



Northern Ireland
Assembly

**COMMITTEE FOR SOCIAL
DEVELOPMENT**

**OFFICIAL REPORT
(Hansard)**

Housing (Amendment) Bill

8 October 2009

NORTHERN IRELAND ASSEMBLY

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SOCIAL DEVELOPMENT**

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Members present for all or part of the proceedings:

Mr Simon Hamilton (Chairperson)

Mr Billy Armstrong

Mrs Mary Bradley

Mr Mickey Brady

Mr Jonathan Craig

Mr Alex Easton

Mr Fra McCann

Mr Ian McCrea

Ms Carál Ní Chuilín

Witnesses:

Mr Brian Doherty)

Ms Eilish O'Neill)

Mr Stephen Martin)

Department for Social Development

The Chairperson (Mr Hamilton):

The departmental officials present at today's meeting are Brian Doherty, deputy director of housing; Eilish O'Neill, senior manager of social inclusion and support for people; and Stephen Martin, housing division. Members' packs include a briefing note from the Committee Clerk, the updated 'Including the Homeless' action plan, and excerpts from the 'Including the Homeless' strategy of July 2007.

The Committee requested today's briefing following the review of the Department for Social Development's (DSD) corporate plan. The information that the officials will provide is of particular relevance to the Housing (Amendment) Bill, which we have been discussing recently. The briefing will be recorded by Hansard and will be added to the evidence in the report on the Committee Stage of the Housing (Amendment) Bill. I welcome the officials to the meeting; it is good to have you here. I invite you to give a brief introduction, after which I will open the floor to members' questions.

Mr Brian Doherty (Department for Social Development):

Good morning and thank you. I want to point out that although I and Stephen are both wearing them, yellow ties, blue shirts and blue suits are not the official uniform of DSD; it is just poor co-ordination on our part. *[Laughter.]*

I am grateful for the opportunity to brief the Committee on the 'Including the Homeless' strategy; or, to give it its full title:

"Including the Homeless: A Strategy to promote the social inclusion of homeless people, and those at risk of becoming homeless, in Northern Ireland."

With the Committee's indulgence, I will spend a few minutes detailing some of the key actions in that strategy and how we got to where we are today.

The strategy, which was launched by the Minister on 9 July 2007, had the following aims: to encourage more collaborative partnership working and joined-up integrated service provision between Government Departments and agencies, to identify and tackle factors that can contribute to social exclusion and to undertake positive initiatives to improve and enhance the lives and circumstances of the most deprived and marginalised people in the community. The objectives were: to prevent or reduce homelessness wherever possible; to ensure that accessible, effective and safe provision is made for people who are homeless; and to ensure that progression to independent living is supported and encouraged wherever possible.

The strategy provided a unique opportunity to address the full spectrum of issues, not only in relation to housing but from the equally important perspectives of health and social well-being and sustainability in communities, and it provided an opportunity to identify actions to address problems and barriers to good practice that existed at that time. It enabled all the key players to work together to prevent homelessness and to ensure that homeless people could gain access to the services to which they are entitled.

An interdepartmental cross-sectoral steering group on homelessness was established to oversee the implementation of the strategic action plan. The steering group met for the first time on 1 October 2007, and it has now met on 11 occasions, most recently on 29 September 2009. The group has a broad membership, including, among others, representatives from the Department for Social Development, the Department of Education, the Department of Health, Social Services and Public Safety, the Department for Employment and Learning, the Simon Community, the Council for the Homeless Northern Ireland, the Northern Ireland Youth Justice Agency, the Office of the First Minister and deputy First Minister and the Northern Ireland Council for Ethnic Minorities.

I understand that Committee members have received a copy of the action plan. The plan was designed around 16 guiding principles, which were intended to clearly signpost and sharpen the focus on achieving the strategy's aims. The steering group also established five subgroups to take forward key areas.

The health subgroup produced a detailed report, which outlines how existing services for homeless people in Belfast can be rolled out across Northern Ireland. In Belfast, a multi-disciplinary homelessness support team, drug and alcohol co-ordination teams and a public health nursing service all provide a co-ordinated service to homeless people.

The youth subgroup commissioned a regional youth homelessness scoping exercise to achieve detailed regional analysis of the nature and scale of youth homelessness and to ensure that relevant information is reviewed to identify themes, trends and issues that might better inform strategic planning. Its findings will be presented in January 2010.

The training subgroup considered the role of training in promoting social inclusion of homeless people. Specifically, it explored the potential for joint staff training to address stereotypes, change perceptions and focus on the cross-cutting needs of client groups. A scoping exercise was carried out to ascertain the existing training provision, to identify areas of good training practice that are already being delivered and to identify key staff who require training and the level of training that they require.

The subgroup on leaving institutions examined current release processes to identify

weaknesses and develop proposals. It also identified institutions from which inappropriate release may lead to homelessness and examined areas of good practice around planned releases. That subgroup concentrated on the release processes of general hospitals, psychiatric institutions, residential and nursing homes, care homes, prisons and young offender centres. The subgroup was able to regularly inform the wider steering group on progress on prisoners, sex offenders, people with personality disorders, people with learning difficulties or mental-health issues and young people.

The employment subgroup looked at ways to improve opportunities for homeless people to enter work by building on the success of progress2work and other initiatives, such as employer partnerships, employer subsidies, and the Steps to Work and New Deal programmes, which are currently being operated by the Department for Employment and Learning.

In late June 2009, there were two employment seminars that set out to address employability issues in relation to the homeless and to examine the relationships that exist and that may be developed between hostel staff and managers in the Department for Employment and Learning. The seminars were very beneficial, and further engagement at local level is currently being taken forward with a commitment from the Department for Employment and Learning and hostel managers to continue to work together to ensure that homeless people can access relevant employment schemes.

The action plan has now progressed as far as is practicable, and a final version was endorsed at the most recent meeting of the steering group. Of the 135 actions in the plan, 90% have been significantly advanced or completed. The remaining 10% of actions either could not be started or were prevented from being taken further because of the principle of parity. Given that the significant majority of the actions have been well progressed, at its last meeting in late September 2009, the steering group decided to hold twice-yearly summits on homelessness. Those summits will facilitate ongoing cross-departmental and cross-sectoral actions and will ensure continuity as we move towards the development of a new homelessness strategy.

I hope that the overview has been helpful. Along with colleagues, I am happy to take questions.

The Chairperson:

Thank you, Brian. Much work has been undertaken as a result of the action plan. How has the effect of that on homelessness numbers been measured? Have you been able to measure the number of people who have been taken out of homelessness as a result of the actions that have been taken?

Mr B Doherty:

That is a good question, and it is one of the things that taxes us. In the past year, the homelessness figure has dropped from about 21,000 to 19,000, and when figures are produced in the near future, we expect it to have dropped again. I should point out that the homelessness strategy was not necessarily designed to reduce homelessness; it was supposed to ensure that people are given the right training and employment opportunities when, for instance, they leave institutions. I would argue strongly that, in the absence of the strategy, the homelessness figures would have been considerably higher.

With respect to measuring the effectiveness of the strategy, it was more about adopting preventative measures and ensuring that a joined-up approach was taken to meet the needs of people who could become homeless.

Ms Ní Chuilín:

The updated action plan was not light reading, particularly when trying to scrutinise it, but I sense that, in the absence of it, things could be a lot worse. I have asked your colleagues about the strategic housing guidelines. Do you anticipate more people becoming homeless as a result of the removal of ring-fencing?

Mr B Doherty:

That is a difficult question for me to answer.

Ms Ní Chuilín:

Do you mean that you cannot or you will not?

Mr B Doherty:

Are you talking specifically about north Belfast and Derry?

Ms Ní Chuilín:

Yes, and west Belfast, because those three areas have the biggest concentration of homelessness.

Mr B Doherty:

I will have to come back with firm figures. One could argue that, with the strategic guidelines being removed, homelessness increased in some areas and decreased in others. Removing the strategic guidelines was about ensuring fairness and equality across the board; however, at the time, the guidelines were put in place in those particular areas for good reason.

Ms Ní Chuilín:

With respect to the Bamford review — I am sure that you are relieved that I am talking about something completely different — recent media reports indicated that an estimated 250 people who should not be living in the institutions or environments in which they are, are waiting to be housed. How will the action plan ensure that those people are housed appropriately by 2013, and can you give us an idea of how the matter is being progressed by the inter-agency group?

Mr B Doherty:

The Department signed up to the findings of the Bamford review, as did the whole Executive. Unfortunately, when we put in our funding bid to implement its recommendations, we did not get any money, unlike the Health Department, which received a significant amount. So we have been put in the difficult situation of having to play a full and active role in meeting the needs of people to live independently, yet not having the budget to do so.

Approximately 14% of housing that is built or bought off the shelf each year is specifically for people who are coming back into the community. In addition, we have a supporting people budget to assist people to live independently. There is a slight issue about the fine line between what is deemed to be “care” and “living independently”, and recent media reports have suggested that a number of people who are potentially coming back into the community may need community care rather than living fully independently.

Ms Eilish O’Neill (Department for Social Development):

The action plan also mentions the group set up by DSD in conjunction with the Health Department to look at better budget alignment when bids are made for supported-living accommodation.

Mr B Doherty:

Recently, we found ourselves in a difficult position when the Health Department announced that it was going to close a number of care facilities. Unfortunately, there had not been appropriate co-ordination with us for it to be able to say that there was housing provision in the community for those individuals. That is something that we are taking forward with the Health Department.

Ms Ní Chuilín:

I assume that that group meets to prepare for each comprehensive spending review period. It would make sense for it to do that. Does that happen?

Mr B Doherty:

The group has met a number of times, and Heather Cousins, DSD's director of housing, has met her counterpart in the Health Department.

Mr F McCann:

Thank you for your presentation. The long-awaited action plan contains a lot of information and is appreciated. I know that it was not the Department's fault, but there was a delay in producing and launching that document, and there are concerns that it contains some out-of-date information. I take it that the Department and its colleagues will look at how the action plan can be continually updated?

Mr B Doherty:

Absolutely.

