clear from what I have looked at here and in England, Wales and Scotland that the areas in which the community invests in housing and in the area, the children and young people who are responsible for antisocial behaviour — although not only them — tend to be regulated within the community, and I do not mean in a summary justice sort of way.

There have also been positive results in relation to some of the work that has been done with Travellers.

When travellers are residing in sites that they have some permanent connection to, there are fewer complaints from neighbours and the accommodation is well looked after.

The point about antisocial behaviour and the publishing of policies ties in closely with the idea of a community strategy. The policy could take account of the housing companies' views on antisocial behaviour in the locality. Publishing the policy is important not only for reasons of transparency; it can also help to ensure accountability. There is accountability to the person about whom the complaint is being made, because sometimes complaints that are made are unjustified and arise as a result of different cultural beliefs and ways of behaving or as a result of behaviour that is simply bizarre and it is not fair that the person is targeted as being antisocial.

The publication of the policy also means that the Housing Executive can be held to account when it fails to take action on antisocial people living in an area. It can be asked why it has not

applied the policy — in relation to a particular family, for example — and can be expected to provide a written reason for that. The people living in the locality can then decide whether to challenge the Housing Executive's failure to take action. The publication of the policy, so that people can understand what is in it and how it is applied, is essential to accountability and transparency. That ties in very closely with bringing the community housing groups much more into the focus of all these policies.

The provision of advice and assistance was raised by the Housing Rights Service and it is possibly one of the most important things that can be achieved through the Bill. All my experience has been in representing local authorities and, mostly, the homeless applicant. If a person has presented as homeless and the decision has been taken that they are not owed a duty, it is too late. The only thing that can be done is to instruct a solicitor or barrister to take the matter to the High Court, which can take 12 months. In the meantime, that person is usually not in temporary accommodation; certainly not in suitable accommodation.

To effectively prevent homelessness, the advice and assistance has to include practical elements, such as taking someone to a letting agency or introducing them to the private sector. The English system, in which there was not prescribed guidance, simply did not work and made no difference whatsoever; people simply fell back to consulting lawyers. I do not think that anyone wants to see lawyers being the only answer.

**The Chairperson:**

Except the lawyers. [*Laughter.*]

**Ms Kilpatrick:**

Even I do not want to see that.

**Mr McGettigan:**

There is also the opportunity for housing companies to have a structure in which it is possible to borrow against assets and to realise funding through private finance, whereas the Housing Executive does not presently have the finance to do what it needs to. There is an increasing demand on budgets in this Building and there is a projected Budget deficit next year. There is already a deficit of £100 million in the housing budget this year. We must look into finding a range of solutions and having real community ownership for a shared future.



**The Chairperson:**

That is something that the likes of the Commission on the Future for Housing in Northern Ireland is looking at as well.

You said that advice on homelessness should be available to everyone in Northern Ireland regardless of status. With specific reference to migrant workers, immigrant workers and those seeking asylum here, I have a question about how practical that is in respect of two factors: the limited resource available and the potential conflict with existing immigration law. Scotland has pushed the matter a bit, but what are your views on the ability for us in Northern Ireland to step outside immigration law as it stands and the consequential knock-on effect on resources that that would inevitably entail?

**Mr McGettigan:**

We recently saw a situation develop in Belfast in which we had to deal with the problem after it had happened. To return to the issue of prevention, if we can give people appropriate housing advice and assistance, that will, in some cases, reduce the long term problems that exist.

**Ms Kilpatrick:**

If I understand you correctly, Chairperson, you were talking about those people who are ineligible for any housing assistance, including advice. People are frightened even to discuss who should help people who have been declared ineligible for assistance. An opportunity exists to be a little more creative. It is not a question of the Executive having to go out and find the people who need advice and assistance. However, there could be some mechanism whereby if anyone presents as homeless at an early stage or presents as being in mortgage arrears and having had repossession proceedings issued against them, the Housing Executive or a housing association could be notified and could provide that advice and assistance.

Organisations such as the Simon Community will assist those people to whom nothing can, in effect, be offered. Essential advice can be given on health issues and on access to education for children for however long is necessary. It is a contentious and difficult subject, but something must be done to provide for those people who receive no other assistance.

