



**Northern Ireland  
Assembly**

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**COMMITTEE FOR  
SOCIAL DEVELOPMENT**

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**OFFICIAL REPORT  
(Hansard)**

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**Housing (Amendment) (No. 2) Bill**

24 June 2010

**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  
Ms Anna Lo  
Mr Fra McCann

**Witnesses:**

Mr Stephen Baird            )  
Mr Alastair Campbell    )        Department for Social Development  
Mr Michael Sands         )

**The Chairperson (Mr Hamilton):**

I welcome Michael Sands, director of the housing division, and Stephen Baird and Alastair Campbell from the housing division. Sorry, Michael, I have taken you up a grade. Michael is the assistant director of the housing division.

**Mr Michael Sands (Department for Social Development):**

I am quite happy with that, just pay me as director.

**The Chairperson:**

You are still subject to the £250 increase. I do not know how it affects your pension rights.

Contained in members' packs is a letter from the Department dated 16 June 2010, a copy of the consultation document and a copy of the completed screening document. A copy of the Bill and the explanatory and financial memorandum has been tabled. Hansard is recording proceedings as part of our evidence gathering. I ask you to provide a brief run-through, after which members will ask questions.

**Mr Sands:**

Thank you, Chairman. I thank the Committee as a whole for the invitation to discuss the Bill's contents in advance of its Second Stage next week. When I last briefed the Committee on 18 February 2010, we were towards the end of the public consultation phase on proposals for a Bill. The Department received over 40 responses to the consultation exercise, and almost all stakeholders were supportive of the proposals that are now in the Bill.

Members will have noticed that the Bill is somewhat slimmer than the Department's consultation document. As well as reflecting feedback from consultees, the main reasons for the reduction in size are the tight timescale that is available to progress the Bill through the Assembly and the limited Office of the Legislative Counsel resources that are available for drafting the Bill. A larger Bill would have been unlikely to make it through the Assembly during the current mandate. Therefore, in the final analysis, a decision was taken to focus proposals on areas where there is a clear and pressing need for new legislation. The Department may return to the remaining proposals during the next Assembly mandate.

Chairman, would you like me to deal with particular sections, stopping to allow members to ask questions, or would you prefer that I run through the entire Bill?

**The Chairperson:**

Run through the entire Bill, because when we try to deal with Bills in sections, it ends up all over the show.

**Mr Sands:**

I turn to the Bill's contents. The Bill's main focus remains on improving regulation of the private

rented sector in support of the Department's private rented sector strategy. The 'Building Sound Foundations' strategy was published in March 2010, and it contains several proposals that are included in the Bill. The most significant of those involve the creation of powers for the Department to create schemes in subordinate legislation for the mandatory registration of landlords and to safeguard tenants' deposits.

Responses to the consultation indicated that the majority of stakeholders were in favour of those developments as, respectively, the most effective way of improving the regulation of the private rented sector and a means of protecting tenants' deposits and resolving disputes. In each case, the Bill provides the broad powers to make such schemes, and the detail will follow in subordinate legislation, which will be subject to close Assembly scrutiny through the draft deferment of resolution procedure. The Department is already working with a wide range of stakeholders to develop both schemes, including landlord representatives, district councils, the Housing Rights Service, Citizens Advice, the Housing Executive and the Chartered Institute of Housing.

In addition, the Bill creates offences for breaching the requirements of those schemes, and it introduces a system of fixed penalties as an alternative to court action. It also aims to improve the effectiveness of existing measures for regulating the private rented sector by making a number of amendments to the Private Tenancies (Northern Ireland) Order 2006.

The proposal on houses in multiple occupation (HMOs) is intended to improve the operation of existing legislation for regulating houses in multiple occupation by placing responsibility for providing evidence of family relationships on owners and operators of privately rented accommodation. That would come into effect where it is claimed that the occupants of the accommodation are members of two or fewer families. In such a case, the accommodation would be exempt from the regulatory regime that is prescribed for HMOs. Failure to provide adequate evidence would result in a requirement to register the house as an HMO.