Mr F McCann:

One particular issue has taxed me for a while. More than half of the applications for homelessness status are turned down, and many of the rejected applicants are aged between 16 and 18. Is there anything that tracks where those people go? Do you know whether they end up on the street?

Mr B Doherty:

I am not aware of any tracking mechanism that provides information on an individual beyond his or her application to be deemed homeless.

Mr Stephen Martin (Department for Social Development):

There is tracking in that head counts of rough sleepers are taken in the two main cities. Compared with other places, rough sleeping is a minor problem in Northern Ireland. However, as Brian said, there is no tracking mechanism by which we can ascertain what happens to people after they have come in and made a homelessness application. Someone who does not meet the homelessness standard will not be considered to be in housing stress but can still be considered for social housing and be placed on the waiting list. The waiting list is reviewed periodically, but we are not always aware of what has happened to those people in the interim; whether, for example, they have accepted a private-rented dwelling or made another arrangement, such as returning home.

Mr F McCann:

It seems that a lot of young people who try to declare themselves as homeless just disappear, whether to the private-rented sector or elsewhere. A lot of those young people do not end up on the street, but some do. Head counts will not always pick up on the total number of people who are sleeping rough. It is of great concern to me that isolated young people are at a loss and have nowhere to go after they leave the Housing Executive offices having attempted to declare themselves as homeless. Regarding the delivery of services, you said that there have been 11 meetings between interdepartmental groups. Is the voluntary housing sector involved in that?

Mr B Doherty:

Yes; the Housing Rights Service and a broad spectrum of other voluntary and community groups are involved.

Mr F McCann:

Will those groups be involved in any updating of the legislation?

Mr B Doherty:

Yes.

Mr F McCann:

How are you evaluating the section on health and mental well-being to ensure that what people are being told is happening is, indeed, happening?

Ms E O'Neill:

Our working partners from the voluntary sector and other statutory bodies who sit on the interdepartmental group suggested certain actions. Those actions formed part of the work of the health subgroup and were carried into the action plan. They are measures that the interdepartmental group felt worked and that they wanted to have rolled out as best practice. Monitoring and evaluation of the strategy will continue on an ongoing basis.

Mr F McCann:

This Committee had difficulty in trying to get other Departments to buy into neighbourhood renewal. Have you found other Departments to be forthcoming in delivering what they have said that they will deliver?

Ms E O'Neill:

We have been pleased with other Departments' contributions to the interdepartmental group. They have all signed up and have been proactive in putting forward their ideas about how to progress. We have not had any problems in that regard.

Mr B Doherty:

Having attended a number of the meetings, I know that, in many ways, it is the non-statutory participants who have kept us in check and ensured that we play a co-ordinated role.

Mr Craig:

I will return to the issue of the removal of ring-fencing. I note that the Department is going to try to move towards an equality agenda with regard to homelessness and that a full equality impact assessment will be carried out. Will that go part of the way toward redressing what I have seen as an imbalance in the system that tends to work against what I call unionist areas? My own area, which is predominantly unionist, tends to get left behind with regard to newbuild housing and the issue of homelessness. That is probably partially due to some of the areas that have been given special treatment over the past number of years. Will the equality impact assessment redress the balance, and do you feel that the equality agenda will be better served by that?

Mr B Doherty:

I do not think there has been an imbalance, if you do not mind me saying that.

Mr Craig:

I do not mind you saying it, but that is what I see.

Mr B Doherty:

There are now strategic guidelines, which will be subject to an equality impact assessment, as is required of the Housing Executive. If memory serves me well, the waiting lists probably reflect the religious breakdown of the population of Northern Ireland. The three areas in question at that time were deemed to have particular circumstances, but they will now form part of the broader process of considering housing need as a whole. Whether that redresses an imbalance that some people may see is a judgement that I would prefer to leave to others.

Mr F McCann:

In relation to ring-fencing, is there any way that we could be supplied with a report on the religious make-up — specifically, although I hate to say it, the proportion of Protestants and Catholics — of those in hostels in areas for which funding is presently ring-fenced?

Mr B Doherty:

It can be provided; however, my understanding is that there are now no ring-fenced areas. We could ask the Housing Executive to provide that information.

Mr F McCann:

We could ask it to provide the community make-up of people who are in hostels at present. I know that there have been some serious difficulties and problems with the housing selection scheme. I have been raising those problems for a number of years. In areas of high demand, people stay longer in hostels because they need more points to qualify for housing. It has got to the ridiculous situation in some areas where it takes 180 or 190 points to get a flat. That certainly excludes quite a lot of the people who are on the housing list.

Mr B Doherty:

We can provide that information.

Mr Brady:

Thank you for the presentation. In relation to the provision of information and advice, according

to the action plan, the DSD housing division has to ensure that the housing advice strategy is put in place. Do you envisage the expansion of that work to include the provision of more resources for organisations in the voluntary sector, such as the Housing Rights Service, which the Housing Executive already gives some co-funding to? There have obviously been difficulties with the proposed location of posts and the locations of advice centres. Do you envisage that eventually that will be sorted out and extra resources will be made available specifically for homelessness advice?

Mr B Doherty:

The strategy is about making sure that there is information that is easily understood and accessible for people, rather than necessarily increasing the number of posts that would be supported by the Department. As you have recognised, the Department already provides a significant amount of money to the Housing Rights Service. I think that the current level of support is almost £750,000. It would be foolish for me to give a commitment on the Department's behalf to consider an increase in resources given that we are in a very difficult financial climate.

When considering providing support — whether for the voluntary sector or any other sectors — the important thing is the sustainability of the posts. We cannot look too far forward. The advice sector strategy will address that in part. From our point of view, we want to ensure that people have readily available information on homelessness and are given advice early. For instance, in the case of people leaving institutions such as prisons, it is not a matter of waiting for them to leave but of engaging with them in a process before they reach that stage.

Mr Brady:

I have an addendum to that point. The Department for Social Development has shown flexibility in relation to proposed lone parent legislation, around issues such as childcare provision and sanctions not being imposed. Is DSD prepared to show some flexibility in respect of homeless people having to sign on for benefits? Homeless people must sign on more often than those who are not; in some cases they have to sign or attend a local office every day. Will provision be made for the payment of benefits in hostels, where people may have particular difficulty in accessing their local social security office?

Mr B Doherty:

That is down to the Social Security Agency.

Ms E O'Neill:

I can give a brief update on that, because that issue was raised by the Council for the Homeless in Northern Ireland at our last meeting on 29 September. A departmental official from policy and legislation is considering what provisions might be made. Unfortunately, there are no guarantees that anything can be changed if a written agreement states that a claimant with no fixed abode must sign daily. However, that conversation took place and it is being followed up.

Mr Easton:

The Bill provides for migrants who present as homeless to be entitled to accommodation. Will automatic entitlement to accommodation for homeless migrants not open the floodgates here? The Bill also appears to state that Travellers who present as homeless must be provided with accommodation that is sensitive to their needs. Does that mean the provision of caravans because of the Travellers' background? Is that what we are saying?

Mr Martin:

Some evidence on migrant workers that was presented to the Committee was, I think, inadvertently misleading. Clause 2 of the Bill states that "advice" and "assistance" will be available to all people in Northern Ireland, which includes migrant workers. However, in that context, "advice" and "assistance" means advice that is available now. Clause 2 puts a new duty on the Housing Executive and cements that responsibility, but it does not refer to the provision of accommodation. The Department has made that clear to the Housing Executive, because immigration legislation, which is an excepted matter on which the Assembly can make no variation, does not permit ineligible persons from abroad being given social housing in Northern Ireland. It is important that the Committee understands the difference between the two.

On the issue of Travellers, the Equality Commission has published its view that culturally sensitive accommodation should be provided. Our understanding is that "culturally sensitive" accommodation refers to sites, not caravans. Therefore, the Department took a slightly different view from that of the member.

Mr Easton:

Could it mean sites with caravans on them?

Mr B Doherty:

There is one example in the north-west of housing provision for the Traveller community that has been designed with tarmacadam areas on which to park caravans, rather than gardens. Therefore, if residents choose to travel for a period, they can do so. Those things, along with health and safety issues, such as lots of children running around an area that caravans or vans move through regularly, are what is meant by being “sensitive” to Travellers’ needs, rather than the provision of caravans.

The Chairperson:

The action plan suggests trialling a rent guarantee scheme, which coincides with some evidence that the Committee received from organisations that suggested amendments to the Housing (Amendment) Bill. Will you elaborate on measures such as the trialling of a rent guarantee scheme and the duty for repossession information to be given to the Housing Executive to better inform it about potential homelessness? Should we anticipate the inclusion of a rent guarantee scheme in a further housing Bill? Such information will assist us in our deliberations.

Mr B Doherty:

I am looking to my left and right; I am not too sure who will answer that question.

The Chairperson:

Given the suggestion that the Committee should propose an amendment to the Bill to include rent guarantee schemes, it will be useful for the Committee to hear about that. If that is coming down the track anyway, it would be unnecessary for the Committee to suggest such an amendment.

Mr Martin:

The rent guarantee scheme has been trialled in north Belfast and in the north-west, and it was evaluated by an organisation called SmartMove. It has been relatively successful but has been fairly expensive per intervention. Therefore, there is a question mark over whether it is sustainable on a wider basis, given the current climate. The setting up of rent guarantee schemes does not require new legislation; it can be done under the auspices of existing legislation. If there were sufficient funds to expand that scheme, that can be done without any amendments to legislation.

On the issue of whether information should be passed from mortgage providers and banks to the Housing Executive on potential repossession, such an arrangement is in place in legislation in Scotland, but it is being done by administrative means in Wales. We are exploring the Welsh option to see whether it is a viable alternative for Northern Ireland and whether that model can be used here, given that it can be done without legislation. That is at an early stage, but a fair bit of feasibility testing has been done on the proposal.

Mr F McCann:

It is interesting to note that we are already talking about a future housing Bill when we have not even gone through the existing Housing (Amendment) Bill.

The Chairperson:

We are enjoying this Bill so much that we want another one.

Mr F McCann:

I do not understand why the Committee is thinking of introducing something down the line to address the issue of antisocial activity when the present Bill can be used to tackle that.