**The Chairperson:**

I raised that because it is a difficult and sensitive issue. Even raising the issue can create a problem as one can be pigeonholed as having a particular view. I am aware of the problem. The consequence of offering help, even if it is simply advice and assistance, is that it can steamroll into other areas such as education and health, which you mentioned. Some of the individuals concerned have passports that are stamped “no recourse to public funds”, and that can raise tricky legal issues.

**Ms Kilpatrick:**

Thankfully, that is a political rather than a legal question, and I will duck it completely. However, if something is to be done for such people, those loose ends must be tied up, and it must be decided what duty, if any, is owed and who owes it.

**Mr McGettigan:**

The problem exists already. Last year, 84 migrant workers to whom no duty was owed were referred to the Simon Community. We fully support such people through our fundraising initiatives and the money that we raise in the community. However, that is not sustainable. Ultimately, some Department will have to deal with the issue, as was recently the case with the Romany families in Belfast.

Surely we want to prevent a recurrence of that type of situation by providing good housing advice, assistance and support at a stage when it could make a real difference, before Northern Ireland and Belfast, or any other city here, becomes stigmatised? The television reports that we saw recently were not nice to witness. A collective approach is needed and, as Alyson said, a political decision is required to try to find a way forward.

**The Chairperson:**

I understand the problem. It is even more acute when dozens of people are involved, but we should all be concerned if even one person presents with a problem. If no help can be offered, what happens to that person? He or she may disappear and fall into awful circumstances; we do not know. Equally, as sympathetic as we all may be, it is a tricky problem to resolve, as we all recognise.

**Mr F McCann:**

Recently I heard someone from the Simon Community talking about the lack of obligation to help migrant workers to find accommodation, even initially. Should the Bill be used to help people who come here? Where does the responsibility lie? Sometimes that responsibility gets caught between Departments.

**Mr McGettigan:**

I think that there is room to specify that housing advice and assistance can be given to migrant workers or those who may not necessarily fall within the statutory remit. Unless it is specified that such advice and assistance can be given, it will not happen, because the Housing Executive would then be operating ultra vires. Clarity must be given. The current situation is unsustainable because, typically, what happens is that those people do not receive advice and assistance. A number of years ago, a case in Coleraine was highlighted. Thankfully, we have not had anything as bad as that since. However, any night of the week, we could have a recurrence of that situation. When somebody dies on the street, it is too late.

**Mr F McCann:**

What about including it under the provision of temporary accommodation for people?

**Ms Kilpatrick:**

There are different duties already owed to people who are ineligible. The Bill could be amended to state that people who are otherwise ineligible are entitled to advice and assistance and it could describe what that advice and assistance would be. It would then be a question of whether the Housing Executive has the duty to provide that advice; I can see no other body that would provide it. It would be quite easy to stipulate that in the Bill.

**Mr McGettigan:**

Currently, we accommodate anyone who presents to us as homeless. However, that is at our cost, and it could not happen without the funding that we get from the public in Northern Ireland. That can add up to a substantial amount of money at the end of each year.

**Ms Lo:**

I and a number of other MLAs have people coming to our constituency offices and asking for help. It is then that we realise that those people have no access to public funds. That relates not

only to housing issues; other issues are also involved. I am very interested in what you are saying, Alyson; perhaps we can look at that in more detail.

We have all been scratching our heads over how to deal with this. Belfast City Council would find it very difficult if there were a repeat of the situation involving the Romany families. Its hands are tied. Unless there are 100 people in crisis, the council cannot trigger a crisis management scheme, and the same goes for the Housing Executive.

At the moment, children can be offered accommodation if their family becomes homeless. However, that means taking the children into care, and parents do not want to be separated from their children.

**Ms Kilpatrick:**

It can be decided that it is in the best interest of the child to accommodate the family with the children. However, that depends on there being accommodation suitable for a family. You are right; it can end up that only the child is accommodated.

**Ms Lo:**

Families do not want to be stigmatised by having their children taken into care.

