



**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**

1 October 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 Alex Easton  
Mr Fra McCann  
Ms Carál Ní Chuilín

**Witnesses:**

Ms Grania Long	)	Chartered Institute of Housing
Mr Ray Cashell	)	Northern Ireland Federation of Housing Associations
Mr Chris Williamson	)	
Mr Murray Watt	)	Supporting Communities NI
Mr Colm McDaid	)	
Mr Gerry Gallagher	)	Northern Ireland Housing Council
Mr Jim Brown	)	
Mr Eamonn O'Neill	)	

**The Chairperson (Mr Hamilton):**

I welcome Ms Grania Long from the Chartered Institute of Housing. The institute has provided a written submission on the Housing (Amendment) Bill. As is customary, I invite you to make a presentation, after which members will have an opportunity to ask questions.

**Ms Grania Long (Chartered Institute of Housing):**

Thank you, Chairperson, and good morning. The Chartered Institute of Housing (CIH) is the professional body for people involved in housing. We work with a host of housing professionals, including those who work full-time in housing and others who give of their time voluntarily, such as tenants and householders who live in social and other forms of housing. The institute is an independent body and has 22,000 members internationally, 500 of whom are in Northern Ireland. The vast majority of our professional members work across all sectors, including the social housing sector, the private-rented sector and the private sector.

Our interest in the Housing (Amendment) Bill stems from the need, in our view, for a robust and effective legal framework for housing. We have tabled a written submission on the Bill, and we are pleased to have the opportunity to give oral evidence today. The Bill does what it says on the tin; it adopts a sensible approach. Many of its provisions amend existing legislation; however, it provides only limited opportunities to make more fundamental changes. Most of the additions that I will make to our written evidence today will be concerned with the duty to have a homelessness strategy. That is a fundamental issue, and if we get that right, we will be able to do interesting things.

The CIH agrees with other bodies that have given evidence to the Committee that we must be absolutely clear about the intent and nature of the power being given to the Housing Executive to produce a homelessness strategy. There should be no confusion about the requirement to publish a strategy within 12 months of the commencement of clause 1 of the Bill. We are happy with that time frame; a 12-month period will encourage a range of agencies to get round the table and will give them an opportunity to feed in and to consider options for a homelessness strategy. To go beyond that time frame, however, creates problems with momentum.

We are pleased with the timescale and the requirement to review the strategy every five years. Some organisations suggested that it be reviewed every three years to fit in with budgetary

requirements, but we are fairly relaxed about that. There is a balance to be struck when setting strategies. They should not be an end in themselves; they are a tool and a means to an end. However, if we review the strategy too often we will spend too much time considering what goes into it rather than concentrating on what it should aim to achieve.

The CIH has looked at work in other jurisdictions. Homelessness strategies are not new and have been in place in England since the Homelessness Act 2002. Those have been followed up by strategies in Scotland, so there is quite a lot for us in Northern Ireland to learn about how strategies have worked.

An interesting point about the Housing (Amendment) Bill is that it provides for a duty not just to deal with homelessness when it happens, but to prevent homelessness. That significant duty should be well resourced. A very different approach is required to prevent homelessness than is required to respond to it after it occurs, particularly as regards the nature of advice, assistance, support and accommodation and how they are provided.

A significant programme of Government guidance has been provided to agencies and local authorities in England and Wales since 2002 in preparation for their strategies. Although there is nothing included in the Bill, will the Department for Social Development (DSD) give detailed guidance to the Housing Executive on what the strategy should include? In other jurisdictions, a range of guidance has been given to prevent any confusion around what the strategy should cover.

We need to ensure that we resource the preparation and roll-out of the strategy extremely well. We are not emphasising this because we feel that there should be a strategy; rather we want to do something additional to what is already there. If the strategy is going to work, we must ensure that it is well resourced.

It is very important that health and social services are front and centre as a partner organisation. They play, and will continue to play, a key role in tenancy sustainment. In order to prevent homelessness, we need to look at not only those who are currently homeless, but those who are living in social housing or other forms of accommodation that are inappropriate and who may well lose their tenancies. A whole body of work must be done by health and social services to contribute to sustaining existing tenancies. That is a critical success factor in the prevention of homelessness.

There are issues around how the strategy will be produced. In England, the language in the Homelessness Act 2002 differs from the language in the Housing (Amendment) Bill. English authorities are required by law to review homelessness in their areas and to then formulate and publish a strategy. We must be very clear about what the Housing Executive needs to do to develop the strategy. Do we need to look at how effective their current interventions and approaches are? We need to ensure that we do not miss that.

The Homelessness Act 2002 is very prescriptive on key stages and creating a strategy. For example, the Government guidance makes mention of consultation, needs assessment and audit of services, as well as a programme for the planning and implementation of a strategy. We must be very careful about how the strategy is produced.

In a broader sense, what is clear from the Housing (Amendment) Bill and its intent is that the Housing Executive is seen as the primary agency for delivering a response to homelessness, and that all of the other agencies flow from that. What is interesting about other jurisdictions is that they have begun to see homelessness as not just a housing problem but as a wider form of social exclusion. Again, I would urge that we ensure that all the other partners are around the table when developing the strategy. When the strategy is being reviewed, checks and balances must be in place to ensure that people do what they have signed up and agreed to do. That is a critical success factor. There are occasions where there are different priorities across agencies, and some agencies can lose momentum.

There is also the role of housing associations, which play an incredibly effective role in preventing homelessness. They have an important role in the strategies here. I see them as a critical partner. We must ensure, as we develop the legislation, that we do not lose sight of those two key partners; health and social services and housing associations.

Finally, I think we have missed a trick or an opportunity as regards 16- and 17-year-olds. I am aware that the subject has come to the Committee's notice before. In Northern Ireland, uniquely in the UK, 16- and 17-year-olds are not a priority need group. Northern Ireland is falling way behind other jurisdictions by not ensuring that 16- and 17-year-olds are categorised as a priority need group. What does that say to them about how they and their housing options are viewed and valued? We are setting them up for failure at a later stage. If we do not provide for them at the

age of 16 and 17, it is much more likely that they will begin a cycle of homelessness later. The failure of the legislation to correct that is a missed opportunity. Professor Suzanne Fitzpatrick is probably the most prolific writer on homelessness in the UK. In a paper published earlier this year, she said that there appears to be far less urgency about the issue of homelessness in Northern Ireland than elsewhere in the UK.

That is a damning indictment of the current situation, and the treatment of 16- and 17-year-olds is an important factor in how Northern Ireland's response to homelessness is viewed across the UK. Therefore, as fundamental and large a change as it would be, I urge an examination of the legislation to determine whether it can be used as an opportunity to include 16- and 17-year-olds.

We have no major issues with the duty to provide advice and information detailed in clause 2. We support what the Housing Rights Service said about the need to clarify the nature and form of the advice in the DSD guidance, because it is confusing. The intention is that advice and information be provided to everyone, but there seems to be some confusion about how DSD will direct it.

For the future, rather than now, which is probably not particularly helpful, CIH strongly feels that we must expand the current provision of advice and information. If we are clear that we want to provide the widest range of housing options and get people into sustainable tenancies and forms of accommodation across all sectors, there must be a single source of independent housing advice on all housing options.