On the issue of antisocial behaviour, the Department has taken on board the view that the Committee expressed on 18 February 2010 and broadened the power to share information regarding antisocial behaviour to cover all housing allocations, eligibility decisions on homelessness, exchanges and house sales. The Bill also contains provisions to enable the Housing Executive and registered housing associations to withhold consent to an exchange of

tenancies on the basis of antisocial behaviour.

On the issues of fuel poverty and energy efficiency, the Bill will provide widely supported powers for the Housing Executive to broker energy at a discounted price for tenants. It also formalises the role of district councils in promoting energy efficiency in their districts.

As regards homelessness and persons from abroad, there is an anomaly in existing legislation with regard to certain persons from abroad who lose their eligibility for homelessness assistance after having been assessed as full duty applicants. That can put the Housing Executive in a difficult position as it then owes a duty to a person who is not eligible for assistance because of their changed immigration status. The Department proposes to correct that inconsistency and to clarify the law by bringing to an end the Housing Executive's homelessness duty where an applicant ceases to be eligible for homelessness assistance. The proposed change will not impact negatively on the small number of people involved because, even at present, a social housing allocation cannot be made to them lawfully.

Other consultation proposals have not been contained in the Bill, and I will now try to address those. Constraints imposed by time and limited resources mean that we have had to scale back the original scope of the Bill. We are now proceeding with the proposals for which there is the greatest and most pressing need. With respect to the private rented sector, the Department had originally planned to take forward proposals relating to raising the fitness standard and extending the notice to quit period for tenants. Although work on the former has begun, it is a complicated issue and is not yet at a stage at which legislation could practically be made. A stakeholder group has been established to take forward those proposals in the interim.

The proposal to extend the notice to quit period was welcomed by the majority of stakeholders at consultation, but it is not really required urgently. In view of the limited time and resources that are available to the Department, we felt that priority should be given to ensuring that the most vital proposals relating to registration of landlords and tenancy deposit schemes were developed and introduced. We hope to progress the relevant extensions to the notice to quit period at the next opportunity for primary legislation.

Unfortunately, we have been forced to postpone some of the proposals relating to antisocial behaviour that were mentioned in the consultation paper. During the consultation process, it

became clear that a number of stakeholders felt that those could have significant equality implications and should be the subject of further research before being considered for legislation. It would simply not have been possible to complete the necessary detailed work that was highlighted by stakeholders within the time available. The following topics have not, therefore, been included in the Bill: new form of injunctions against antisocial behaviour regarding illegal use of premises and breach of tenancy agreement; introductory tenancies and extension of the trial period; demoted tenancies; matters to be taken into consideration in proceedings for possession; and limitation of homelessness duty in cases of antisocial behaviour.

As I mentioned, the main reason that we are unable to take forward those proposals is the very tight timescale for progressing the Bill through the Assembly. Any delay could result in the Bill failing to make it through the Assembly in this mandate and none of the proposals going forward. Therefore, we have had to make some difficult decisions in prioritising the areas in which legislation is required more urgently and can be introduced readily. However, I assure members that the proposals that have been omitted from this particular Bill will not be forgotten. They will be considered for inclusion in a new housing Bill in the next Assembly mandate.

I hope that this briefing has been helpful in setting out the Bill's proposals and helping the Committee to form a view in advance of the Second Stage on 30 June. We are happy to take questions.

**The Chairperson:**

Thank you very much, Michael. I have two broad, outline questions. We know the timescale for the progress of the Bill, but what about its enactment? There may well be more interest today in what is not in the Bill as opposed to what is in it. It is wise and prudent to not proceed with a Bill that may not get through because of testing its equality and rights status. Will that now sit parked and be picked up this time next year, or will the Department make progress on the equality testing and so forth in order that the Bill can be picked up very early next term? I envisage members being concerned that those things are not included. They may understand why that is the case, but they will be concerned. I do not want the scenario to be that we do not pick this up again until this time next year and have to start the process again, which means we may be half way through the next Assembly term before it is done.