You said that we can put in an amendment to say that under difficult circumstances people with no access to funds can go to an organisation, such as the Housing Executive, and it would have a duty to provide advice and information.

**Ms Kilpatrick:**

That would have to be reconciled throughout the Bill. However, the Committee would first have to decide whether it is appropriate that a duty is owed to people who are currently ineligible for assistance. The Bill could be amended to include that duty, but it comes down to political will. If it were decided to amend the Bill in that way, legally, it would be very easy to do that.

**The Chairperson:**

It is something that cuts across other issues, for example, immigration, which is not within the preserve of any Department, and there is also a cost issue. However, we are still in the early stages of scrutinising the Bill, so perhaps the Committee Clerk can get back to us on that and we

can talk to the Department about it.

**Mr Brady:**

At the moment, without the provision of specialist help and advice, the prevailing situation seems to be total confusion. Such knowledge is built up over a period of time. That kind of specialist input and understanding must be given by people who can advise on what exactly is involved for those who do not normally qualify. It goes back to the old adage that prevention is better than cure. If that advice were provided, it would go some way towards sorting out some of the problems that exist, although obviously it would not solve them all.

As someone who has worked in an advice centre for many years, it seems to me that the Housing Executive does not actually have specialist knowledge about this issue. As a public body, it should have that knowledge. At present, there is total confusion, and that will continue until that problem is addressed. Rather than the problem being solved, that lack of knowledge is exacerbating the problem.

**Mr McGettigan:**

Our experience is that there is a range of situations and, depending on the district or area office that someone goes to, they will either get a good response or a poorer response. Therefore, I cannot comment using a broad brushstroke. Having managed temporary accommodation and having worked closely with Housing Executive staff, I know that they have an excellent track record in trying to accommodate and help people. That cannot be taken away from them. However, improvements can always be made.

In times of change, in which the Housing Executive must make adjustments to its organisation, people who previously worked in areas such as housing benefit are now on the front desk giving information and advice to people. Those individuals need to be supported and given the proper tools to do their job. It is essential that when someone walks through the door of a Housing Executive office, the person who gives him or her advice knows, if not how it all works, at least, how to access that information.

**Mr Brady:**

I absolutely agree with your comments. That has been my experience. However, my point is that because it is such an important issue, advice should not be hit and miss. It should not depend on

whether you speak to someone who might know more than someone else. Advice should be equal throughout the sector.

**Mrs M Bradley:**

Paddy is correct: we cannot comment using broad brushstrokes. In certain areas, advice is good; in others, it is weaker. We must ensure that staff are given proper training, so that they can provide good advice in all areas. It is not enough to have good provision in one area and different provision in another. That is not good enough. We must deal with that.

**Ms Kilpatrick:**

There is also a problem with access to independent legal advice. Heroic work is being done by the Housing Rights Service and various advice agencies. However, only the Housing Rights Service gives housing advice. You can have all the laws in the world, but if people do not challenge decisions or are not represented in court, it does not matter what is on the statute book.

That is where the legal profession — I hold my hands up — needs to take responsibility. There are no specialist groups of advisers. There are no pro bono units that deal with housing. In England, the big difference is that many lawyers started to, at first, act for free and then got together in groups to offer representation. Some people say that there are too many of them now, but here there are not really any.

**The Chairperson:**

To sum up your comments: you suggest that there should be a three-year strategy for homelessness, with an annual review; the organisations that are listed should be required to implement that strategy; there should be further analysis of the Housing Executive's role as a landlord in respect of antisocial behaviour; and community housing companies should be developed. Thank you very much for your evidence.

We will move on to the next evidence session on the Housing (Amendment) Bill. With us is Ricky Rowledge, director of the Council for the Homeless NI, and Tony McQuillan, its vice-chairperson. Copies of their submission are included in the Committee papers. You are both very welcome. After you make a brief presentation, I will open up the floor for members' questions.

**Ms Ricky Rowledge (Council for the Homeless NI):**

We are coming in at the heels of the hunt. It is left to us to try to reiterate, underpin and echo some of what our colleagues have said about the Bill and, hopefully, add to and provide further clarification on some of the specific comments that were made.