At present, an 18-year-old who wants to leave home makes a personal decision on whether to enter the private-rented sector. That decision tends to be based on how much he or she has in his wallet. If the decision is made to enter the private-rented sector, the next step is to go to an agency or estate agency for help. An individual who decides on a social housing tenancy puts his or her name on the Housing Executive's waiting list, and someone who decides to save for a mortgage goes to a mortgage adviser.

Part of the reason that some people in Northern Ireland are now struggling with their housing is that they made the wrong choice. One factor in people not making the right choice is that they do not receive the full range of advice. I understand that the Bill is a small piece of legislation,

but, for the future, CIH urges the Committee to examine the general role of housing advice and how effective it is in helping people with their housing options. Some energy and effort must go into that.

Generally speaking, the CIH urges the Committee to go beyond the debates on eligibility. I am conscious that I have just spent two minutes outlining how priority need must be expanded to cover 16- and 17-year-olds. However, if we are going to get things right for the next generation, we must move away from the focus on how to ration scarce resources and the selection of those who can or cannot benefit. Every other jurisdiction, with Scotland leading the way, is phasing out priority need over time. That is a huge and radical demand, but we must debate why that is not happening in Northern Ireland. It is not a debate for today, but we must decide how the needs of the most vulnerable can be met in 10 or 15 years' time.

In principle, it seems perfectly sensible to ask the Housing Executive to review its policies on antisocial behaviour, but what is the intention behind that and what do we want to achieve? Are there additional actions that we want other agencies, not only the Housing Executive, to take on antisocial behaviour? I am happy to answer any questions on that.

My understanding about the information that is being sought from housing associations — and I am casting my mind back to about a year ago when we met DSD officials to discuss the inspection of housing associations — was that that particular piece of legislation would be used to streamline the inspection process to make it more manageable and proportionate for housing associations. We are disappointed that the legislation does not do more to streamline the process. I am sure that the Northern Ireland Federation of Housing Associations (NIFHA), and others who have more expertise than me, will have views on that. There has been a missed opportunity.

**The Chairperson:**

You said that the lead organisation on the homelessness strategy will be the Housing Executive and that the buy-in from others would be equally important in the process, and you backed that up in your evidence. Other than having them as consultees in the drafting of the strategy, and beyond that, how do suggest that we get that buy-in on an ongoing basis?

**Ms G Long:**

There are a number of ways of doing that, some of which will require significant changes to the

Bill and may not be impossible. We could certainly look at the way in which the code of guidance on homelessness, to which all agencies have to have regard, is developed. That is available in other jurisdictions, and we do not have a statutory code of guidance on homelessness in Northern Ireland. Perhaps other agencies could work alongside the Housing Executive on that, but that would require a change to legislation.

Another way of achieving buy-in is to set out in the legislation a statutory review and to stipulate that all the agencies have to set out exactly how they have met the terms and conditions that they were asked to meet in the strategy. It is possible to prescribe that in the Bill, but it would be neater if the Bill stated who the statutory consultees are, and that, as part of the review, they must set out what they have done. A lot of that will come through in guidance. I am a strong fan of guidance documents from Government; they keep us straight, and they allow us to come back to them over time.

**Mr F McCann:**

You said at the outset that you believed that there were limited opportunities to deal with this issue. Are we missing a golden opportunity? It may be years before we have another opportunity to deal with a lot of the issues that are before us.

**Ms G Long:**

You will not be surprised to hear me answer yes to that question. It is not often that I get the opportunity to look at a housing Bill. I am disappointed that it does not cover a wider range of housing areas. If you were to ask me what one thing I would change, I would say, without question, that we need to extend the priority need category to include 16- and 17-year-olds. Not to have that makes Northern Ireland look deficient.

**Mr F McCann:**

As has been touched on a couple of times, there is an impression that the Housing (Amendment) Bill is a tidying-up Bill. The Committee has never looked on it as a tidying-up Bill. We need to deal with a number of the issues now rather than have to revisit them.

You mentioned the need to extend priority need to 16- and 17-year-olds. Recently, I dealt with a ridiculous situation in which the parent of a 17-year-old child was leaving the jurisdiction and the housing authority wanted to go after the house because the 17-year-old was too young to



claim a tenancy. That shows the nonsense that exists. A number of difficulties were encountered, despite the fact that the person was born in the house and had lived in the house.

Are you happy for the Housing Executive to carry out the five-year review of homelessness? Should it be broadened out to the likes of the group that carried out the initial report on homelessness, so that a broader spectrum of views is provided?

**Ms G Long:**

I am fairly relaxed about who carries out the review. If it is done properly and openly, it should not matter who does it. If the Housing Executive is called before the Committee, or another body, and is asked to set out publicly what it has done, that is fine; it can do the review itself or it can do it independently. As a public agency, the Housing Executive is perfectly capable of reviewing what it has done. It should be sufficient to ask statutory consultees to feed into the review, and I am sure that CIH and other organisations will have a view on how it is done.

**Mrs M Bradley:**

What changes would you like to see to the regulation of registered housing associations?

**Ms G Long:**

There is an opportunity in the Bill to make the inspection process for housing associations more streamlined, manageable and proportionate. About a year ago, in May 2008, we held an event at which we informally met DSD officials and housing associations. As a result, we thought that the Housing (Amendment) Bill would afford an opportunity to carry out some of that streamlining. We also thought that it would afford an opportunity to bring forward stronger powers for the Department, if and when it needed them; for example, following an inspection that found poor practice. As I understood it, it was not envisaged that those kinds of powers would need to be used regularly; however, they would help to clarify the inspection process, what happens if DSD has to take action and what actions will follow. The Bill does not cover those areas, so I feel that those opportunities may well have been missed.

**Mr Brady:**

Thank you for your presentation. Could any specific resources be given to local communities to tackle antisocial behaviour?

**Ms G Long:**

This will probably not answer your question, but I will tell you my preferred approach to antisocial behaviour, which I am talking about because I worked in that area in Scotland. We had the same issues with antisocial behaviour as all jurisdictions have.

Some of that behaviour is not antisocial, it is criminal damage, and we need to be clear about that. Some behaviour is carried out by people who do not realise that their behaviour is unacceptable to others, and we need to be clear about that. Some of it is a result of miscommunication between, for example, generations, and some is down to the fact that housing is sometimes allocated inappropriately, so people who probably should not live next to each other are living next to each other.

That aside, from my point of view, the most effective approach is when housing provision is linked to effective and well-resourced housing support services. It is incredible to see the turnaround that organisations, particularly those in the voluntary sector, can achieve with well-resourced housing support. As you all know, probably more than I do, one family or household can make all the difference in a community, so housing support services must be really good and targeted effectively.

Housing support is expensive and long term, and it does not always provide the quick fix that people would like, but, if it is well resourced, it can deal with antisocial behaviour. It prevents families from being evicted, becoming homeless and moving on to cause the same problems in other areas. That may not be the answer that you wanted from me, but, from my experience, it is the sort of intervention that works most effectively.

**Mr Brady:**

As an addendum to what you said, in my constituency, one small estate had huge antisocial behaviour problems, similar to those that you described, so the Housing Executive moved out two families that were causing all the problems and, instead of having two entrances, which allowed cars to come in to do wheelspins etc, it closed one. Those measures helped to upgrade the estate to the point at which it is now considered to be a model of good practice. That relates to what you said.