**Mr Sands:**

I can assure the Committee that that will not be the case. As I said in my opening remarks, a stakeholder group has already been set up to take forward those proposals in the interim. It will be looking at the equality provisions and how we can finalise and get agreement on the provisions that need to be included in the Bill. We will not simply be waiting until after May of next year to start work. That is not our plan at all.

**The Chairperson:**

Once the Bill gets Royal Assent, what is the timescale for enacting everything in it in terms of the subordinate legislation required?

**Mr Sands:**

That depends on the stakeholder groups and how quickly we get agreement on the minutiae. There are several difficulties in getting agreement on some provisions, such as the mandatory registration of landlords, and other issues that may arise. Once we get agreement on those, the subordinate legislation should follow fairly quickly. As I said, the stakeholder groups are up and running. They are operating, talking and moving those proposals forward.

**Mr Alastair Campbell (Department for Social Development):**

It is worth pointing out that that is why we have taken the approach of having it in primary legislation first, because, when the detail is worked through, it will take a lot less time to get the schemes up and running. To start by including the detail in primary legislation would add an extra six months or so onto the timescale.

**Mr Craig:**

I will first deal with what has been included in the Bill. I am interested in the courts being granted the power to remove security of tenure in the case of a tenant who has been involved in antisocial or unlawful behaviour on the premises. Does granting the power to remove security of tenure enable the courts to take away the part of its remit that forces the Housing Executive to rehouse individuals in such circumstances? What exactly does that mean?

**The Chairperson:**

Would that apply to one house or all houses? Is that what you mean?

**Mr F McCann:**

I understand that such a law already exists.

**Mr Craig:**

There is a three-strikes-and-you-are-out rule.

**Mr F McCann:**

I think that people can be brought to court, but the judge rarely orders that a tenancy be removed.

**Mr Sands:**

That is correct. The provision about demoted tenancies that is not included allows for the Housing Executive or a housing association to apply to the court to have a secure tenancy withdrawn because of a tenant's antisocial behaviour. It is almost a three-strikes-one-strike-and-you-are-out approach that would not require the Housing Executive or the housing association involved to go back to the court for an eviction order. They would be allowed to do that.

**Mr Craig:**

Therefore, it simplifies the process for them.

**Mr Sands:**

Yes, it does. That is the whole idea.

**Mr Craig:**

That is good. I welcome that. Will all this apply to housing associations or will another Bill be needed in the next mandate to further improve the situation?

**Mr Sands:**

It applies to social housing.

**Mr Craig:**

Is that all social housing?

**Mr Sands:**

Yes.



**Mr F McCann:**

I am glad that that point was raised. I had an interesting conversation some weeks ago with people from housing associations who said that they still have to protect the rights of the person who has made the application for a home or is being moved, rather than those of tenants living in an area. Housing associations do not have to take on board problems that may be caused in the round. I thought that the previous Bill provided for a general agreement on the sharing of information, but the housing associations told me that there remains a major gap in the sharing of information among housing associations and between them and the Housing Executive. That, again, poses a major problem.

A reason for so many members raising the issue of antisocial activity is that many communities are being strangled and are in danger of going under because of the activities of a small number of people. Those who wreak havoc may live in an area or come into it as guests of people living there. I am a bit disappointed that we are not getting the full weight of what was proposed. I went to a meeting some time ago that was organised by the Housing Rights Service, and antisocial activity was a key issue raised. The representatives at that meeting argued for strong and effective legislation that allows for antisocial activity to be dealt with. It was also argued that a lightweight mandatory registration scheme will not impact greatly on landlords. Something firm is needed.

The other issue that concerns me is HMOs for which strong legislation by way of fines and court orders is required. Those strong measures also seem to have been taken out of the proposed Bill. At one stage, there was talk of a £20,000 fine, but that has been taken out.