The Chairperson:

Is that a comment or a question? We will take it as a comment.

Earlier, you mentioned that the voluntary organisations keep you in check. With that mind, will you tell us what the plans are for promoting social inclusion group and whether that group was useful?

Mr B Doherty:

The group has been useful, particularly its subgroups. We are keen to keep the group together. Even though the action points have been well advanced, the group has agreed that it will hold twice-yearly summits, and the subgroups will hold meetings throughout the year.

We are also very conscious of the fact that a new homeless strategy will be put in place once the Housing (Amendment) Bill becomes law. As you are well aware, if that Bill is passed, the Housing Executive will be required to introduce a new homelessness strategy within a year.

Therefore, keeping the group together will give continuity. Given that the relationships at departmental level and with the voluntary sector have been very good, we do not want to dismantle that arrangement in any way, so it will continue.

The Chairperson:

Thank you. Your evidence has been very useful and has given the Committee a good insight into what is already going on. I thought that a homelessness strategy would be brand new, but obviously good work is already going on.

Clarification has been sought on different figures and numbers. That information might be useful in guiding us through the process. Are members content for the Committee to seek that information from the Department?

Members indicated assent.

Mr F McCann:

Chairman, I did not want to hog the meeting earlier, but I wish to mention one further point. The Committee has been told that discretionary payments to supplement some rents will cover people who might have to pay additional money to landlords. My information is that the amount of money that some people get has been seriously reduced, by £25 a week in some cases. Could we ask the Department for information on that?

The Chairperson:

Yes, we can seek an update on that.

We move on to consideration of suggested amendments to the Housing (Amendment) Bill. Substantive written responses were received from around 20 organisations, and the Committee has already heard evidence from 10 key stakeholders as part of the Committee Stage of the Bill. Next week, we are scheduled to hear from the Department on the Bill, and that will be followed by formal clause-by-clause scrutiny. To ensure that the process is undertaken efficiently and effectively, it has been suggested that members could, at this stage, review the evidence received to date against each clause and determine, as far as possible, the Committee's views on possible amendments to the Bill.

I do not want the Committee to be put in a position in which it is taking hard and fast positions. Today's session is to find out which amendments we support, whether further work is needed and, as is more than likely, whether further clarity will be needed from the Department next week. The Committee office has summarised all of the written and oral evidence against each of the clauses, which is in the members' packs, along with a summary table of witness evidence.

Perhaps we should consider each of the sections in the table prepared by the Committee office and indicate our views on them. Members may wish to propose additional amendments that are not included in the table; if they do, that could be done as we look at the relevant clause or it could be held until the end. If members are happy with that, we will go through each section of the table. Please bear with me, as it is quite detailed.

Clause 1 deals with the Housing Executive's duty to produce a homelessness strategy. Section A suggests rewording clause 1 and proposes changing the word "may", which is on page 1 of the Bill at line 8, to "shall", with regard to the duty to formulate a homelessness strategy. The Department suggested that such a change is unnecessary and would be entirely presentational. Do members have any views on the suggested change from "may" to "shall"?

Mr F McCann:

We should go with "shall".

Mr Craig:

We should go with "shall". Wearing my hat as a member of the Education Committee, I know that that Committee has been looking closely at the aspects of using "may" or "shall". There is legislation the length of your arm on all of that but, essentially, "shall" is more restrictive than "may". If we want to force the Housing Executive into producing a strategy, it is a much stronger term.

The Chairperson:

There is common accord.

Ms Ní Chuilín:

Yes.

The Chairperson:

The Committee is minded to change “may” to “shall”, and it will take that forward with the Department.

Section B refers to how and how often the Housing Executive will review the homelessness strategy. The Department indicates that five years is the Housing Executive’s preference and that the associated action plan will be updated annually. Witnesses also suggested that a formal review of inter-agency working should be part of the revision process for the strategy. Do members have any views on the different pieces of evidence that were received?

Ms Ní Chuilín:

If it is to be reviewed every three years in line with the comprehensive spending review (CSR), why not just do it every three years? Will there be a bigger financial cost involved in reviewing it every three years as opposed to every five years?

The Chairperson:

The Department is suggesting five years. It is a matter of taking a position. It is such a fluid situation that three years may be better. If there is a resource implication — and let us face it, there is — is three years better?

Mr F McCann:

If we consider that it took five years to produce the action plan on the strategy and that another five years will pass before the strategy is reviewed, there will be a ten-year gap in reviewing the strategy. The suggestion that Carál made would certainly allow it to be reviewed at an earlier stage. It is an ongoing process; new legislation will come in that will produce better ways of doing things. If it is left for five years, a big gap could appear between the production of a strategy and the review of it.

The Chairperson:

I am not arguing for or against at this stage, but there is fair point to be made that is counter to that suggestion, which is that three years is quite a short period of time in which to measure any success. There is an annual action plan review, which would allow us to see some of the problems that may arise. If members feel that reviewing the strategy every three years is worth

considering, we could probe the matter a bit further with the Department, to find out what the implications of reviewing it every three years may be.

Ms Ní Chuilín:

Yes, certainly.

Mr Craig:

There will be an annual review, and, by the looks of it, there will be a more in-depth internal review every three years in line with the spending rounds.

The Chairperson:

Those could change it within five years.

Mr Craig:

Perhaps there could be a bit more clarity around what would trigger a major review. What we are really looking at is a legislative review of the process. If, in three year's time, something fundamental happened that would significantly affect the strategy, will it create the need for legislative change? If, in three year's time, a complete review is needed, a five-year review period would be meaningless. Having a five-year review period suggests that the Department's view is that if nothing else goes wrong in five years, it will be looked at again. Surely there should be a mechanism whereby, if something fundamental changed, it could be looked at much sooner?

The Chairperson:

Maybe we need to explore whether the wording should be something like "no later than" or "up to five years" and that there are circumstances, such as a CSR, that may prompt a more substantial review than what may be done annually. We will explore that a bit further.

Mr Brady:

Perhaps what you are talking about is a sort of monitoring process. Jonathan has said that the approach may be that if the strategy is working; great, but if it is not and is monitored on a regular basis, the problem areas can be picked out.

The Chairperson:

If it is monitored annually and the results are looked at annually, that may function as a trigger.

Mr Brady:

A trend may become apparent after three years.

The Chairperson:

We will take that up with the Department next week.

Mr F McCann:

There was a suggestion that the Housing Executive should carry out the review. Although I agree that it has some expertise, the group that contributed to the homelessness report was made up of a wide range of people from the voluntary housing sector, Departments and agencies.

The Chairperson:

We will come to that point when we consider section F . Section C is about organisations that will be required to take the homelessness strategy into account in respect of their operations. We received suggestions from various Departments and agencies, which are listed in the paper. Does anybody have strong thoughts, one way or the other, about whether those should be included or excluded?

Mr Easton:

I have no problem with that. Section C(i) refers to “all governmental departments” so is there any need for section C(ii)?

The Chairperson:

It is one or the other. On that point, the suggestion has been made that all Departments should be added to the list of organisations: is that necessary?

Mr F McCann:

The phrase “all Departments” would probably be best. If the word “some” is used, the relevant Departments would have to be listed.

The Chairperson:

Yes; we would need to be specific.

Mrs M Bradley:

I am happy enough for it to say all Departments.

The Chairperson:

To say “some Departments” may make it a wee bit dubious.

Mr Craig:

Does that negate the need for section C(ii)?

The Chairperson:

It does. That is a separate suggestion. You can ignore it.

Mr Brady:

The issue of homelessness already cuts across some Departments; in the areas of health and social security, for example.

The Chairperson:

The Bill lists DSD, the Department of Education and the Department for Employment and Learning. It could be argued that the Department of Health should be included. I suppose that its involvement will be picked up through health and social care trusts.

Are we happy that we want to suggest an amendments stating that all Departments should be included in that list? Or perhaps there should at least be an amendment to list more Departments than is presently the case.

Ms Ní Chuilín:

Yes. Only three are listed at present.

The Chairperson:

Elements of other Departments are listed, such as health and social care trusts. Should the Prison Service be included?

Members indicated assent.

The Chairperson:

Are members agreed that it should list councils?

Members indicated assent.

The Chairperson:

Health and social care trusts are already listed; however, the Regional Agency for Public Health and Social Well-being is not. We can check with the Department whether it believes that that agency should be listed.

The Chairperson:

Section D refers to organisations that are required to take the homelessness strategy into account. Witnesses suggested that there be enhanced compulsion, reporting and resources for those organisations and that the Bill be amended to reflect that.

Ms Ní Chuilín:

Section D(i) states that the organisations should be:

“Compelled to implement or required to give effect to”.

Those are two different things. Surely, it should be one or the other. I think that the difference between “compelled” and “required” is like the difference between “may” and “shall”.

The Committee Clerk:

To clarify that for members, proposed new article 6B(4) of the Bill states that:

“The inclusion in a homelessness strategy of any provision relating to action mentioned in paragraph (3) requires the approval of the body or person concerned.”

Witnesses suggested that as the Bill is currently drafted, the organisations that were named in proposed new article 6A(5) would be let off easily, but the Bill could be strengthened to require or compel those organisations to take the homelessness strategy into account. The suggestion is to get rid of that paragraph, which states that the organisations must agree to that.

Ms Ní Chuilín:

I understand that part; I just think that it is a bit like the “may” or “shall” issue. “Compel” is a

much stronger word than “require”. However, I am not going to split hairs over it.

The Chairperson:

At present, that provision is not included in the Bill at all. You are talking about including a provision that is stronger than what is already in the Bill.

Mr Craig:

We need to be careful. In existing legislation, there is no legal imperative whatsoever on councils to provide anything to deal with homelessness or housing. Will we be imposing a duty over and above existing legislation or legislation that might come from another Department? Can we legally force those organisations to take the strategy into account if it is not part of the legislation under which those organisations were established? We need to seek advice on that.

The Chairperson:

We do need to seek advice. My understanding is that you cannot require an organisation to give effect to something that it cannot enact or that it can only give consideration to. For instance, 24 of the homelessness strategy’s 25 points may be irrelevant to an organisation and it cannot do anything about those, so its consideration of the strategy will be minimal.