**Ms G Long:**

Simple intervention can sometimes do it; however, if we are to address the problems, then housing support services must be resourced, because they are not cheap. You are talking about maybe two or three support officers working with a family for three or four hours a week over six months or a year, and that is not cheap. Nevertheless, it works.

**Mr Brady:**

Management were also involved on a one-to-one basis in the Newry estate.

**The Chairperson:**

Grania, I shall just recap the main points in your evidence. You spoke about resourcing the homelessness strategy and ensuring that all agencies deliver on it; the requirement for the Housing Executive to review the strategy as a precursor to its implementation; the priority needs of 16- and 17-year olds; and the reconsideration of priorities for the future.

Thank you very much for your evidence; it is much appreciated.

Today's second set of witnesses is from the Northern Ireland Federation of Housing Associations (NIFHA). I welcome Mr Ray Cashel, chairman of the federation, Mr Chris Williamson, NIFHA's chief executive, and Mr Arthur Canning, who is a NIFHA council member and the chief executive of Trinity Housing.

Members have been provided with a briefing note from the Committee Clerk and NIFHA's submission on the Committee Stage of the Housing (Amendment) Bill.

Gentleman, I ask that you give a brief introduction, after which members may ask any questions that they might have.

**Mr Ray Cashell (Northern Ireland Federation of Housing Associations):**

You have already done the introductions, Chairman, so I will not repeat those. I just wish to say a few words, and my colleagues will mention the key points of the written submission that the Committee has already received.

Most people know that the Northern Ireland Federation of Housing Associations is the

representative body of all registered housing associations, and some other housing bodies, in Northern Ireland. We see ourselves as a significant and central part of the delivery of the housing development strategy, and we are very keen to see things improved.

Earlier, the term “tidying-up Bill” was used. We are rather disappointed about the fact that this tidying-up Bill will not tidy up some of the things that we would like to see tidied up. We would, therefore, also appreciate the opportunity to move quickly to a real housing Bill, so that we can talk about some of the bigger issues.

In that context, we have identified a number of issues relating to the way in which registered housing associations are operated and managed. How conflicts of interest are managed and how homelessness might affect the way in which housing associations are operated are issues that can cause particular problems.

I now hand over to Arthur, who will look at the issue of the regulation of housing associations.

**Mr Arthur Canning (Northern Ireland Federation of Housing Associations):**

I wish to make a few comments on clauses 6 to 8, which pertain to the regulatory powers over housing associations. The Committee is well aware that the Department already has far-reaching powers in that respect, which are embedded in the Housing (Northern Ireland) Order 1976.

They safeguard public investment and the rights of tenants of registered housing associations. It is important to note that, since the Housing (Northern Ireland) Order 1976, the most stringent powers have, to the best of my knowledge, never been used or consulted. However, the federation recognises that it is important to safeguard the public investment and the housing association movement’s good record since its establishment. The federation is not opposed to the further powers in the Bill. However, we trust that the Committee will take this opportunity to ensure that the powers in the Bill are used only in the most extreme and serious cases.

**Mr Cashell:**

I want to discuss introductory tenancies. Initially, our members were not convinced that that UK-wide change would necessarily help the situation. One problem with the drafting of the legislation was that it created a situation whereby it was possibly more difficult to deal with an introductory tenant than to deal with a secure tenant. One area of concern was the absence of

provision for dealing with abandonment during the introductory period. We are pleased that such provision will be introduced. We are still concerned that there are gaps in the introductory tenancies process; we want those to be removed. However, we specifically welcome the arrangement that introductory tenancies can, in the event of abandonment, be closed down in the same way as secure tenancies. We are still concerned about some other aspects of introductory tenancies, and we may want to talk about those later.

The more difficult problem concerns the prevention of conflict of interest. We are committed to the Nolan principles of public service, whereby there should be no conflicts of interest and, where they do exist, they are dealt with openly and transparently. Our major concern is that a rather archaic tool, article 31 of the Housing (Northern Ireland) Order 1992, is used to govern that principle. It applies to housing associations and not to any other part of the voluntary sector or public sector. It imposes such an overall ban on conflicts of interest that it could gum up the works quite substantially.

We are particularly concerned that the procurement strategy is taking us into a different style of large-scale procurement, whereby article 31 could sabotage the whole process. We want that article to be abolished and replaced with a more coherent and sensible code of public conduct and a robust system for declaration and prevention of conflict of interest. Article 31 is an archaic piece of legislation that might have been relevant when a housing association was deemed to be a small voluntary body with two staff. However, it is not applicable to consortiums of housing associations that have 2,000 or 3,000 staff, all of whom must demonstrate that they have no relationship whatsoever with a contractor before that contractor can be used. That could conflict with EU legislation. It is the equivalent of saying that if a builder is related to a DSD employee, the builder cannot work for the Department. We encountered an example where a junior cleaner who worked five hours a week was related to a contractor. The contractor lost his contract. That is the sort of archaic provision in article 31. We want that to be replaced by an intelligent provision.

We are disappointed that this question has still not been dealt with even though we have been raising it for several years. In order to allow the procurement strategy to proceed, the Department will have to introduce a determination to exempt certain forms of contract — the procurement strategy will not work otherwise. We want the matter to be dealt with now, and we want provision to be included in the Bill. It will cause major problems for us in complying with the

procurement strategy and meeting the Minister's target on social housing. That is a major issue, on which we have pressed the Department for a number of years without results.

**Mr Chris Williamson (Northern Ireland Federation of Housing Associations):**

Thank you for the opportunity to speak to the Committee again. As our chairman said, the federation is not opposed to the legislation. The Department accepts that it is not strictly necessary right now. Nonetheless, it regards it as a precautionary piece of legislation that will give the Department even more powers to inspect registered housing associations. Under that same precautionary principle, it is sensible to use the legislative opportunity to make provision for a contingency that would arise if Sir David Varney's recommendations were accepted by the Northern Ireland Executive or if the Housing Executive's stock was separated from its strategic powers.

How would homelessness be assessed if that situation arose, because the body responsible for housing in such a scenario would not, as things sit at present, have the statutory power to assess homelessness? Only the Housing Executive would have that power, and the Housing Executive has told us for many years that the law does not allow it to delegate the responsibility for that assessment.

Therefore, broadly matching legislative change that was introduced in Great Britain many years ago when stock transfer occurred in many local authorities, we suggest that the Committee at least seriously considers this issue. Another housing Bill is coming down the track, but we have not seen it yet, and all sorts of mishaps could happen which might put that back for years. It seemed to the federation that if there were to be any significant movement at some stage in the direction of the Varney recommendations, it might be wise to take this legislative opportunity to make enabling legislation to allow the Housing Executive to delegate that responsibility legally.

Finally, we asked the Committee about the repeal of the rent surplus fund in private session in the spring. Since then, we were assured — by the Minister no less — that that will be dealt with in the proposed legislation that I just mentioned. The Minister told us that, in the meantime, she will take administrative action to reduce to the bare minimum the administrative and bureaucratic inconvenience that is required. We accept the Minister's assurance on that, so we are no longer asking for repeal of the rent surplus fund in this legislation. We are content that that will happen in due course.