In common with our colleagues, we welcome the Bill, and we thank you for the opportunity to respond to it on behalf of our member organisations. However, we feel that there are some areas that we would like to see strengthened. I will focus on the statutory requirement in clause 1, and Tony will touch on some of the other clauses regarding advice, information, HMOs and so on.

I want to go back to the establishment of PSI, which was mentioned by the other organisations that made presentations. PSI was supported and championed by Minister Ritchie and the DSD. The foundation of PSI, and some of the recommendations of its report, is what led to the proposed legislative amendments within the Bill. The strength of PSI was that it was cross-departmental and inter-sectoral, and it recognised that homelessness is not just a housing issue.

The Housing (Amendment) Bill is an opportunity to do something new and very special in Northern Ireland, by making it a requirement of, and a duty upon, other Departments to work in partnerships with the DSD and the Housing Executive to roll out a homelessness strategy for Northern Ireland. The ownership of that strategy will lie with the Stormont Executive. The strategy should recognise the complex needs often presented by homeless people and recognise that their housing situation comes at the end of many other processes that have gone on in their lives. Such a strategy will make us a forerunner of best practice in the area of homelessness.

It is great that there will now be a duty on the Executive to have a homelessness strategy, as opposed to that being a voluntary decision. We agree that it should be reviewed every three years and should, perhaps, run in line with the comprehensive spending review, as that will give us a more practical way of monitoring and evaluating the success of the strategy.

However, we do stress very strongly, and we recommend to the Committee, the point that some onus be put on the partner Departments to come up to the mark as regards sharing responsibility for the prevention of homelessness and supporting people who become homeless.

PSI has been a tremendous success. As the Committee knows, the initiative is at the end of a

two-year process, and a report will be made to the Minister quite soon. One thing that I found incredibly encouraging and which gives me the confidence to say that we would be pushing at an open door if we were to ask for a requirement of duty from other Departments is that, time and again in the review of the past two years, high-level staff in other Departments have said that this is the way forward and that they do not want this kind of joint working to end. They have said that it must be mandated at departmental level in order to improve engagement but that it is working for them as well as working for us in housing.

Questions were asked about what could be done for 16 year olds and 17 year olds. The PSI youth subgroup has been doing a lot of work on that issue. It has been understood that there is no need for the proposed change in their priority needs to go through in primary legislation or as an amendment to primary legislation. The change will go through the Assembly and the Executive as a Statutory Instrument in parallel to the Bill. That will give priority need to all 16 year olds and 17 year olds irrespective of whether they have been in a care background or have been in the position of being exploited. On grounds of age alone, they will have priority need status for advice, assistance and housing.

Through PSI, joint working and the mandate that has been placed on health and social services, the group has been doing work to try to enumerate how many young people may need accommodation. The group has been looking at the development of joint protocols between health and social services, and it has been trying to ensure that young people no longer get ping-ponged between Departments. The Bill provides the opportunity to strengthen that, and there have been tremendous successes.

We have discussed with other agencies the stipulations in the Bill that will possibly focus on all those who are at risk of homelessness or who are assessed as homeless among A8 and A2 nationals. We suggest that clauses in their current form relating to those groups of people be removed from the Bill. Serious consideration will have to be given if we make those groups eligible for particular duties, given that we do not have the ability in law to fund any positive solutions at the other end.

Mr McCann, I am not referring to giving those people advice and assistance; that should be our duty to every citizen who lives within the borders of this country. I am talking about any duties being introduced that may end up making people from those groups eligible for



accommodation when, at present, we have no way of paying for that. The Stormont Executive must look very seriously at how they will meet that, and I recommend the Human Rights Commission's paper, 'No Home from Home'. We do not think that it goes far enough, but it contains some suggestions about how the Executive can, within the bounds of law, fund emergency accommodation and support for those client groups.

**Mr Tony McQuillan (Council for the Homeless NI):**

I am speaking in my capacity as deputy chairperson of the Council for the Homeless, as opposed to my work in Shelter (NI) Ltd.