Mr Craig:

The legislation is specific: councils can do only what legislation allows them to do. If the legislation disallows councils to look at this and we tell them that they must look at, it is almost like a legal contradiction.

Ms Ní Chuilín:

Councils do not have any responsibility for homelessness. However, under the review of public administration, councils will have responsibility for some aspects of housing, but if homelessness is not part of that duty, it will not affect them. We are talking about one body in an amalgamation of many.

Mr Craig:

Do not get me wrong; I think that it is a good thing, but we need to take some advice on it. The wording will have to tie in with whatever new legislation comes through on that.

The Chairperson:

Perhaps we should suggest the amendment and see how it fits in.

Mr F McCann:

Councils would relish the idea of having an input, especially if it will determine the outcome of a homelessness strategy.

Mr Craig:

Some would relish that idea, but some would not. I would be happy enough with it.

The Chairperson:

We can make our suggestion and see where it goes.

Section D(iv) recommends that the list of organisations in proposed new article 6A be provided with sufficient resources to implement the homelessness strategy. I am not sure whether any piece of legislation can guarantee that, so it is a bit of a nonsense to suggest that.

Section E suggests the removal of proposed new article 6B(4), which requires that the approval of organisations that are required to take account of the homelessness strategy be obtained. The terminology “into account” is significant. The organisations will not have to do anything, but, as was the case with a previous point, merely give regard to it. Witnesses have suggested that the Bill be amended to remove the requirement that organisations consent to implement the homelessness strategy.

The Committee Clerk:

If members pursue the idea of compelling organisations to comply with the homelessness strategy, that would automatically involve the removal of that requirement.

The Chairperson:

Sections D and E are tied in together.

Moving on to section F, the Bill requires the Housing Executive to consult on the strategy. Witnesses proposed that there be statutory consultees, such as the PSI steering group and others. The PSI steering group is not a statutory body and, as departmental officials indicated earlier, it

cannot therefore have a statutory role. Are members content with the Department's response? Do you want an EQIA every time that the strategy is revised? Would you like some or all of the organisations or groups listed to be statutory consultees, or other organisations to be included? Do you want the PSI steering group to be put on a statutory basis?

Ms Ní Chuilín:

I do not think that the participants of the PSI steering group would like it to be referred to as a statutory body.

The Chairperson:

It is against their interests for it to be classified as a statutory body.

Ms Ní Chuilín:

Yes, I think so too.

The Committee Clerk:

Members may correct me, but I recall that the Council for the Homeless talked about the PSI group being put on a statutory basis and indicated that they felt that the Bill provided the opportunity to do that. It is up to members whether they think that that would be acceptable.

Ms Ní Chuilín:

That is one non-statutory organisation; at least two others did not mention it.

The Chairperson:

I can see why it would not be in the interests of the PSI steering group to be included in the list.

Ms Ní Chuilín:

I do not think that it would be in their interests.

The Chairperson:

By its nature, it is a group that may not exist in the long term, and it would mean that we would be legislating for something that might not last.

Ms Ní Chuilín:

Perhaps the suggestion to put the PSI group on a statutory basis is more about securing the future for one group. I do not know; I do not want to be cynical.

The Chairperson:

It took you just over one hour to make a cynical remark — that is an improvement. *[Laughter.]*

Does anyone have any thoughts about the other organisations that are listed, such as the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO) and registered housing associations?

Ms Ní Chuilín:

Section F(v) refers to advocates, so I am happy enough with that.

The Chairperson:

What about the requirement that the Housing Executive should undertake an EQIA and consult on the homelessness strategy?

Ms Ní Chuilín:

It does that now, it would just be a matter of writing it down as a requirement.

Mr Craig:

The amendment would formalise that.

The Chairperson:

Section G summarises witnesses' suggestions in respect of the content of the homelessness strategy. The Department has indicated that the Bill includes a requirement for the Housing Executive to provide advice to all homeless people, regardless of their immigration status. The Department also indicated that, owing to the provisions of immigration law, accommodation cannot be made available to certain groups of non-UK nationals and the Assembly has no power to extend support to those ineligible people.

Are members content that the Department's response deals with the suggested amendments that are listed in section G, such as the provision of advice and accommodation for everyone,

including all job seekers?

Mr Easton:

I know that I was asking questions about the issue of immigration status and the Department is saying that we misunderstand the matter. I do not like the wording in G(ii):

“Provide accommodation for everyone in Northern Ireland presenting as homeless regardless of immigration status”,
and in G(iii):

“Provide accommodation for all job seekers in Northern Ireland regardless of immigration status”.

I am concerned about that wording; I do not want us to accidentally open the floodgates.

The Chairperson:

I understand your concern.

The Committee Clerk:

As the previous witnesses said, immigration is an excepted matter, so even if the Committee were to approve an amendment, it would not go anywhere.

Mr Easton:

So I do not need to worry.

Ms Ní Chuilín:

It makes no difference, Alex. Why not just agree to transferring policing and justice, and then you could sort this out?

The Chairperson:

We would still not have responsibility for immigration.

Ms Ní Chuilín:

Get it over and done with; get the whole lot transferred.

The Chairperson:

There is a strange call for an independent Ulster being made.

Ms Ní Chuilín:

I feel one coming on.

The Chairperson:

The DSD Committee on UDI. *[Laughter.]*

Mr Craig:

That does not necessarily mean that you will find agreement.

Ms Ní Chuilín:

There is a shock, Jonathan. By the way, Simon, do you know that UDI means something different for republicans?

The Chairperson:

Everything has two interpretations.

Mr Craig:

Getting back to the subject, G(ii) and G(v) are interrelated. There are no legal grounds for ever adopting G(ii), and G(v) is a get-around device.

The Chairperson:

We are jumping ahead slightly. Returning to the issue of providing accommodation for migrants presenting as homeless, do we agree that as sympathetic as we are to individual cases that come to light from time to time, our hands are completely tied on that issue? We have not investigated whether the resources to facilitate such a policy would be available, but there is no point in us doing that. Are members agreed on that?

Members indicated assent.

The Chairperson:

In relation to G(i), are members content with the explanations that we have had from the Department? We can maybe probe a wee bit further later on, but are members happy that providing advice to everyone means that it will be provided to everyone?

Members indicated assent.

The Chairperson:

There is no point in doing anything with G(ii) or G(iii). Section G(iv) suggests the provision of an emergency fund for ineligible homeless people to deal with circumstances such as those encountered with the Roma people. Allied to that is the point that Jonathan made about G(v), which recommends the automatic referral to social services of homeless people who are ineligible for support but who are in danger of destitution. Is that subject worth exploring? Again, there are ramifications to all of this.

Ms Ní Chuilín:

That provision makes me think in particular about people who are losing their homes. That point is worth teasing out a bit.

The Chairperson:

Yes; perhaps we could consider separating it from the issue of immigration status.

The Committee Clerk:

On point G(iv) on emergency accommodation for those with immigration status issues, if I recall correctly, the detail of the 'Including the Homeless' strategy states that OFMDFM and other Departments are devising a strategy on how to deal with that situation. I had not heard about that before; it is buried in the detail of that strategy

Ms Ní Chuilín:

Do they know that? [*Laughter.*] Sorry, that is my second cynical comment.

The Chairperson:

That is your second strike.

The Committee Clerk:

The answer, therefore, is for the Committee to seek further information from the Departments on the development of that strategy. That might colour members' views on whether that wording should be included.

The Chairperson:

We must bear in mind that there is no point in legislating if actions are already being taken. We can explore that more.

Section G (vi) refers to a review and progressive elimination of priority need status. Are there any thoughts on that?

Mr Craig:

That suggestion has implications. Priority need status can be a useful tool when housing people. I would like some clarification as to what is meant by that suggestion. What are the implications of it, and what will happen if priority need status is taken away? Has that been thought through?

Ms Ní Chuilín:

The Scheme for the Purchase of Evacuated Dwellings (SPED) is priority need at the minute. Anybody who meets the criteria for SPED meets the criteria for priority need.

Mr Craig:

That is correct. There are massive implications hidden in that wee statement.

The Chairperson:

I do not think that we will ultimately do anything on that matter, but we can explore it a bit further.

The Committee Clerk:

That suggestion comes from evidence given by the Human Rights Commission. The Commission advised on the Homelessness etc (Scotland) Act 2003, as a result of which priority need status was being eliminated on a progressive realisation basis in that jurisdiction. Members appreciate that, although it is a short sentence, that suggestion would have lots of ramifications. We should ask for clarification from the Department as to what the implementation of that might mean.

The Chairperson:

Section G(vii) concerns inter-agency protocols with the criminal justice system to help young people, women and the mentally ill. Do members have any thoughts on that? As the Committee

has previously heard, that is being trialled already.

Ms Ní Chuilín:

So would the Bill just legislate for that?

The Chairperson:

Yes, although there is an issue around whether there is a need to legislate for it at all, if it is already standard practice.

Mr Craig:

The question is how effectively it is being done.

Ms Ní Chuilín:

We need protocols to make sure that it continues to be done.

The Chairperson:

Yes, because it is not a requirement. That another point on which we need some clarity and assurance from the Department about what it is doing and what it will continue to do, rather than our suggesting a formal amendment on it. The Department is going to be busy next week. We are only halfway through.

Section G(viii) concerns the provision of culturally sensitive accommodation for Travellers.

Mr Easton:

I am not totally convinced by that point. If you are homeless and you are a traveller, you obviously do not have a caravan. If the legislation states that Travellers must be rehomed on a culturally sensitive site, that does not rule out their being provided with a caravan. I do not think that we should prioritise one, extremely small, section of the community over another. Certainly, if they are homeless, they should be provided with accommodation, but such an amendment may leave the door open for us to have to go and buy caravans all over the place. I might be wrong but I am concerned.

Mr Brady:

As someone who has worked closely with Travellers for many years, I know that the only time that people were provided with caravans was when their own caravans had been burned down.