**The Chairperson:**

Thank you. Much has been said about enabling legislation with regard to the Varney recommendations, but no decision has been taken by anyone. I am too new at this to know whether the Committee has taken a view on that. Would enabling the Housing Executive to delegate the assessment of homelessness to registered housing associations help to get others more involved in delivering a homelessness strategy?

**Mr Williamson:**

It would help a little, but would not be a major direct contributor. The law requires registered housing associations to co-operate with the Housing Executive to discharge its homelessness functions. That requirement has been on the statute book for years, and our members have been major co-operators with the Housing Executive in that. That is probably the main reason why I do not think that that other enabling legislation would make a big difference.

**The Chairperson:**

You are suggesting that we look down the line to a point when circumstances allow the Varney recommendations or something similar to be moved forward.

**Mr Williamson:**

Yes.

**Mr Cashell:**

It would become essential at that stage. We would be keen to see it happen earlier, but if there were a stock transfer, as Varney recommended, it would be essential to have a coherent arrangement for who is managing the housing waiting list register. The argument is that homelessness is supposed to be assessed for every application; therefore housing associations are not allowed to assess anyone for anything.

The problem is, even if the stock were transferred, the Housing Executive would have to retain the waiting list, as it does now. Even though it would not be managing houses, the Housing Executive would be the only body allowed to assess anyone. However, it would have no basis for doing that; it would have no housing, it would have no housing officers, and it would not be able to allocate anybody to anything. Therefore, why would the Housing Executive run the waiting

list? It is absolutely essential at that point. However, we have always said that it is a good idea to spread the load and to allow us all to participate in the process.

**Mr Canning:**

It is also an issue of simple human rights. There may be some who are satisfied that, at this moment in time, everything can be signposted towards the Housing Executive. However, there is the issue of a person's right to have their issue addressed wherever they wish to make that point of contact. If that was widened out, certainly that would ease the burden on people who are in a situation of obvious housing stress, wherever they make their approach.

**Mr Williamson:**

There are people on the housing waiting list, or perhaps not, who specifically and only want to live in housing association accommodation. However, at the moment, the rules are such that they are assessed by a Housing Executive officer. That officer may or may not know the full ins and outs of the service on offer or the particular geographical options that there are. We have been speaking out about that for some time.

To get back to the original point, we suggest to the Committee that legislative opportunities such as this do not come along all that often, and many a mishap can interfere with the best laid plans for future legislation. We are inviting the Committee to look down the line and envisage a "what if" situation. I emphasise, again, that this is an enabling power, rather than something that is mandatory.

**The Chairperson:**

It will not be judging anything.

**Mr F McCann:**

The jury is out on the Varney report, and we have had a number of conversations around where housing associations would rest on that. I think that housing associations will be looking over their shoulders, worrying about the loss of the Housing Executive's power and wondering where to obtain that. There is a mixture of that in what you say.

The last report on homelessness was by a cross-sectoral group that included departmental figures and the broad voluntary housing sector. I am surprised that you said that that sector



would have only a limited role. I think the report that it provided was excellent, although a lot of stuff ended up out of date before it was implemented. I think that it would be a good thing to take that away, although not completely, from the Housing Executive, and to bring that expertise together on a regular basis to continually update the homeless legislation.

**Mr Cashell:**

We fully agree with that. We were equally disappointed that the promoting social inclusion among homeless people report was so long in arriving. A lot of solutions to homelessness are managed by housing associations and their joint management partners, rather than by the Housing Executive. We are very keen to be fully involved in that, and we would like to see that.

**Mr Williamson:**

Perhaps, Mr McCann, I did not explain my point. I am certainly not saying that the role played by voluntary organisations, including our federation, is limited. I am the federation's representative on the continuing inter-agency body, promoting social inclusion of homelessness people. I am still on that body because I think that the process is not finished, and that, perhaps, it never will be, because the needs of homeless people might never cease.

If I gave the impression that the role of the wider voluntary sector, and housing associations, is not significant, I have given you the wrong impression. I was specifically saying that because registered housing associations have, for ages, had a legal duty to co-operate with the Housing Executive in the delivery of solutions for homeless people, giving it some extra duties or responsibilities would not make a big difference.

As our chairman said, we are absolutely convinced that the role of the wider voluntary and community sector will continue to be essential.

The voluntary representatives on the promoting social inclusion group are united in the opinion that there needs to be continuing input by them and, in particular, the statutory players. I am talking about bodies outside of the Department for Social Development — the education sector and the health and social care sector have to make an input to achieve continued co-operation and inter-agency working to relieve the homelessness issue.

**Mr Brady:**

Thank you for your presentation. When assessing homelessness, the main thrust is choice and administration. The previous witnesses talked about the criteria for 16 and 17-year-olds. Would the criteria be changed if the issue were delegated to other bodies other than the Housing Executive? Does that need to be looked at in more detail?

**Mr Williamson:**

Those are two completely different things. The federation agrees with the CIH, and others, that 16 and 17-year-olds should be regarded as priority cases, irrespective of any other circumstances. I regard the two issues as distinct. The criterion for statutory homelessness is one thing, and it will be laid down by law and rules. The assessment is a different issue.

**Mr Brady:**

My question was whether you would be happy to implement statutory changes in the criteria in respect of 16 and 17-year-olds, but I think that you have answered that.

**Mr Cashell:**

There is a complication, because of the Children (Northern Ireland) Order 1995. The big problem has been the dialogue between the Housing Executive and the social care system about who will have responsibility for 16- and 17-year-olds and who is going to take the risk, because 16- or 17-year-olds who want to enter the housing system, as priority cases, have to go through the care system. That is massively counterproductive. We need a lot of things. There is also a massive disparity between the treatment of a 17-year-old who is married or with a child and a single 17-year-old. Further to Fra McCann's point, what happens to a 17-year-old who is in a position of needing to succeed to his or her family tenancy, and not being allowed to? A lot of issues need to be addressed. It must not become the case that an individual will get help only if he or she is so bad that they become a child in care. There must be a broader view, and that is why we have to actively support the view that everybody who is homeless should be considered as a priority, even if they are under 18, and they should not have to go into care to ensure that their case is dealt with.

**Mr F McCann:**

One of the major issues faced not only by the housing authorities, but elected politicians, is antisocial behaviour. I notice that you have not mentioned antisocial behaviour in the report.

Does that mean that you are happy with the legislation that is in place?

**Mr Williamson:**

Not at all. We wanted to focus on what we consider the main issues for housing associations, and, of course, antisocial behaviour affects housing association tenants just as much as it does anybody else. Our line is identical to that of Grania Long: housing support services are the most effective means of trying to deal with antisocial behaviour. Legislation can help. Our members are always telling me that there are laws in place, and they have been in place for ages, but getting enforcement on them is the devil's own job. In Northern Ireland, we have the unique situation where only the Enforcement of Judgments Office can evict tenants — and God forbid that an eviction is ordered. No other part of the United Kingdom has such a body. Our members tell us that there are huge delays in getting to the court to make an order for possession, and an even longer delay, sometimes, between that order being given by the court and the Enforcement of Judgments Office carrying out the eviction. That is a serious problem for our members, because it undermines the credibility of enforcement action.