Chairperson, you asked about the list of names of organisations in clause 1. We feel strongly that district councils should be included in the list. They are part of the housing executive's consultative round, and that is already covered in existing legislation, but their inclusion would go beyond that; it would allow for their involvement in issues concerning HMOs and regeneration. There is also the potential power of well-being, and so forth, in which they have an important role that should be considered.

Elsewhere in the Bill, there is a proposal, and rightly so, that other organisations should work with the housing executive in delivering services. However, we in the voluntary sector believe strongly that we are not simply a passive provider of services. In fact, as Ricky said, we are heavily involved through our engagement with statutory agencies. We often chaired meetings of subcommittees as part of the PSI process. Therefore, we would like relevant voluntary organisations to be included in the list and not just be passive recipients or providers of services.

In clause 1, the proposed paragraphs 6B(3) and 6B(4) refer to institutions, and they lump together various statutory organisations with voluntary and other organisations. To reinforce the point about the duty of statutory agencies to work with the Housing Executive, the legislative draftsman should separate them, because the same duty cannot be imposed on a voluntary or private organisation. It is simply a drafting error.

My colleague mentioned the Human Rights Commission's report 'No Home from Home', and some of the issues were touched on earlier. Many councils already prepare welcome packs for migrant workers. Just because migrant workers are not eligible for Government support does not mean that they cannot come here. Many people are, rightly, entitled to be here and are, therefore,

entitled to receive information. It is a bit of a no-brainer; there is no problem with providing advice and information. I accept that some people may be particular about who pays for that, but the public purse pays for it in some form anyway.

The Human Rights Commission's report makes several recommendations. Some primary legislation from Westminster is required, but the commission makes suggestions as to what the Assembly can do too. I recommend that the Committee read that report. One suggestion is that there should be a pot of money. The proposal is to make that public money available to the Simon Community, the Churches, and all the other agencies, such as the Welcome Centre, who work with people who are not otherwise eligible for support from the public purse. I am not sure how that could be included.

Although there is nothing wrong with clause 3, it does not go far enough in examining the duties regarding people who are ineligible for housing assistance and who may be, for example, destitute. The Human Rights Commission is concerned about that situation. I recommend that the legislative draftsman either removes that clause or amends it. Ms Lo made that point during the previous presentation to the Committee.

Clause 4 concerns the powers to prescribe advice and assistance. I agree with what our colleagues said in their earlier presentation. We encourage the Department to adopt the model of the Scottish regulations from 2002 as a good-practice model. We would also like a timetable included to ensure delivery. Often, actions that are prescribed disappear into the distance. As for the detail, we want delivery to be uniform, and we want the information to be widely available and provided in appropriate languages and format.

Clause 5(2) proposes the insertion of supplementary provisions. Those refer to people who are trying to appeal against adverse decisions by the Housing Executive on their homelessness status. I understand that the intention is to break the duty on the Housing Executive to continue to provide temporary accommodation for someone it deems is not owed that duty. However, the clause, as drafted, also states that the Housing Executive can continue, at its discretion, to continue to support that temporary accommodation. That opens up the issue of consistency of application regarding information and advice, to which reference was made earlier.

In my experience, it is not good legislation to say, on the one hand, that something is a duty,

and on the other hand, that it is a discretionary practice. That is just not sensible. One either drops the amendment or makes it a very clear prescription as to the exact circumstances in which the Housing Executive would be allowed to continue supporting somebody who has already been declined, and whether temporary accommodation should be allowed.

Clause 9, which deals with the abandonment of introductory tenancies, proposes the dropping of the word “secure”: it appears in page 13, line 20 of the Bill. Although I think that that may well relate to introductory tenancies, and I understand perfectly that those are not secure tenancies, the clause relates to a wider group of what are regarded as matters that can define suitable accommodation. Was it the intention of the legislative draftsmen to narrow it down to just introductory tenancies, and that that is why the clause has been drafted in this way, or, does it have a wider impact, which is what I am concerned about? We do not want to lose any rights that people have over security of tenure and so on.