The Human Rights Commission's presentation got to the point of the matter; it is about sites rather than the provision of caravans. There are no Traveller sites left in Newry, because all the Travellers have been settled and they do not move on anymore. They do not have far to go if they are travelling in the North; they might go to Belfast on the odd occasion, but even I do that.

The Chairperson:

When you go for your messages. *[Laughter.]*

Mr Brady:

It is more to do with the provision of sites and facilities rather than caravans.

The Chairperson:

Those sites have already been provided.

Mr Brady:

Yes, because there is a statutory obligation to do so.

Ms Ní Chuilín:

We should ask the Department for clarification on that.

Mr Brady:

I do not think that they will be getting top-of-the-range mobile homes.

The Chairperson:

On first reading and without much first-hand experience, it could seem to be referring to caravans, but if we take it to refer to sites, that makes the issue a bit clearer.

We will move to G(ix), which suggests a provision to:

“Provide accommodation and support for families who are victims of intimidation where a conviction of a family member is not tenancy related”.

Was that suggested by NIACRO?

The Committee Clerk:

Yes, it came from NIACRO. It pertains to a situation in which a family may have been forced to leave an area because of what a family member has done. It makes it a requirement to provide

accommodation and support, which would get round the issue of intentionality. My understanding is that, as homelessness is currently interpreted, in that circumstance that family would be viewed as intentionally homeless. That is why NIACRO has suggested that change.

The Chairperson:

That is a very sensitive issue.

Ms Ní Chuilín:

I would like to hear from the Department on that matter.

The Chairperson:

I would not be overly enamoured with the idea. It is extremely sensitive.

Ms Ní Chuilín:

There are all sorts of scenarios that could arise. We should wait to hear what the Department has to say.

The Chairperson:

OK. We will move on to G(x):

“Provide free accommodation to a homeless family even where one parent is working”.

What is the background to that one?

Ms Ní Chuilín:

Was that a Women’s Aid recommendation at one stage?

The Committee Clerk:

I do not recall that. I think that NIACRO mentioned it in our evidence sessions.

The Chairperson:

We will take that one up next week as well.

Ms Ní Chuilín:

They are talking about means-testing there.

The Chairperson:

Moving on to section G(xi):

“Provide rent guarantee schemes for ex-offenders deemed ineligible for other homelessness support”.

We heard a bit about that in the evidence session earlier. Those schemes are being trialled. Should we seek assurance on that rather than propose a formal amendment?

Members indicated assent.

The Chairperson:

Section G(xii) is a suggestion to:

“Provide furnished social housing for destitute applicants”.

Did you want to say something about that point, Alex?

Mr Easton:

We need more clarification on that. Are we saying that if a person is totally destitute, not only will that person be provided with a home, but it will be fully furnished? Does that furniture belong to the tenant if he or she leaves? Can the tenant take the furniture away, or does it have to remain so that the next tenant can use it? It could be a very costly thing to do. There are many homeless people; I am not happy about that idea.

Ms Ní Chuilín:

It happens at the moment.

The Chairperson:

Crisis loans are available, and the social fund is in place to provide that sort of assistance.

Mr Brady:

That is the point that I wanted to make. Presumably, it is the Social Security Agency that administers discretionary social funds. That will have an impact because if, for instance, a person had already borrowed up to their maximum, that would create unfairness for other people who are in the same position but who cannot get any more help and are not regarded as “destitute”. Some people can get furniture, whereas others who are in similar positions cannot because they are on benefits or on a low income. That has to be clarified.

Mr Craig:

I agree with Mr Brady. I see the potential, not for abuse, but for the emergence of equality issues.

Mr F McCann:

The social fund already covers much of that. Even in the private rented sector, there is a difference in price between furnished and unfurnished accommodation.

The Chairperson:

That is a fair point. We will seek greater clarity on that.

Section G(xiii) is:

“Develop and publish inter-agency protocols to identify gaps in provision and set out out-of-hours response procedures.”

Is that an issue that must be legislated for, or should we just seek assurance that it is done or will be done?

Ms Ní Chuilín:

It needs to be legislated for.

The Chairperson:

We can test that by asking how the Department proposes to do that and then make our own judgment as to whether that is valid.

Mr F McCann:

There are some difficulties with a persons who leave home on a Friday evening but cannot declares themselves as homeless until Monday morning, so other agencies have had to pick that up. Over the weekend, people may find themselves put into bed-and-breakfast accommodation or having to stay elsewhere until Monday morning comes. That provision would bridge that gap.

Mr Craig:

It is something that needs explored. I have come across that problem. If someone walks into a Housing Executive branch at 5pm on a Friday, dear help him, for his timing is atrocious. Do we need to legislate and force the Housing Executive to provide a better service?

The Chairperson:

We can tease that out further.

Mr Brady:

Someone may become unintentionally homeless at 4.00 am as a result of domestic circumstances. It may be a case of domestic violence and the PSNI may be involved, but it is not within the PSNI's remit to provide for such people. There is no one to direct people or tell them where to go.

The Chairperson:

Finally, on clause 1, section H refers to priority need status to be accorded to 16 and 17 year-olds. In view of the Department's response and following the evidence from last week, there may be no need for such an amendment, if the provision that is there is passed through. Or am I wrong in that?

The Committee Clerk:

It is a statutory rule, and the Department has indicated where it currently is. Members could decide that they are content to wait for that, or they could ask to have the legislation amended accordingly.

Ms Ní Chuilín:

Is this not with the Executive at present?

The Chairperson:

Yes, it is.

Ms Ní Chuilín:

We can park it until next week, and find out what has happened with it.

The Chairperson:

That is right. There is no need for us to comment. It is already being dealt with, we need do nothing.

Mr F McCann:

That was raised by a number of us.

The Chairperson:

It was, yes.

The Chairperson:

Clause 2 refers to the Housing Executive's duty to provide homelessness advice. Its provisions are similar to those in clause 4.

I remind members that the Committee has not suggested these amendments; others have suggested them to us. Section I suggests an amendment:

“That additional wording be added to require the Housing Executive to:

- i) Consult upon the Homelessness advice; and
- ii) To review the Homelessness advice regularly.”

That seems more than fair. Shall we take that suggestion forward?

Members indicated assent.

The Chairperson:

In section J, witnesses suggest that the homelessness advice be required to comply with plain English and be available in other formats. If only legislation would compile with plain English.

Ms Ní Chuilín:

Absolutely.

The Chairperson:

That will come up again when we look at clause 4. We can probably agree on it, but we will bring it up again at that stage.

Section K includes a suggestion for the rewording of clause 2 to set out the Executive's duty, rather than power, in prescribing homelessness advice, as section A did with clause 1. We are just making it more robust. Do members support that suggestion?

Members indicated assent.

The Chairperson:

Finally on clause 2, we will deal with section L. It was suggested that the advice should not be limited to homelessness matters but should include other housing-related issues. I would imagine that other housing-related issues would be included in homelessness advice anyway, so there should be no need to legislate on that.

Mr Brady:

The witnesses at the previous Committee session spoke about the potential for joint staff training. Part of the difficulty is that a lot of statutory organisations have tunnel vision and only deal with their own particular area. Homelessness advice should include matters such as the social fund.

Ms Ni Chuilín:

It does not.

Mr Brady:

No, it does not. It depends on the person who you are dealing with, because some people simply do not pass that information on. It needs to be legislated for. If it is not in legislation it will not be done.

The Chairperson:

We will discuss some of the detail and the type of advice later.

We will move on to discuss clause 3, which makes a specific change to the eligibility for housing assistance. The first lot of suggested amendments are outlined in section M, which includes the suggestion relating to advising failed applicants of their rights of appeal and of relevant contact information. Do Members support that proposal, although not necessarily as an amendment to clause 3?

Ms Ni Chuilín:

Is that the clause stating that the words “a person” should replace the words “an applicant”?

The Chairperson:

That is correct.

The Committee Clerk:

Members will be aware that witnesses suggested that information be provided in other languages and formats in relation to a number of clauses, not only clause 3. If members were to support the proposed amendment, it might appear not only in clause 3. For example, later in the Bill there are references to repossessing introductory tenancies and that kind of thing. The Committee could take a general view that, where a decision has gone against an applicant, the applicant should automatically be advised of their rights to appeal, that that advice should be made available in appropriate formats and that there should be contact details for someone in the Housing Executive, perhaps in a couple of different languages. It would be something standard throughout the different parts of the Bill.

Mr F McCann:

I take it that the change from “applicant” to “person” is just putting a human face on the people who are being dealt with.

The Chairperson:

It is actually the reverse. The proposal is to substitute “a person” for “an applicant”. What is the purpose of that change?

The Committee Clerk:

The background to that change is that it is about people who apply for accommodation. The Department explained that, if the behaviour of an applicant was such that the Housing Executive did not want to give them accommodation, depending on where that person was in the current application process, the Housing Executive could find that it was not able to disqualify them from the accommodation allocation process. The proposed amendment would remove that problem. It would mean that, at any stage in the process, if a person’s behaviour is inappropriate, the Housing Executive could exclude them from getting accommodation. That would be in relation to quite serious matters. I am not sure that witnesses’ proposals about getting information and the right of appeal necessarily fit well with that clause, but that is what was said.

The Chairperson:

Are members happy to take forward the proposed amendments outlined in section M, although perhaps not as amendments to this particular clause?

Members indicated assent.

The Chairperson:

Section N outlines a suggestion to require the Housing Executive to publicise its translation services. Again, legislation may not be required for that, because of the protocols and policies that are already in place, and it may be something on which the Committee may wish to seek assurance and clarity, rather than proposing a formal amendment to the Bill.

Mr F McCann:

Whether or not the Housing Executive publicises its translation services may be down to the work of different individual at any given time. However, if there were a requirement in the Bill for the Housing Executive to do that, it would have to do so on an ongoing basis.

The Chairperson:

OK. The suggestions in section O relates to eligibility and refers to the treatment of spent convictions in the assessment of eligibility. Members will note from guiding principle six of the 'Including the Homeless' action plan that the Department has issued guidance to the Housing Executive advising against exclusion from homelessness support for particular classes of applicant, including ex-offenders. Therefore, do Members support the proposing of an amendment, or are they content that the Department's guidance on that issue is sufficient, as it does not exclude ex-offenders?