**The Chairperson:**

Non-enforcement results in a good law becoming a bad law.

**Mr Cashell:**

It is not primarily a legislative issue. There is a huge resource issue with whether Supporting People has the ability to provide the housing services that are required. Housing associations are not among the bodies that are allowed to trigger ASBOs, not that they are necessarily a solution in their own right. However, the Housing Executive can trigger them in their own right. Such a device would allow us to use them where appropriate. Again, we do not feel that antisocial behaviour is primarily a legislative issue; it is a resource and management issue.

**The Chairperson:**

The Chartered Institute of Housing suggested a general examination of the regulation of housing associations. What are your thoughts on that suggestion?

**Mr Cashell:**

We like the term “streamline” that Grania Long used. We are still awaiting the streamlining bit. As Arthur said, we are not challenging or objecting to the legislative provision, because that

reflects existing UK legislation. It is counterproductive to introduce that sort of stick at a time when we are trying to make the relationship more helpful and supportive. We want to be convinced that the Department see it as a tool of last resort rather than as an easy device to bring us into line. The provision is not a problem per se, but it is counterproductive to introduce that style of provision at the moment.

We recognise that the provision will bring us into line with UK legislation. We would prefer the introduction of an empowering and supportive regulatory framework that recognises the basic core fact that we are independent organisations that avail themselves heavily of government funding and work to deliver government strategy. However, it belies the whole process to introduce regulation in the form of micromanagement, which challenges the basic nature of the operation, at a time when we might want to convert the Housing Executive into a very large housing association. Given the nature of our work and the scale of operation, much of the regulatory framework is excessive. We do not object to the legislation; we much prefer a conscious plan, as Grania says, to streamline and ease the process and to make it commensurate with the scale of our operation.

**Mr Williamson:**

I fully endorse our chairman's comments. However, it might be useful for Committee members to understand that the law is one thing, and how the regulator operates is another. We fully support streamlining and proportionality in the regulation but we do not need changes to legislation to achieve that. That is why we are not too excited about the fact that there is nothing in the proposed legislation to say that the regulation of housing associations will be streamlined. We expect that to happen in operations. As our chairman said, we are working with the Department to move in that direction.

**The Chairperson:**

Clause 10 is about the antisocial behaviour element, which Fra mentioned. The Committee has already heard the suggestion that, in addition to the Housing Executive, housing associations should publish antisocial behaviour strategies and policy. Could, and would, housing associations make those publications voluntarily?

**Mr Cashell:**

We are keen to be open and transparent and to publish all that we do. We could have a problem if

we were given a highly prescriptive format and level of detail that did not fit our operation. It is great to harmonise frameworks and allow the public to examine our material and compare what is happening. However, it often results in highly elaborate, over-the-top formats for presentation of information and demands for collection of information. We would be happy to publish all our work and policies. None of us would have a difficulty with that. However, it would have to be done on the basis that we design policies to suit the circumstances of our housing association and that our intervention strategies are based on the type of association and the locality in which we work, rather than everyone adopting a standard model. The purpose of our movement is to be diverse, and moves to harmonise us into a single narrow practice defeat the purpose of what we are trying to do.

**Mr Canning:**

My association might have to deal with a young family or a single, 86-year-old elderly person who is suffering from antisocial behaviour. We have structures in place, and we make them available to tenants, but they have to be shaped in such a way that a range of people feel comfortable with them.

**Mr Cashell:**

A good example of that is that one of the devices in the framework is the ability, under certain circumstances, to bar someone from being allocated social housing for two years. Some of our projects exist precisely to house and assist those people. Consequently, we cannot subject ourselves to the same prohibitions that mainstream providers might want. The purpose of our enterprise is to intervene and help in a different way and maybe to find alternatives to eviction. We have the resources and mechanisms to handle such evictions; whereas others might not. So there has to be diversity and flexibility. Nevertheless, we would have no problem with publishing.

**The Chairperson:**

The legislation does not and probably will not set out the way that you must do it.

**Mr Cashell:**

Prohibition is an issue, because the implication is that we should not be allowed to house people who have been prohibited. The device is there to prohibit people, but some of our projects exist specifically to house those people, and attempts to harmonise the system and say that no one is

allowed to house them defeats the purpose of what we are trying to do. There must be flexibility for certain cases. Nonetheless, there seems to be a general movement for all documents to look exactly the same so that the public can understand them, but that is difficult to achieve in a diverse movement.

**The Chairperson:**

I understand. In our first evidence session, a service head expressed concern about not getting sight of some association's policies. Then there is the dichotomy between the compulsion to publish that is on the Housing Executive but not on housing associations, which have an increasing number of properties.

**Mr F McCann:**

Many people, not just Housing Executive tenants, are confused by antisocial behaviour powers, particularly when the associations tell them different things. You mentioned the two-year rule, but there seems to be an emphasis on the new duty of care towards applicants and existing tenants. That poses serious problems. If an applicant has a background of antisocial activities, because he or she can get intimidation points, he or she can automatically, and with no explanation, be moved in beside somebody. Such a person can destroy a whole street or area.

**Mr Cashell:**

That is a tricky subject, and it is certainly not one for legislation. It is a question of managing the social housing applicant register and of the level of discretion that applies to any landlord — Housing Executive or housing association — to make management decisions of the type that you described. If we are told overtly that a particular person has 210 points, is at the top of the list, and we must give him or her the next vacancy that comes up, our hands are tied.

If local Housing Executive managers have such discretion, we need to have the same level of discretion. Obviously, we must be accountable for how we use that discretion, but, in order to make the sort of decisions that you mentioned, it must be clearly understood that we have the same level of discretion as a Housing Executive district manager. We look at where an applicant is to be housed, decide whether it is appropriate and safe, and, if it is not, justify bypassing him or her. There needs to be a clear framework, so that we can all work on the same level and account for individual decisions, without creating risk for other people. That is why housing associations run specialist projects where some of those individuals will end up.

**Mr F McCann:**

An impact assessment must also be carried out for each area. There is a perception that many of those people end up in areas that already suffer from severe antisocial activity.

**Mr Cashell:**

The common selection scheme, as we call it, is not a legislative thing and operates at a much lower level; however, there are a lot of practical issues about information sharing. For instance, before making an allocation decision, housing associations should have access to that information.

**Mr F McCann:**

But you do not tell people in the area.

**Mr Cashell:**

Sometimes, we do not know why someone is in particular circumstances, because we only get the file at a late stage in the process, when we may have already engaged in dialogue with that person about an allocation. There are a number of information strings, but that should not concern us at this level. Such matters are dealt with at an operational level between ourselves and the Housing Executive. The Varney review changes a lot of those ground rules, so they will all be up in the air again, but they will have to be fully addressed.

We are fully appreciative of the issues, and our primary concern is that we are understood to have the same level of discretion as a district manager, and that we can plan to avoid those issues and involve the community in those decisions. We do not understand that we currently have that discretion, and we would like to work towards it; accountably, of course.

**The Chairperson:**

To summarise your evidence; you have spoken about the introduction of a better, more appropriate code of conduct for housing association board members and employees; the introduction of an additional clause to permit the Housing Executive to delegate assessment of homelessness to another body; and you welcome the introductory tenancy clauses and the enhancement of the Department's power in respect of the housing association.