From glancing over the briefing paper, I see those as the three main provisions that would have impacted on local communities and that would have given communities confidence and allowed them to start to deal with some of the serious problems. It is not just down to DSD; it is also down to the many Departments and organisations that have it in their heads that antisocial behaviour and anti-community behaviour is a policing matter. Such behaviour is a societal matter, and we all have a responsibility to ensure that it is dealt with. The sooner we get our heads around the impact that could be made on the problem if we worked together to make a difference, the better. People need legislation with the tools to enable them to do that, but that is not being provided in the Bill.

**Mr Sands:**

Mr McCann raised three issues. As he rightly said, antisocial behaviour is a societal problem and a societal matter. It is not something that the housing sector can tackle and resolve on its own.

The sharing of information has been raised by the Committee before. It was also raised at the last quarterly meeting that I had with the Northern Ireland Federation of Housing Associations, which raised the difficulty associated with the lack of information that it receives and with trying to get information from various bodies. I have already started a process to set up an information sharing protocol with the PSNI, so that housing associations will be able to get access to particular information that the PSNI holds and vice versa. That will operate in the same way as the Housing Executive's current information sharing protocol with the PSNI. The protocol will also allow the Housing Executive and the housing associations to share information.

So, the provisions to firmly tackle the problem with sharing information are in the Bill. The provision of that information will go a long way to preventing a problem that Mr McCann raised, whereby tenants who are evicted due to antisocial behaviour move to another area and take their antisocial behaviour with them. That can happen when tenants move into housing association properties without those housing associations being informed of their previous antisocial behaviour. The Bill's provisions will stop that happening.

**Mr F McCann:**

One of the crucial issues is that many of the people who apply for a transfer to another area are moving on the back of an intimidation order. Those people may have come under pressure from residents in one area. If it is accepted that those people have been intimidated, to whatever degree, they are given intimidation points, which puts them to the top of the list for housing. Other people are disadvantaged by the fact that they get first crack at moving, especially when there are so few houses available. Housing associations and the Housing Executive say that they have a clear obligation to deal with people who are at the top of the waiting list. Therefore, people who are moving following intimidation are housed ahead of others who are in clear need of housing.

**Mr Sands:**

That is the situation, but it depends on the grounds of the intimidation and why it has come about.

The Housing Executive is duty-bound to take the person who has the highest points off the list. That is the common selection scheme, and that is the way it works.

**Mr F McCann:**

After the previous discussions that we had on the issue, I thought that the reasons why people are moving would be looked at and that that would be taken into consideration.

**Mr Sands:**

Unfortunately, that sharing of information has not been available to date. This legislation enables a sharing of information, so that information on an individual who has committed antisocial behaviour will move with that individual and be passed on to the Housing Executive or the relevant housing association.

**Mr A Campbell:**

We are working independently on the issue of intimidation points and the common selection scheme. That work is at an early stage, but it is looking at how people are awarded intimidation points and what needs to change in order to make the common selection scheme more effective. We are also carrying out a piece of work on the transfer of people with a history of antisocial behaviour. Stephen knows more about that.

**Mr Stephen Baird (Department for Social Development):**

In transferring people who have been intimidated, it is certainly true that the intimidation carries points and can convey priority.

**The Chairperson:**

It is a golden goose for many people.

**Mr Baird:**

It is germane to bear in mind that the Housing Executive is not obliged to rehouse someone who has become homeless if that person has a history of antisocial behaviour. It may be a different matter when it comes to an existing tenant who has not become homeless but has applied for a transfer. However, we recently issued guidance to the Housing Executive to remind it that housing transfers are not an appropriate method of dealing with antisocial behaviour and that applications for transfer should not be accepted from tenants in certain, defined circumstances,

which amount to a fairly comprehensive list of antisocial behaviour infractions. That list basically sets out that a tenant under any kind of anti-social behaviour order (ASBO), injunction or the like should not be transferred.

**Mr F McCann:**

The Housing Executive says that its duty of care to the applicant supersedes everything else. I understand that there is a fine dividing line. In many cases, it is not the antisocial tenants who apply for transfers but the people living beside them, who apply to get away from them. The Housing Executive's automatic response is to first go to mediation, which highlights that a complaint has been made. It is a vicious circle.