Ms Ní Chuilín:

There was a judicial review on that issue several years ago. Therefore, the Housing Executive cannot exclude ex-offenders from homelessness support.

The Chairperson:

The guidance tidies that up, so such an amendment is not needed.

Ms Ní Chuilín:

As far as I know, that is the case: it cannot exclude ex-offenders from homelessness support.

The Committee Clerk:

I think that what the Chairperson is saying is that the Department has issued guidance on this —

The Chairperson:

You are my translation service. *[Laughter.]*

The Committee Clerk:

Yes; sorry, Chairman. Are members content with the guidance issued by the Department, or do they want to see something in the Bill that would compel the Housing Executive to be consistent with its treatment of ex-offenders?

Ms Ní Chuilín:

I want to see something in the Bill.

The Chairperson:

What is the view of the rest of the Committee on that? If guidance is being adhered to on the basis of a legal case —

Ms Ní Chuilín:

Even if that is guidance is referred to in the Bill, it will not make the Housing Executive do anything differently from what it does currently. The Committee could get clarification on that point in next week's meeting.

Mr F McCann:

The use of the term "guidance" again leaves it to the individual to make the decision. If that requirement were included in the Bill it would copper-fasten that requirement.

The Chairperson:

That concludes the Committee's discussion of clause 3 of the Bill.

The Committee will now move on to discuss clause 4, which refers to the Housing Executive's power to prescribe homelessness advice. The suggested amendments in section P refer to the nature and standard of the homelessness advice provided by the Housing Executive. Some of the proposed changes such as staff training are covered in the 'Including the Homeless'

strategy action plan. Therefore, do members think that it is necessary to propose an amendment to the Bill? There is quite a lengthy list of suggestions in that section, and I wonder whether the legislation needs to be so specific. How are those provisions outlined in the Bill at the moment? Are they not so specific?

The Committee Clerk:

No, they are not so specific; the Bill basically states that there will be advice. The reason that there are so many suggestions is that the witnesses suggested that the advice should be better prescribed than it is in the Bill as currently drafted.

The Chairperson:

Does the Committee think that it needs to be so specific? If so, we can go through the list in section P, or do we feel that the advice could be better developed as part of a strategy?

Mr F McCann:

Could we find our own form of words?

Ms Ní Chuilín:

When we were discussing another clause, we said that it was not just advice about homelessness, but that advice should be about other matters. That could include everything in section P and more.

The Chairperson:

My concern is that if the Committee goes through these various suggestions, we will be beginning to draft the advice before a strategy has been devised and the cart would be going before the horse. A strategy must be developed first, and a decision should be made on what the elements of advice should be after that. By proposing such an amendment, the Committee would almost be prejudging the outcome of the strategy.

Mr F McCann:

On a number of issues that the Committee has dealt with, such as the mortgage relief scheme, we have found that in 80% of cases, advice was crucial. Advice plays an important role in all aspects of housing.

Ms Ní Chuilín:

Section P(v) is a catch-all suggestion that would place:

“A requirement for the Department to produce a Code of Guidance to ensure consistency and transparency in respect of homelessness advice and decision-making”.

If that refers to all advice and decision-making, that is fairly specific. Fra is right; many people, both in the Committee and outside it, have a good idea of what the issues are. However, other issues could emerge. If we are prescriptive before the protocols are completed, I am afraid of our hamstringing the legislation.

The Chairperson:

If the Bill prescribes 10 areas, nobody will ever go any further. They will not step outside that. Being prescriptive can be detrimental. It is probably best to keep it general at this stage.

The Committee Clerk:

To cover all bases, perhaps the way forward is to explore with the Department how much of that could be covered in secondary legislation. We could explore the possibility of the Committee providing an input or giving a view on the advice at the secondary legislation stage.

The Chairperson:

We are keen to provide an input on the type of advice. However, the Bill is not necessarily the right place to specify that, as it could be restrictive.

Ms Ní Chuilín:

Will we raise that matter with the Department next week?

The Chairperson:

Yes, we will.

Clause 5 refers to the review of homelessness decisions. Section Q shows that evidence from witnesses included suggestions about information on homelessness decisions. Do members believe that the Bill needs to be amended to ensure that homelessness decisions are made available in other languages with information on the appeal mechanisms? That is similar to a previous point.

Members indicated assent.

The Chairperson:

We will explore the need for an amendment on that.

Moving on to Q(ii), are members happy to propose that clause 5 should be amended to include procedures and the timescale for appeal?

Members indicated assent.

The Chairperson:

Those are all matters for exploring, rather than necessarily proposing amendments on.

Section Q(iii) suggests that clause 5 should be amended to ensure that officers who are involved in decisions are not involved in appeals. I hope that that is the case anyway. It is worth exploring such issues, although amendments may not necessarily be required to deal with them.

Ms Ní Chuilín:

From a common sense approach, I assume that some of those elements already exist. However, I know of cases in which the people who have heard cases have also conducted the appeal.

The Chairperson:

Section Q(iv) states that appellants should have a right of representation at an appeal.

Mr Easton:

I am concerned about that proposal. Does it mean that we will have to pay to send a legal representative?

The Chairperson:

I assume that the right to representation is covered in basic human rights legislation. However, I am not an expert.

Mr Brady:

Legal aid is not provided for an appeal. Therefore, appellants have to pay for legal representation

themselves.

The Chairperson:

The Department will provide clarity on those points. Most of them are basic rights that people would have in such a scenario.

Ms Ní Chuilín:

You are becoming more like Enoch Powell, Alex; I am beginning to worry about you.

The Chairperson:

That is a compliment; that will be in his election literature.

Mr Easton:

You have just secured me a couple of thousand votes. *[Laughter.]*

The Chairperson:

The next few sections are related, so I will deal with them together. On the basis of evidence from witnesses, section R suggests that the Housing Executive should be allowed the discretion to provide temporary accommodation during an appeal; section S suggests that the Housing Executive should be required to provide temporary accommodation during an appeal; and section T suggests that there should be clarity on when temporary accommodation will be provided to appellants. Do member support sections R or S; that is, should the Housing Executive have discretion on the matter or should it be required to provide accommodation to appellants? Or do members support the suggestion in section T, which is to combine either discretion or requirement with greater clarity? I am open to members' opinions. There are practical ramifications of this decision.

Mr Craig:

How practical is the suggestion?

Mr F McCann:

I thought that, at present, the Housing Executive is obligated to find accommodation for people. There are some classic cases of that.

Mr Craig:

We may want to explore what is being done around that.

The Chairperson:

Again, if it is being done already, there is no need for an amendment. More clarity might be needed, but we can explore all the options.

The Committee Clerk:

Section R is a suggested amendment from the Housing Rights Service, and the wording is lifted from its submission. I think that the right thing to do is find out what current practice is, then members can decide whether it needs to be legislated for.

The Chairperson:

Section U refers to a specific amendment proposed by NIACRO. It proposes that the deadline for a request to be lodged should be 28 days and not 21 days.

Mr Brady:

That brings it into line with social security.

The Chairperson:

NIACRO may know that that is standard procedure. However, perhaps we can check next week why it had been a 21-day period.

Mr Brady:

I think that that was arbitrary; 28 days is the norm.

The Chairperson:

Perhaps it was a case of pick a number. We can go back to that.

Clause 6 concerns the power to obtain information from housing associations. Witnesses suggested that the Bill be amended to clearly set out what type of information the Department would be able to obtain from registered housing associations. As those powers merely bring Northern Ireland into line with GB and provide transparency for housing associations, are members content with the unamended version of clause 6?

Mr F McCann:

What information would the Department be able to obtain?

The Chairperson:

Northern Ireland Federation of Housing Associations (NIFHA) has asked for clarification on data protection issues and for a definition of the type of information that could be obtained.

The Committee Clerk:

The background to that clause is that in Great Britain there were some housing associations that got into financial difficulties. There is no suggestion of that happening, in any shape or form, in Northern Ireland. However, the Department is keen to bring itself into line with GB. Financial information on housing associations is the sort of information that could be obtained, to see where the money is.

The Chairperson:

We will leave clause 6 as it is. There are no suggestions for amendments to clause 7.

Clause 8 refers to mismanagement of housing associations. Section W refers to witnesses' suggestion that the Bill be amended to set out the circumstances under which the Department will intervene in housing associations. In common with the previous clause, that is to bring us in line with best practice in GB and to provide transparency. Are members content to leave clause 8 as it is?

Members indicated assent.

The Chairperson:

Clause 9 concerns the abandonment of introductory tenancies. Section X outlines witnesses' suggestion that the Bill be amended to allow introductory tenants to have the same rights of appeal as secure tenants. As that proposal would, to some degree, negate the intention of the clause, are members happy to disregard the proposed amendment?

Members indicated assent.

The Chairperson:

The proposal in section Y came from NIACRO. However, there is a question mark over how

valid the suggested amendment is, in that introductory tenants have six months in which to appeal a decision in respect of repossession. Is that provided for in the Bill?

The Committee Clerk:

It is.

Mr F McCann:

Does the Bill state that there should be a 14-day period? That seems a bit confusing; 28 days is usually the norm.

The Committee Clerk:

I could not find reference to a 14-day period in the Bill. I think that there has been a mistake.

The Chairperson:

We can clarify that with NIACRO and explain the situation. It might withdraw its suggestion as a result of that.

Section Z is drawn from a witness questioning the wording of proposed new article 19B(4)(b), which includes the word “secure”. The Department’s response indicates that the clause will not adversely affect the rights of secure tenants. Are members happy with that explanation and happy to, therefore, disregard the proposed amendment?

Members indicated assent.

The Chairperson:

If nobody has anything more to say on clause 9, we will move to clause 10.

Clause 10 concerns antisocial behaviour. Witnesses suggested that, in addition to the publication of Housing Executive policies and procedures in relation to antisocial behaviour, the Bill should be amended to require the Housing Executive to consult upon those policies. What do members think of that?

Mr F McCann:

I think that it is essential.

The Chairperson:

Are members happy enough to take that forward?

Members indicated assent.