**Mr Cashell:**

I think that you said that we welcome the Department's regulations: we are not objecting to them.

**The Chairperson:**

I am putting words in your mouth. I am suitably chastised.

Thank you very much for your evidence; it has been much appreciated.

We now move to the third evidence session on the Housing (Amendment) Bill. We are joined by Murray Watt, liaison officer from Supporting Communities NI; and Colm McDaid, the area manager of Supporting Communities NI. You are both very welcome. Members have copies of the Clerk's covering letter and the submission from Supporting Communities. Gentlemen, you may talk on your submission before questions from members.

**Mr Murray Watt (Supporting Communities NI):**

Thank you. Good morning. I think it is still morning. I am on Rome time; I was on holiday until yesterday, so I am still a little ahead of myself.

First, I will introduce Colm and myself. My name is Murray Watt, and this morning, I completed 17 years with both the Northern Ireland Tenants Action Project and Supporting Communities. Hopefully, I have learned something in that time. I do some of the policy and information work for the organisation, as well as working with community organisations and the Housing Executive across Belfast, Castlereagh and Newtownabbey.

**Mr Colm McDaid (Supporting Communities NI):**

Good morning. I am Colm McDaid, area manager covering the west and south of Northern Ireland in relation to the work of our liaison officers. I have not been on holiday, so I am on our time. *[Laughter.]*

**Mr Watt:**

Supporting Communities was previously known as the Northern Ireland Tenants' Action Project. Prior to that, it was known as the Estate Action Project; and prior to that, it comprised a number of liaison officers working out of the Northern Ireland Voluntary Trust.



We have been kicking dust about for some time. This morning I will highlight our mechanism for tenant involvement in the Housing Executive structures and outline our comments on a clause that relates to the constitution of the Housing Executive board.

There are 35 housing community networks covering each Housing Executive district office. The three offices in Derry have merged. Each network is facilitated by ourselves in conjunction with the Housing Executive and consists of community reps or tenant representatives from groups in that district. In addition, each district panel sends two representatives to one of five Housing Executive areas. In the past number of years, the Housing Executive has undertaken a modernising services process, which is nearing completion. Functions in the area offices have increased to include housing benefit, accounts, and so on. Therefore, members carry out more of a monitoring exercise at area meetings. Each of the five area areas sends three representatives to a central housing community network, which meets the housing and regeneration department in the Housing Executive monthly.

**Mr McDaid:**

Murray mentioned the central housing community network element of the framework; I attend those meetings with my colleague Brian Holmes, who is the director of Supporting Communities. We facilitate those meetings, the purpose of which is to meet assistant directors, principal officers and policy officers from the Housing Executive to consider new policies and to review existing policies. Moreover, we have recently developed a community involvement strategy, through which an action plan for the next two or three years has been developed to scrutinise, on a sequence basis, different elements of the Housing Executive's service delivery.

**Mr Watt:**

Every year in October — in a fortnight in fact — each network sends delegates to our annual conference. We produce an annual report on the work of the housing community network. I will pre-empt a question from Mr McCann —

**Ms Ní Chuilín:**

You do not need to push him.

**The Chairperson:**

That question was the odds-on favourite.

**Mr Watt:**

Most, if not all, of the district panels discuss the response to antisocial behaviour with district managers and district staff at some point during the year. That happens annually, and we have a planned programme of work for it.

Given the level of involvement and given how the Housing Executive monitors and evaluates its own performance after the modernisation process, the type of work that members at all levels of the housing community network are expected to do has become increasingly complex. The fact that tenant community reps have a role and responsibility is particularly important. In recent years, we have undertaken shopping exercises to, hopefully, lead to a piloted tenant-led inspection for Housing Executive services.

I am leading you down this alleyway because I want to address our comments this morning specifically to the constitution of the Housing Executive board. In previous opportunities, we lobbied or suggested that there should be tenant representation on the board. Given that the Bill seems to suggest that the constitution might change or be subject to change, it is an opportune time to reconsider that process. Although I have spoken at length about the housing community network, I will not suggest how that tenant representation might be drawn. Public appointment rules and procedures must be followed. However, I am sure that it is not beyond the wit of the Housing Executive, the Department and the Committee to come up with a proper mechanism to enable that to happen.

**The Chairperson:**

Does that answer your question, Fra?

**Mr F McCann:**

Representative bodies of tenants groups across the North will be coming forward with suggestions on how antisocial behaviour can be dealt with, and I am impressed that you are consulting with tenant groups and associations, in particular, to allow them their input.

**Mr Watt:**

There will be level and depth to that involvement. Recently, we had a number of consultations on antisocial behaviour, particularly in Newtownabbey. Representatives from the Police Service, the borough council and the Housing Executive were present. We looked at the responses of each of the agencies and at how the community organisations would have a role and responsibility within that. Through the various antisocial behaviour protocols, there is an exclusion on external representation in the formal structures. Building the links and relationships between communities and the people who have functions and responsibilities to discharge makes a significant positive impact on how antisocial behaviour can be tackled in each area.

**Mr McDaid:**

Mr Watt mentioned one of the examples through which communities are getting more involved in evaluating and monitoring Housing Executive services. He referred to the tenant-led inspection pilot, which will look at the first area of services, the community safety unit and antisocial behaviour. Tenants will examine the procedures and policy in relation to how antisocial behaviour is dealt with, and, perhaps, make some recommendations as to how its service delivery can be improved.

**Mr F McCann:**

Would you see it as a lost opportunity if we did not widen the Bill to take in other aspects? I asked that question to other witnesses. Some people look on the Bill as a tidying-up exercise.

**Mr Watt:**

The loopholes in the legislation and the mechanisms had to be addressed. I am hopeful, given the support from a number of circles in the Chartered Institute of Housing's inquiry into the future of housing, that we might be able to broaden the responses to a range of housing issues. The current economic circumstances throw into sharper focus some of those issues, such as the long-term future funding of the Housing Executive and the type of services that it can be expected to deliver and manage.

There is a range of issues there. I am not overly upset about the content of the Bill, because it had a particular function to fulfil, but we might be back in a year's time, having a more in-depth conversation about where we are going with regard to future public and social housing in the Province.

**Mr F McCann:**

The other side of the coin is that we may not have an opportunity, by way of a housing Bill, to deal with some of the difficulties for many years.

**Mr Watt:**

That is a pessimistic view, but I recognise that it is possible. However, we have been afforded an opportunity. A number of challenges were set in this morning's presentations, and the opportunity to do something radical with regard to the constitution of the Housing Executive board should not go begging.

**Mr F McCann:**

It could be a case of self-interest.

**Mr Watt:**

I do not know about that.

**Mr F McCann:**

I am talking about the group, not you.

**The Chairperson:**

Please be as optimistic as you want; pessimism seems to rule the day here too often.

**Mr Hilditch:**

You state that the community network is possibly the best way in which to ensure that new tenants get on the board. There may be others who feel the same. Will you develop your reasons for saying that?

**Mr Watt:**

One reason that we wanted to highlight the work of the Housing Community Network was to demonstrate the capacity that individuals have to voluntarily participate in the policies, procedures, management and evaluation of Housing Executive activities. As Colm McDaid said, tenant-led inspections are the next step.