**Mr Baird:**

The revised guidance that we have issued to the Housing Executive also touches on the issue of mediation. I know that that is something about which members of the Committee have been concerned. We have emphasised to the Housing Executive that mediation must not subject victims of antisocial behaviour to further distress and should be resorted to only in circumstances in which it appears to have a reasonable prospect of success. In other words, mediation should not be seen as a box-ticking exercise or a default response. Mediation may be fine in certain circumstances, but it is not a substitute for more robust action, if that is what is called for.

**Mr F McCann:**

By and large, it is a substitute for more direct action in many ways. My party will have to consider what amendments to table on that aspect of the Bill.

On another interesting point that you raised concerning the common selection scheme, I have said to the Committee a number of times that I met direct rule Ministers responsible for Social Development as long as eight or nine years ago to discuss the inherent unfairness of the common selection scheme. There are areas in which 190 to 200 points are needed for the allocation of a house but others in which 90 points are enough. However, that disparity is not reflected in the system allocating the points, so people try to manipulate the system to ensure that they get housed. Otherwise, they will rely on hostels and will face the prospect of not being housed for many years, which is totally unfair. During the passage of the previous Bill, we were told that those concerns would be taken on board, that a review was under way and that changes would be made, and yet, we remain in exactly the same situation. To get a one-bedroom flat where I live

requires 190 points.

**Mr A Campbell:**

Two pieces of work are relevant to that issue. As I said, the work on the common selection scheme is at a relatively early stage, but it is definitely being progressed and is going quite well so far. Hopefully, we should have some development on that in the next year or so.

A separate piece of work covers the issue of intensity of need. We recently wrote to the Committee about the strategic guidelines through which we are looking to address that issue by focussing social housing more towards areas where need is most intense. Those are the areas in which more than 70 points and up to 140 or 200 points are required. Officials from the Housing Executive should be briefing the Committee on that before the summer recess or in September. The matter is being taken forward.

**Mr F McCann:**

Are you saying that it will take at least a year or two for you to have something to present to us?

**Mr A Campbell:**

That is hard to say. It is almost too early to give you even a timeline, but we have done quite a lot of preparatory work, and it is a fairly comprehensive look at the common selection scheme.

**Mr Sands:**

Mr McCann raised two other issues. He referred to the light touch mandatory registration scheme for landlords. As I said in my opening remarks, a stakeholder group is addressing the provisions that we have included in subordinate legislation. The stakeholder group will decide the criteria qualification and where it will cut in and what will be applied, and it will take that forward. The group is working on that now, so that once the primary legislation comes into effect, there will then be subordinate legislation. We are progressing with those matters, as I said in my answer to the Chairman's question. We are not waiting until the legislation comes in and then starting again. That work is all going on in the background at the moment.

Mr McCann also asked about HMO fines and their inclusion in the Bill. Perhaps Stephen can answer that.

**Mr Baird:**

The HMO issue that is in the Bill has to do with the provision of evidence of family relationships. When we initially looked at that issue, we considered fining landlords who did not provide evidence of family relationships. When we thought more about it, however, that seemed to be entirely inappropriate, because we are dealing with circumstances in which a landlord is attempting to claim exemption from the HMO rules on the basis that the property is occupied by an extended family and could, therefore, be expected to be properly run and organised, with risks to the tenants minimised.

In such a situation, the Bill would place the onus on the landlord to provide evidence of the assertion that there is a family relationship. If the landlord fails to provide that evidence, fining him would probably not achieve a huge amount. It certainly would not do anything to protect the tenants. Therefore, we propose that, in those circumstances, the property becomes subject to regulation. It will be regulated as an HMO, and the tenants will be protected. There are possibilities of fining landlords who transgress in other circumstances, and we would not back away from that. However, in that particular circumstance in the Bill, fines would not be appropriate.