The Chairperson:

Section AA(ii) is a suggestion requiring the Housing Executive to draft, consult upon and publish a statutory code of practice for all social landlords in relation to antisocial behaviour.

The Committee Clerk:

That refers to the Housing Executive producing a code of practice for them. If members recall, NIFHA indicated that it would publish its antisocial behaviour policies, but it did not want the powers to be really prescriptive. That amendment would create a code of practice that housing associations could use in developing their antisocial behaviour policies.

The Chairperson:

Who suggested that?

The Committee Clerk:

I beg your pardon, Mr Chairperson; I cannot remember. It might have come from the Housing Rights Service.

The Chairperson:

Does that fall foul of what housing associations were saying about being prescriptive about what is included?

The Committee Clerk:

It could be interpreted in that way. Looking at the other suggested amendments, that would be the easier version, or the less onerous. For example, section AA(iii) suggests requiring them to publish their policies. They could be required to produce policies that comply with the code of guidance, and that could be one level of compliance. Another level of compliance would be to get them to do that and for those to be published. It depends on how important the Committee views the issue as being.

Mr F McCann:

Although they said that they would publish it —

Ms Ní Chuilín:

There is an issue of “may” and “shall” here.

Mr F McCann:

We are instructing the Housing Executive to publish its antisocial behaviour policies, and it should be the same for housing associations.

The Chairperson:

I agree. I think that we should. It is an omission to leave them out. With the increasing number of people in housing association properties, it stands to reason that —

Ms Ní Chuilín:

It almost assumes that people who go into housing association properties are never antisocial and that the associations will never have to deal with that problem.

Mr Craig:

Not a bit of it: I could give plenty of examples to the contrary. There must be equality of treatment. We cannot be seen to treat the Housing Executive and housing associations differently. We need to chase up that aspect.

The Chairperson:

Are members happy with AA(iii), which requires all social landlords, including housing associations, to publish their antisocial behaviour policies? To go back, should those be drafted and consulted on in a statutory code of practice, as the Equality Commission suggested? Or are members content that they are just published?

Mr Craig:

It is worth investigating.

The Chairperson:

We will investigate it further. Publication may be enough.

Section AA(iv) requires the Department to review the means of reducing antisocial behaviour.

Mr F McCann:

Again, we do not know what that means. It could mean anything. Jonathan is right: many communities have said that the way that antisocial behaviour is dealt with at present leaves a lot to be desired, especially in the connections with communities.

The Chairperson:

As a suggestion, it is a bit unclear.

Ms Ní Chuilín:

It is too woolly.

The Chairperson:

It is. We are not best fussed about that.

Section AA(v) requires that clause 10 be amended to require the Housing Executive and other social landlords to maintain a register of tenants evicted for antisocial behaviour. I am not sure about that. That suggestion came from the Landlords Association. I am not sure of how practical that is.

Mr Brady:

It is not practical, but a problem does exist. Someone who is causing trouble to a neighbour could move out of a Housing Executive house and move in on the other side because that house was advertised privately. The landlord would not know that the tenant had been accused of antisocial behaviour.

Ms Ní Chuilín:

Once an anti-social behaviour orders is processed through the courts or after an eviction process has been undertaken, that becomes public knowledge. I have heard people say that because of data protection, such a registry could not be created. However, once that information is in the courts, it is public knowledge. Many instances of antisocial behaviour are not brought to court.

Mr Brady:

Antisocial behaviour is not dealt with in court.

Mr Craig:

There is merit in looking into the matter. The introduction of a register would create a legal minefield.

The Chairperson:

There would be human rights issues involved with such a register. For example, would people remain on the register for life?

Ms Ní Chuilín:

Fair enough.

Mr Craig:

Do we really want to create a blacklist that would snooker people for the rest of their lives?

The Chairperson:

Even if they are badly behaved, people have to move somewhere else. A register would potentially prevent those people from moving.

Mr F McCann:

That is a big debate for another day.

Ms Ní Chuilín:

An entire family may be denied the right to live somewhere because of the actions of one individual.

The Chairperson:

I am not fussed on the idea.

Mr Brady:

When we were in Boston, the rule was: three strikes and you are out. People were put in a furniture van and driven over the state line.

Mr Craig:

People here may be shocked by such an approach. *[Laughter.]*

Ms Ní Chuilín:

Jonathan is thinking about taking a load of people from Lisburn city and dumping them in Belfast.

Mr Craig:

I will not comment on that. *[Laughter.]*

The Chairperson:

Fra, will you return us to a sensible discussion?

Mr F McCann:

I want to make a point about the duty of care. There is often no sharing of information between the Housing Executive and housing associations in the cases of individuals or families who may have been involved in antisocial activity. Sometimes, the first that a community or residents association is aware of such a family is when they have moved in next door. The lack of information sharing has caused untold problems. The Housing Executive has said that it finds it difficult to get information from housing associations when such moves occur.

Ms Ní Chuilín:

We need to talk to the Department about the matter.

The Chairperson:

We all have experience of such cases, and we are all aware of the problems that have been outlined. If it were an easy nut to crack, it would have been done before. I am pretty sure that the introduction of a register is not the way to solve the problem.

Mr F McCann:

There was some indication that housing associations are reluctant to share information.

The Chairperson:

We will talk about that further, but I do not think that the proposal for a register has legs.

Section AB is a proposed amendment that would require the Housing Executive to review its management of antisocial behaviour issues and consider the provision of additional resources, including the establishment of community housing companies.

Mr Craig:

What does that mean?

Ms Ní Chuilín:

Exactly.

The Committee Clerk:

The idea is that the Housing Executive would transfer its stock to community housing associations, thereby giving ownership to communities. Studies in other countries have shown that that reduces antisocial behaviour.

The Chairperson:

The proposal would move Housing Executive stock wholesale to various companies or local housing associations, but that is a discussion for another day.

There are no suggested amendments to clause 11, so we move to clause 12. It relates to the Housing Council's representation on the Housing Executive board.

Ms Ní Chuilín:

For God's sake.

The Chairperson:

Please be temperate in your comments about our Housing Council colleagues. *[Laughter.]*

Section AC proposes that clause 12 be amended so that the number of Housing Council members on the 10-member Housing Executive board should not be limited to four. I think that there is some logic in that. Witnesses also suggested that clause 12 be amended to include tenant representation on the Housing Executive board. What are members' thoughts on those suggested amendments?

The Committee Clerk:

There are currently four Housing Council members on the Housing Executive board. That amendment would make the number of Housing Council members on the Housing Executive board four or more, subject to the Minister's discretion.

Mr F McCann:

The Housing Council is looking for control of the board.

Mr Craig:

For clarification, what is the total number of members on the board?

The Chairperson:

Ten members sit on the board. The case that was put forward is that the majority of members on the Housing Executive board should be elected in the same way as the majority of members on boards of the health authority, the Library Authority and the education and skills authority. I do not know whether that will be done through the Housing Council or not; however, I think that that is proposal. The Bill proposes that just four board members of the Housing Council should sit on the board.

The Committee Clerk:

However, the Housing Council has said that four or more of its members should sit on the board, at the Minister's discretion. Its view is that the majority of board members should be elected.

Mr Craig:

Let me get this straight: the elected representation of the Housing Executive board is going to be drawn from the Housing Council?

The Chairperson:

That is how it is done at present and that is how it will continue.

Mr Craig:

So, the dinner club is going to dictate who the elected representatives are?

Ms Ní Chuilín:

That is bad; that is even more cynical than what I said.

I support the idea of tenant representation on the board.

The Chairperson:

There is a very strong case for the proposal for tenant representation. It is worth exploring how that can be done. Elected members seem to be the gift of the Housing Council. However, I do not know who tenant representation would be the gift of. Is the Committee positive about exploring further the possibility of tenant representation on the board?

Members indicated assent.

The Chairperson:

Does the Committee think that Housing Council members on the board should be limited to only four, or that there should be four or more Housing Council members on the board at the Minister's discretion?

Ms Ní Chuilín:

I think that we should leave it as it is.

Mr F McCann:

I do not have difficulty with elected members being on the board; however, who will be removed from the board to make way for that? Will the number of members be extended to 11 or 12 to account of that? There is someone on the board representing the disability sector, so that would be five members accounted for. I do not know whether someone represents the trade unions.

The Chairperson:

I think that that is entirely at the Minister's discretion. We will think about the issue a bit more and come back to it. Members are probably supportive of the idea of increased elected representation. Perhaps the issue is the method that is used to appoint members; however, I think that that ship has sailed.

No amendments have been tabled to clause 13. Clause 14 refers to the definition of a house in multiple occupation (HMO). Witnesses suggested that the clause stands apart from the Bill. The clause changes the definition of family to include uncles, aunts, nephews, and nieces and allows homes in which three members of two families live together to be excluded from the HMO definition. Do members want to remove the clause or amend it to allow the extended family definition to be included? We can suggest that it be removed and that further consultation be undertaken to get a better definition.

Mr F McCann:

The voluntary housing sector and others seem to be fairly interested in this. I know that we are putting together a consultation document. The Scottish definition seemed to offer a good way forward; however, hearing some of the problems that may be caused leads me to think that it should be looked at again.

The Chairperson:

Do we want to throw it out and suggest that it be looked at again in its entirety, or is the Committee happy with the partial approach of not accepting the definition that is restricted to three members of two families and requesting a wider definition of a family?

Ms Ní Chuilín:

We definitely need a wider definition of “family”.

Mr F McCann:

What would the legal standing of that, were it to go to court?

The Committee Clerk:

I will take advice, but I think that uncles, aunts, nephews and nieces will meet the recommendations that the judge gave when he decided that the definition of “family” was not good. The Committee can explore that with the Department.

The Chairperson:

Members seem content to keep the wider definition. We are not saying to throw the whole thing out, including the wider definition of family, but we do not at this stage accept the stipulation of only three members of two families, which we can discuss with the Department.

There are no suggested amendments for clauses 15 to 19. We move now to proposals that have been made that are not related to specific clauses. Section AF deals the use of “intentionality” in the assessment of homelessness, and proposes an amendment to:

“Remove the requirement for the Housing Executive to consider whether an applicant is intentionally homeless”.