**The Chairperson:**

Thank you very much. In your written submission, you welcome the changes to the definition of HMOs. Today, we heard others, including some members, express concerns about that. Will you elaborate on why you welcome those changes?

**Ms Rowledge:**

It is mainly because we are stupid.

**The Chairperson:**

That is a rare admission in this Building. *[Laughter.]*

**Mr McQuillan:**

We are from the voluntary sector; we always tell the truth.

**Ms Rowledge:**

This is not an area that we specialise in. We read the definition very much in the broad sense. We did have concerns, particularly about migrants with very large or extended families, and we felt that the new definition would give them more security and be better for them. I think that that may have been a misinterpretation. Normally, we do not tend to share responses within our sector. For example, when organisations are invited to jointly present evidence to Committees, we will share our responses afterwards but not beforehand. It was my fault, and I apologise.

**The Chairperson:**

It was not a criticism; I wanted to see why you welcomed the changes.

**Ms Rowledge:**

That is why.

**The Chairperson:**

Fair enough.

**Mr T McQuillan:**

The Housing Rights Service presentation got it spot on.

**Ms Rowledge:**

We agree with them and trust them to know more about that aspect than we do.

**The Chairperson:**

It was just in case you had a particular view. The Committee is all about recognising that, sometimes, there are different perspectives. Thank you for clarifying that.

**Mr F McCann:**

I have a question about the definition of a HMO. There was some concern with the Private Tenancies (Northern Ireland) Order 2006 that enough time has elapsed to find out whether there were difficulties with that. Groups such as yours were already pointing up that the regulations were not strong enough to allow you to deal with those problems. Do you see this Bill as another option to try to strengthen the regulations?

**Mr T McQuillan:**

It is a matter for the Committee to determine how it deals with the Department's legislation. However, some issues, such as priority need, would have been very important to debate. In Scotland, the Government have agreed to take priority need out of the assessment by 2012, which will leave the homelessness tests as intentionality and eligibility: that area was worthy of examination and debate in relation to this legislation. At the moment, Scotland has diluted priority need in such a way that it is almost ineffective as a criterion: almost everybody has a priority need. Homelessness should not be about priority need, because that relates to the

services that are required to prevent homelessness or help people not to be homeless. Priority need is about assessment for services, as opposed to status.

Therefore, if there were time, I would include those items in the Bill. Obviously, we do not want to hold up the legislative duty that is being placed on the Housing Executive to produce a homelessness strategy in the proper format. If that were to be delayed for 12 months or 24 months, then it would not work out. However, if one could include other provisions in the Bill, then there are certainly some that we would like to discuss.

**Ms Rowledge:**

May I ask a question in order to clear up some confusion in my mind? The voluntary sector, as a whole, has strongly called for the mandatory registration of private landlords? Is Mr McCann saying that that could be added to the Bill? Does he feel that it has gone too far in the Private Tenancies (Northern Ireland) Order 2006 that it can, therefore, no longer be included at this stage? Alternatively, does he want to take a belt-and-braces approach?

**Mr F McCann:**

Consultation has been ongoing and the results have yet to be released. I recall people saying that several pieces of legislation under the Private Tenancies Order 2006 were not strong enough to allow councils and other people to deal with certain difficulties. What I am saying is that that may not be picked up in the consultation on the private-rented sector and I am asking whether there a mechanism that you believe could be inserted in this Bill?

At the outset, most people were led to believe that this was simply a tidying-up exercise that would mop up certain issues. However, it might be years before we get back to this point. Should the Bill be used to deal with some of the problems that exist currently?

**Mr T McQuillan:**

I do not know the mechanism for that. If one introduces something new, does one have to consult on it? Clearly, there are issues with the Private Tenancies (Northern Ireland) Order 2006: it is not strong enough. One has to wait until certain criteria are met before one can act. If there is evidence that earlier action is needed, one should be able to do something instead of having to wait until late in the day.

Therefore, there are issues. However, councils would feel that they have the right to be

consulted about these things and make contributions. The issue is what can be delivered within the Committee's timetable. I do not want to take away your role, Mr Chairman, to decide on those matters.

**The Chairperson:**

We expect legislation to be introduced off the back of consultation on the private-rented sector.