Having established that there are volunteers who have the interest, energy and capacity to do that, I suspect that how tenant representation is reflected on the board would be a matter for other people. The public appointments policies and procedures would obviously have to be followed. While I was thinking about that during the past couple of weeks, it struck me that it would be fairly straightforward for the Chairman of the Board of the Housing Executive to write to every tenant to invite their application, which would then be processed in the same way as any other non-departmental public body.

It may well be that somebody from the Housing Community Network would be better placed by virtue of their experience, but in every walk of life and in every competitive recruitment process that will always be the case. If I were to paddle a particular, selfish viewpoint, I think that the Housing Community Network would provide an ideal foundation or framework from which to formally step up onto the Housing Executive Board. However, the law probably precludes that. The Committee may seek a view on that.

**Mr McDaid:**

I concur. Supporting Communities regards the Housing Community Network as an ideal channel that enables communication upwards and downwards from grass-roots level.

**Mr Hilditch:**

I missed the figures that were provided at the start of the evidence. Is the Housing Community Network represented in each of the 26 council areas?

**Mr Watt:**

Yes. There are 37 Housing Executive district offices, and the networks — the three in Derry were merged — has representation right across the Province. We have not gone as far as putting pins on maps, but I am confident that there is a presence in most estates and most urban and rural areas across the Province.

**Mr F McCann:**

Is it organised like the old consumer panels?

**Mr Watt:**

Yes, and the old community advisory groups before that. Members involved in inter-agency

housing forums know that even below formal district office level there is involvement down to estate and even to neighbourhood level.

The Housing Executive must be commended for that because, while it employs us to help, its staff who facilitate that contact demonstrate great commitment, particularly in towns where district office staff numbers are significantly reduced. We are happy to continue to support that.

**The Chairperson:**

On another issue, will Mr Watt elaborate on the concerns that he expressed about the clause related to repossessions of introductory tenancies?

**Mr Watt:**

I understand that the operation of introductory tenancies across the water led to concerns being expressed by the Chartered Institute of Housing nationally and locally that, as a mechanism, it became more difficult to repossess an abandoned introductory tenancy than a secure tenancy. That defeated the purpose for which introductory tenancies were originally designed.

Housing providers would be better-placed to judge, but a mechanism that loses its credibility in that way makes it difficult to argue to tenants' representatives that we are tackling or managing voids through such a mechanism when, in fact, it is failing to hit the mark. I am sure that from involvement in constituency housing affairs, members are aware that tenants are no mugs.

**The Chairperson:**

Thank you. To summarise your evidence; you have covered the requirement to consult voluntary and community sector organisations on the formulation of the homelessness strategy; that of the Department to produce a code of guidance in order to ensure consistency of advice; setting out guidance on circumstances that would warrant departmental intervention in housing associations; a requirement to ensure that rights of introductory tenants are equal to those of other tenants; and, — perhaps, most importantly — provision for tenant representation on the Housing Executive's board.

Gentlemen, thank you very much for your evidence and for coming along today. It is much appreciated.

**Mr Watt:**

Thank you.

**The Chairperson:**

Our final evidence session is from the Northern Ireland Housing Council. At tab 9 of your packs, you will find a covering note from the Committee Clerk; the Housing Council's submission on the Housing Bill; an extract from the Housing Executive's annual report 2008-09; and a copy of the Housing Council's report on the Bridging the Gaps convention.

I welcome Gerry Gallagher, who is the chairman of the Housing Council; Jim Brown, who is the vice-chairman; and Eamonn O'Neill, who is a member. I note that other members of the Housing Council are present in the gallery. I also welcome them to the meeting.

Gerry, I ask you to provide a brief outline of your submission in order to begin your evidence. I will then open the floor to members for questions.

**Mr Gerry Gallagher (Northern Ireland Housing Council):**

Thank you very much, Chairman. Good afternoon, everyone. It is my pleasure to attend the Committee with my colleagues from the Housing Council. My vice chairman is Jim Brown. Councillor Jim Speers from Armagh City and District Council is also present, as is Councillor Jennifer Palmer from Lisburn City Council; Councillor Brendan Curran from Newry and Mourne District Council; and our secretary, Carol Reynolds.

As you are aware, our primary reason for being here is to make a submission to the Committee on the Housing Bill. Before I address the Bill, I will ask my vice chairperson, Jim Brown, to provide a brief outline of the roles and workings of the Housing Council.

**Mr Jim Brown (Northern Ireland Housing Council):**

Chairperson and members, I thank you for the opportunity to raise the profile of the Northern Ireland Housing Council.

It would be helpful to provide some historical background. Under the McCrory report that was published in the 1970s, certain main areas of local government were transferred to central bodies, and the Northern Ireland Housing Executive came into being through the Housing

Executive Act (Northern Ireland) 1971. It is interesting that, in the current climate, with the review of public administration pending, the same type of situation is in vogue 30-odd years later.

We have been rescued from the chopping block, as it were, in that the Minister has decided that the Northern Ireland Housing Council will continue to operate. I humbly suggest that that shows how useful we have been in the past.

The role of the Housing Council is to act as an advisory and consultative body; to provide a monitoring role for the Housing Executive, and to be representative.

Membership of the Housing Council comprises one representative from each of the 26 local authorities. The Housing Council is divided into two main committees: the housing and regeneration committee and the corporate design and property services committee. We also have a number of housekeeping committees such as the standing orders committee, the policy committee and the awards committee.

The responsibilities of the corporate design and property services committee include the newbuild programme; research and development; the effects of housing on health and other areas of public interest; the Supporting People programmes; keeping an eye on the private rented sector; helping to advise DSD on the development of strategies; equality issues; houses in multiple occupation; migrant workers; and asylum seekers.

The housing and regeneration committee deals largely with housing policy and services, rents, allocations, homelessness, state strategies and services — *[Inaudible due to mobile phone interference.]* It also covers the regeneration activity of the Executive and housing associations; land and property, which is an issue in the current climate, given the land bank and the colossal land prices; environmental management; and housing benefit. The Housing Council caters for and monitors the whole stratum of social housing and those who are eligible for it. I will try to give you a flavour of the issues that we deal with and show that the Housing Council is active and not a body that merely meets and has lunch every now and again.

**The Chairperson:**

I am sure that you do have lunch.



**Mr J Brown:**

I will not go into that. *[Laughter.]*

We recently addressed the assessment of applicants with mental health difficulties; the maintenance of investment strategy; health and safety in the Housing Executive stock; the risk register; fuel poverty; adaptations; and occupational therapy services. The Housing Council made representations and met the direct rule Health Minister to point out that the occupational therapy facility was badly serviced, with fewer people coming into it. We saw changes as a result of those discussions.

We scrutinise the Housing Executive budget, although there is not as much to scrutinise in the current economic climate. We have concentrated on issues such as funding; the review of public administration; ageing in an inclusive society, because we are all getting older no matter how young we are; the LOTS initiative, which we regret has not been processed due to the unavailability of funds; and the DSD neighbourhood renewal strategy.