Do members support that proposal?

Ms Ní Chuilín:

Did that proposed amendment come from NIACRO?

Mr F McCann:

Both AF(i) and AF(ii), to:

“Require the Housing Executive to re-interpret intentionality in respect of ex-offenders”,
came from NIACRO.

The Committee Clerk:

As members have indicated, NIACRO raised the issue of intentionality. I think that the Human Rights Commission did so as well. Under current circumstances, an ex-offender coming out of prison would be viewed as intentionally homeless. Therefore, he or she would be ineligible for certain types of accommodation support. However, members are aware that the ‘Including the Homeless’ strategy indicated that guidance on that matter had been issued by the Department. The Committee’s view might be that more guidance is needed and that the issue should be explored with the Department, or that intentionality should go.

The Chairperson:

I think that the Committee will explore it a bit more, rather than just dismiss it.

Mr Craig:

We must be very careful. If it is removed completely, the system is left open to abuse, which some people would exploit.

The Chairperson:

Given the circumstances, guidance may be better.

Mr F McCann:

Some decisions on intentionality cause great concern.

Mr Craig:

Yes, they beggar belief at times. Perhaps that is when more detailed guidance is required.

The Chairperson:

To speed business along, I suggest the Committee explore with the Department next week the expectations and ramifications of all of section AF:

“That clauses be added to the Bill which:

- i) Remove the requirement for the Housing Executive to consider whether an applicant is intentionally homeless;
- ii) Require the Housing Executive to re-interpret intentionality in respect of ex-offenders;
- iii) Require the Housing Executive to re-interpret intentionality in respect of individuals returning to Northern Ireland following intimidation who have left accommodation in GB;
- iv) Require the Housing Executive to re-interpret intentionality in respect of non-UK nationals who have left accommodation in another country; and
- v) Require the Housing Executive to provide temporary accommodation while the intentionality aspects of the homelessness support application are considered.”

Are members content with that?

Members indicated assent.

The Chairperson:

Moving on to section AG, NIFHA suggested that the Bill be amended to require the Department to devise a code of conduct in respect of conflicts of interest for employees and directors of housing associations. Given the concerns raised by NIFHA and the difficulty in delivering procurement savings in the context of the current reported blanket ban on conflicts of interest, I think that it sensible to add that provision to the Bill.

Ms Ní Chuilín:

There are procurement guidelines around the purchasing of goods and services. There is no blanket ban there, is there?

The Committee Clerk:

NIFHA reported in evidence last week that there had been a difficulty because a cleaner with a connection to a firm doing construction work for a housing association was enough to lose that

firm the contract. The federation's evidence was that it found that really quite difficult.

The Chairperson:

The proposals in section AG is:

“That clauses be added to the Bill which require the Department to devise a code of conduct for the directors and employees of housing associations in respect of conflicts of interest.”

Are members minded to support that proposal, after clarification, if required?

Members indicated assent.

The Chairperson:

Section AH refers to NIFHA's proposal for an amendment to the Bill that would allow the Department the flexibility to delegate the assessment of homelessness from the Northern Ireland Housing Executive to another body. That is line with the Varney recommendations on stock transfer. NIFHA suggested that such an amendment would save hassle later.

Ms Ní Chuilín:

That is the same guidance that everyone is using.

Mr F McCann:

It could pose problems.

The Chairperson:

It would not necessarily result in the responsibility for assessment being transferred to other bodies, but it would allow the Housing Executive to do so if that became necessary.

Mr F McCann:

It could be done at some stage, if the Department, the Committee and the Assembly agree to the establishment of a stand-alone company separate from the Housing Executive.

The Chairperson:

It could be done at that stage, but it seems a little presumptuous to make such a provision. I do not detect much enthusiasm for that. That is no reflection on the suggestion.

Section AI refers to the suggestion by the Chartered Institute of Housing for a review of the regulation of housing associations. Is legislation required for that?

The Clerk of Bills:

It can certainly be included in the legislation.

The Chairperson:

It seems a bit excessive.

The Clerk of Bills:

It is probably not absolutely essential, but, equally, there is nothing to stop the Committee from proposing such an amendment.

The Chairperson:

Legislating that regulation of housing associations should happen every five years would be restrictive and would amount to over-auditing.

Ms Ní Chuilín:

However, even the handbooks on tenants' rights that housing associations use are not standardised. There are differences in rights for tenants. That is something that we need to explore.

The Chairperson:

We will seek an assurance on how the Department will propose to do that without our having to amend the legislation.

The proposal in section AJ relates to a recent statutory rule on registered rents, which was erroneously laid by the Department as requiring negative resolution. The review of registered rents does not appear to require any Assembly procedure. Do members support the proposal that the Bill be amended to ensure that Assembly procedure be required in the future review of registered rents?

The Committee Clerk:

I will briefly explain that proposal. A week or two ago, a statutory rule was wrongly brought to

the Committee. The Department brought it to us because it thought that the review of registered rents would require Assembly procedure. The advice was that, in fact, such procedure was not required. However, the Examiner of Statutory Rules advised me informally that that was surprising and that the Committee might wish to consider whether the review of registered rents should, in future, be automatically subject to some kind of Assembly procedure. The Chairperson has asked the Committee to consider whether the Bill should be amended to include some provision for Assembly procedure for the review of registered rent.

The Chairperson:

We will talk to the Department about that.

Do members have any other amendments that they wish to discuss?

Ms Ní Chuilín:

Is there any possibility of a provision for the monitoring and regulation of landlords?

The Chairperson:

Are you referring to private landlords?

Ms Ní Chuilín:

Yes.

The Chairperson:

There has been a consultation on that. Do we have any indication of when we might hear about that?

The Committee Clerk:

We anticipate that the Bill that is relevant to that will emerge in 2010. The Housing (Amendment) Bill is concerned largely with the social sector, so it might be more appropriate for that matter to be included in the next Bill, which will deal with the private-rented sector.

Mr F McCann:

Will that come in the shape of a Bill or through the issuing of guidance?

The Chairperson:

That is difficult to know. It is worth clarifying.

The Committee Clerk:

My expectation is that it will come in the form of a Bill before the summer of 2010, which is why the Department consulted on the matter.

Ms Ní Chuilín:

So, this is a tidying-up exercise and there will be a proper housing Bill next year?

The Chairperson:

Next year there will be a Bill on private housing. This Bill is totally focused on the social sector, whereas the next Bill will be on private housing.

Ms Ní Chuilín:

A lot of public money is spent on the private-rented sector.

The Chairperson:

Officials will be with us next week to clarify that. We will be able to test that then and clarify the position.

Ms Ní Chuilín:

No bother. I was just asking.

Mr F McCann:

The other issue that we raised last week was the housing selection scheme. That creates serious problems in areas of high demand. For example, in some areas you can get a house for 3 points and in others you may need 200 points.

Ms Ní Chuilín:

It takes 300 points to get a house in parts of north Belfast.

Mr F McCann:

The system does not allow for gradual movement within the sector. The example that I have used

in the past is that people are housed in hostels for two or three years and because of the way that the system operates, they could be there forever. That is due to action taken by the Housing Executive, which I believe tries to put people out into the rent guaranteed scheme. That takes the four-year people out of hostels. However, there is quite a number of young people who went into hostels when their children were born and are still there when the child is at primary school.

I have raised that issue over a number of years. The Housing Executive said that a review was carried out two years ago, but nothing has been done to tackle the problem. The fact is that with the present housing supply and the way that the housing sector is at present, there seems to be no light at the end of the tunnel and nothing to ease the situation. In some areas, it just gets worse.

The Committee Clerk:

Does the Committee wish to suggest an amendment to the Bill to provide for a statutory requirement to provide housing if applicants have a certain number of points?

Mr F McCann:

It would be difficult to do that. The system is flawed and it needs at least to be tweaked.

The Chairperson:

That is an entirely different piece of work. I do not know how you would do that at this juncture. It requires much more thought and consultation than the timescale that we have allows for.

Mr F McCann:

After six months, people who are housed in hostels are eligible for their hostel points, which amount to 20. However, there is only a small number of points awarded to them every year after that, and that is what traps them. If their points were increased every six months by 20, it would allow those people onto a conveyor belt to carry them out of hostel-type accommodation. It would certainly advance them a bit. If someone goes directly into a hostel, they get homeless points and an additional 20 points for being in the hostel at that start. However, 90 points, in any area, will not get someone housed. People have learnt how to use the present system, and that means that some people sit forever on 90 or 100 points. As someone said, 90 points would not get you a bench in Dunville park.

The Chairperson:

You can raise the subject with departmental officials next week.

Mr F McCann:

I will put a case together.

The Chairperson:

Yes. No one has indicated that they would like to add anything else.

Are we happy to instruct the Clerk to update the table along the lines that we have discussed?

Members indicated assent.

The Chairperson:

That will take a while. The Clerk will then forward it to the Department, which will allow officials to come back with appropriate responses to the queries that we have raised.

I remind Members that the Department will be represented at the meeting on 15 October to respond to the issues. Immediately after we receive the Department's response, the Committee will undertake formal clause-by-clause scrutiny of the Bill. That will take two weeks.

The Committee Clerk:

Are members happy that the Committee begins the onerous job of clause-by-clause scrutiny next week?

Ms Ní Chuilín:

We are getting the Department in next week, so will the clause-by-clause scrutiny begin next week or the week after?

The Committee Clerk:

I am suggesting that we start it on 15 October. If members are not keen on that, we could make it the following week. The Committee must report by 1 December, but it would be preferable if we could report before then. Do members want to begin the clause-by-clause scrutiny next week? Or do you want to ruminate on what the Department tells us and commence the clause-by-clause

scrutiny the following week?

Mr Brady:

I will not be here next week.

Ms Ní Chuilín:

We will do it the week that Mickey comes back.

The Chairperson:

Will departmental officials be present for the clause-by-clause scrutiny?

The Committee Clerk:

Yes.

Ms Ní Chuilín:

We should get the Department in and try to make a start after that.

The Chairperson:

We will try to do that. We will try to get through some of the more substantial clauses next week.