**Mr T McQuillan:**

Many people, including our organisation, have sent rather long returns to the Department to try to make some of the points that you have mentioned, Mr McCann. Certainly, there could have been a wider debate on some issues. We were not given the opportunity until now.

**The Chairperson:**

It is in the pipeline.

**Mr F McCann:**

It will be interesting to see what comes out of the other end of the pipeline.

**The Chairperson:**

That is correct. That is where the debate is.

**Ms Lo:**

I have two questions. First, the PSI group has obviously done a tremendous amount of work to bring the situation to its current stage. Is there a mechanism by which the group can be sustained? For instance, could it scrutinise the strategy and hold people accountable?

Secondly, I have seen so many so-called interdepartmental strategies in which one lead Department gets other Departments to buy in and work with it. Obviously, the homelessness strategy will require that sort of joined-up working. How will we ensure that other Departments play ball?

**Ms Rowledge:**

The PSI strategy group is due to report to the Minister. The final meeting of the group in its current incarnation will be on 29 September 2009. We received a letter from Barney McGahan putting forward three proposals for the way forward for PSI. He asked which of those

membership options the group would be comfortable with. The voluntary sector has chosen the third option and asked for it to be strengthened slightly. That option is to have an overarching interdepartmental working group. It would not necessarily be called the PSI group any longer, but, ideally, it would comprise the same constituent groups. The group would have some kind of summit meeting biannually. A new action plan would also be developed.

The action plan could be rolled out through subgroups, which is the way that the PSI has worked to date: there is one main group and five subgroups, which have done a tremendous amount of work. That work was not just about policy, but was very practical work, such as coming up with operational ideas and the development of new actions. That group would then report to the two summits.

However, voluntary-sector members would need to see a mandated buy-in and some sort of Government lead, which, to date, has been done successfully by the Department for Social Development. That is why we see an inextricable link between the legislation and the homelessness strategy, the requirements placed on other Departments, and the building of the foundation of PSI. They are linked not just through the homelessness strategy, which is a duty of the Housing Executive at the housing end of things, but through bringing together all other government strategies to get an overview of where Departments' responsibilities lie in regard to people who are, or who are at risk of becoming, homeless.

I cannot overemphasise my astonishment at how successful that has been. There are particular Departments that, for years, the voluntary sector had tried to bring to the table. Now, those Departments have said that they want this to continue. However, the only way that that can happen is if the Stormont Executive say that there has to be engagement. I think that this is the way to do that. We hope that PSI will, in some form, continue, but that it will have some kind of monitoring and evaluation role. That role would not just be in rolling out the homelessness strategy, but on the elements of the strategy that relate to people's needs outside of housing needs.

It is a case of watch this space. I have a colleague in the Public Gallery who is from the Department, and I hope he is listening to this with eager anticipation. Under his auspices, I hope that the Department will seriously consider strengthening the link between the homelessness strategy and promoting social inclusion.

**Ms Lo:**

I strongly support that. You set a precedent with the migrant workers subgroup and the PSI group on ethnic minorities. That group is still meeting, but, as the three years comes to an end, it is going into review.

**Ms Rowledge:**

Yes.

**Mr T McQuillan:**

That is why we support the Housing Rights Service's suggestion to change the word "may" to something like "must" or "shall".

**Ms Rowledge:**

We would like "must". *[Laughter.]*

**The Chairperson:**

"Shall" is the appropriate word.

**Mr T McQuillan:**

"Must" is much better though.

**The Chairperson:**

Thank you very much for your evidence. To recap: you agree to a three-year homelessness strategy basing particular emphasis on the partnered organisations listed in clause 1; relevant organisations being mandated, including the PSI steering group; a requirement for homelessness support for the destitute; a good practice guide for homelessness advice, and the enhancing of consistency of treatment for those appealing decisions.

**Mr T McQuillan:**

We would like the word "secure" in clause 9 to be checked, and whether the draftsman intended that to relate to security of tenure or to have a wider impact.

**The Chairperson:**

We can clarify that. Thank you very much, Ricky and Tony.