Supporting People and the flatlining of the budget has been a problem for many organisations that seek to help the vulnerable in society. The Housing Council has made its views known on that matter. Indeed, we took up the matter of the future role of the Housing Council and successfully convinced the Minister to retain it. Travellers and unauthorised encampments — perhaps not an issue full of vote-catching potential — is not really something that we deal with. It is an issue for which we have a responsibility to be serious and sympathetic. At present, the Housing Executive is charged with transit sites and the provision of facilities. We see that as an issue that must be addressed. Again, under section 75, the Irish Travellers are almost a protected group, and they have special rights.

Homelessness is an issue that has exercised us. It may be impertinent of me to say it, but we see the Housing Council, through community planning in the 11 councils under RPA, providing the community involvement required in the future. We see the Housing Council being not a function but a wing of community involvement in the new councils. It would be the vehicle for community involvement.

The Housing Council secretariat is serviced by a team of people in the housing advice centre under the direction of Mrs Carol Reynolds. She is the person to contact should you have any

questions further to my presentation.

**The Chairperson:**

Thank you, Jim.

**Mr G Gallagher:**

Thank you, Jim, for that résumé. Returning to the submission on the Housing (Amendment) Bill, the Committee has a copy of our letter to the Committee Clerk in which we welcome this long-awaited legislation. It also draws attention to what we feel is an anomaly in section 12 on the increase in membership for the Housing Council on the board of the Housing Executive. Our letter states that:

“In the past when changes were made to the legislation governing the number of Members on the Executive Board (Housing Bill (NIA Bill 24/01) the Housing Council recommended that the wording relating to Housing Council Board Membership should be changed to allow for any future changes in numbers at the Minister’s discretion. This would have served to negate the need for future changes to legislation should numbers of representatives increase. The Housing Council’s recommendation was not taken on Board hence the need for the current amendment. The current amendment as it is drafted will however carry the same flaw in that it does not allow for any further change to the number of Housing Council representatives on the Board should that be deemed appropriate in future.”

The Bill specifies the number of representatives.

Our letter states that the matter of increased representation by elected representatives on NDPB boards will be the subject of further discussion with the Minister. We had a meeting with the Minister this morning, and it was one of the topics discussed. Our letter continues:

“The Housing Council as an elected representative body considers that the majority of Members of a Quango should be elected representatives and as such intends to seek further representation on the Housing Executive Board. Irrespective of whether or not the Housing Council’s representations to the Minister are successful Members feel that it is prudent to make provision for possible change in numbers within the forthcoming legislation.”

Accordingly, the Housing Council recommends that section 12 of the Bill be changed as follows:

“In paragraph 1(1) to the Order of 1981 (the Northern Ireland Housing Executive), for the words ‘three’ there shall be substituted ‘a minimum of four, or such greater number as decided by the Minister.’”

That would prevent the need to further review the legislation in the future.

In conclusion, I ask my colleague Mr Eamonn O’Neill to say a few words about what the Committee could, perhaps, investigate in the future that would be in the interests of the Housing Council and the Committee itself.

**The Chairperson:**

Is it in relation to the Bill? Does it dovetail with the Bill?

**Mr Eamonn O'Neill (Northern Ireland Housing Council):**

Not necessarily. We provided the Committee with a report of our convention findings. With your permission, Chairman, I will say a few words on that matter.

**The Chairperson:**

We are here to take evidence on the Bill, and I do not want to open the session to a broad range of other issues. As best as I can control them, members will ask questions, and we will get away from the issue in hand, which is the Housing Bill. At a different juncture, we might want to —

**Mr E O'Neill:**

Will you allow me a few minutes at the conclusion of the meeting?

**The Chairperson:**

We have a very tight timescale; there will not be an opportunity to go into such issues in a depth that they merit. We may be able to discuss the matter at another juncture. I am happy for me and the Deputy Chairman to meet you to discuss those issues. We can find another way to do that. You could contact the Committee Clerk about a further briefing fairly soon. I want to focus on the Bill and not deviate from that issue.

**Mr Easton:**

How many members do you have on the Housing Executive board at the moment?

**Mr G Gallagher:**

Four. There were previously three members only, but the legislation was changed to make it four.

**Mr Easton:**

Do you envisage a situation in the future where your representation will increase?

**Mr G Gallagher:**

It is a possibility. Discussions are ongoing. In fact, we discussed the matter with the Minister

this morning.

**Mr J Brown:**

We consider the democratisation of “quangoland” a priority. The accountability of public bodies should be in the hands of elected representatives. Therefore, we are nudging at the door and seeking greater representation. We want at least half of the Housing Executive board — five members — to be elected representatives. The chairman highlighted the addendum that the present change was necessitated because a form of wording was not introduced that opened the door. It does not necessarily mean that the door has to be opened. However, it means that, in the eventuality of it being desirable, a majority of elected representatives would be on the board. The wording that the chairman quoted this morning would allow that to happen without a change in the legislation.

**Mr E O’Neill:**

That is consistent with developments in health and education.

**The Chairperson:**

That is a fair point.

**Mrs M Bradley:**

Given what your report says about Travellers, what do you want to see in the homeless strategy about services to homelessness, local temporary accommodation and Travellers’ accommodation?

**Mr J Brown:**

The Travellers situation needs to be stabilised. Until 2003, the provision of transit sites was the responsibility of councils. It transferred to the Housing Executive, and it is now proposed that it will return to councils. In GB and the Republic of Ireland, the housing authority is also the local authority. However, in Northern Ireland the housing authority is the Northern Ireland Housing Executive. The template that applies in the Republic and in GB should apply in Northern Ireland; the housing authority should be responsible for the provision of Traveller accommodation. That is why we have been exercised on the Travellers issue.

I believe that, under equality legislation, Travellers have protection. Therefore, there is a need to make that provision stable. The current proposals do not provide stability; they put the issue

back into the realm of local authorities. I made the quip that the issue of Travellers is not a vote-catching issue, and that is true. I am not sure that local authorities would give the correct weight to the provision of facilities for Travellers.

I do not wish to get into the area of the budget for the provision of housing for homeless people and others, because responsibility for that lies across the Housing Executive. We need to open the door to say that adequate funding must be provided for social housing.

**Mrs M Bradley:**

I am really concerned about temporary local accommodation. There is a massive problem with that in Foyle.

**Mr J Brown:**

I appreciate that there is a problem in the city of Derry. While the uncertainty is allowed to remain and the Housing Executive is not sure that it will be responsible for the provision, provision will not be made. It feels that that, down the road, the responsibility will go to someone else, so the agencies are playing pass the parcel.

**The Chairperson:**

During the previous witness session, Supporting Communities gave evidence in support of getting tenant representation on the Housing Executive board. Do you have any views on that?

**Mr J Brown:**

The Housing Council includes tenants who are elected representatives. Provision could be met to have tenants on the board. I am a former Housing Executive tenant, and, as a council representative, I am aware of the day-to-day problems that tenants face. Most elected representatives at council level are aware of the local problems that tenants face.

**Mr E O'Neill:**

There is no contradiction between what we said about including elected representatives and including other members of the community in the make-up of the rest of the board.

**The Chairperson:**

Gentlemen, thank you very much for your evidence. Please make contact with the Committee

office about coming back on some of the other issues. We would value your input on that at another stage when we can spend more time discussing those important issues.