**Mr F McCann:**

When I speak about fines, I am speaking about fines generally. Not all landlords are bad. As a matter of fact, a huge percentage operates good houses. However, there is a rump of landlords who provide bad accommodation, and they need to be dealt with. They cannot be mollycoddled into changing. There needs to be strict legislation and regulation, including heavy fines. My understanding is that landlords walk away from courts laughing up their sleeves because they got the minimum fine and can take that on the chin. Unless we start to deal with the matter effectively, whether in Dungannon, Derry, Coleraine or Belfast, people who run bad HMOs will still be running bad HMOs in five or 10 years' time.

With regard to the private rental light touch, my understanding is that, during the consultation on the private rented sector, only two respondents — one of whom may have been the Chartered Institute of Housing — called for a lightweight regulation. However, the vast majority who replied wanted more heavily weighted legislation to deal with the private rented sector. What is so annoying is the fact that community groups in all communities are tortured and harassed by different Departments in relation to their spending of maybe £30,000 or £50,000, but, when

people are dealing with £85 million to £90 million of housing benefit, there are no regulations at all. There needs to be strict regulation to ensure compliance.

**Mr Sands:**

It is a question of light touch, and I cannot go into it too deeply because it is subject to the stakeholder group working on it and coming up with provisions. Although it is described as a light touch scheme, it will be up to the stakeholder group to decide how far it wants to take that.

**Mr F McCann:**

When will we get that information, which will input to the Committee's ability to deal with the matter?

**The Chairperson:**

The Bill enables the scheme to be created. The meat will be put on the bones later.

**Mr Sands:**

The regulation will be subject to affirmative resolution, so it will go through the Committee.

**The Chairperson:**

As would any mandatory registration scheme of that type.

**Mr F McCann:**

Yes, but does that mean that it will come into effect a year or two years into the next mandate? When I raised the issue during the passage of the first Bill, we were guaranteed that it would be dealt with in this Bill. The former Minister said that robust action would be taken to ensure compliance in the broader private rental sector. We are now being told that we can bring in legislation that allows us to do that, but it could be years down the line before it comes into effect. This is at a time when there is talk of widening the remit of the private rented sector in the provision of social housing.

**Mr Sands:**

The provisions in the Bill enable the subordinate legislation to be created. Discussions are taking place at present. It depends on how quickly opinions are formulated. As I mentioned in my opening statement, various groups are involved, including the major stakeholders. We hope that

there will be agreement across the board. Once agreement is reached, the subordinate legislation will follow. Of course, that will have to go through this Committee.

**Ms Lo:**

A lot of my questions have been asked already. There are anomalies in immigration and homelessness law here. You are saying that the necessary adjustments are technical ones. In many ways, I agree with you. I know that people's applications are refused if they are not eligible to get benefits in Northern Ireland. There is a wider picture to consider. What are we going to do about the people who still turn up? You said that there are only about 10 people a year. The voluntary sector is saying that it is taking on the cases of a lot of people with no recourse to public funds. If we do not help those people, they are going to be sleeping rough. How will we address that issue? You are the public housing provider.

**Mr Baird:**

Unfortunately, a public housing provider can provide public housing only for those who are legally eligible for it. We do not deny that there is a problem to do with people who are not eligible for housing. As Ms Lo says, they may well end up on the street. There are agencies that interest themselves in those situations, such as voluntary bodies and registered housing associations. The Department has talked to those organisations about the issue. We have told them that we are prepared to help in any way that we can, within the law, to deal with the situation. However, we cannot provide money. We are forbidden by law to provide public funds to persons who are not eligible.

Anything else that we can do within the law, we will do. For example, the Department can grant registered housing associations consent to provide accommodation for people who are not normally eligible, which at present they are not permitted to do, as long as the association can find funding from elsewhere to do that. That is one way in which we are prepared to help out. Nevertheless, the possibilities are quite limited.

The Home Office also has a responsibility in the area. It has been increasingly interesting itself in the issue of ineligible persons from abroad who are sleeping rough in various parts of the country, and it may well roll out an initiative. Unfortunately, as a public housing authority, our role is quite limited.



**Ms Lo:**

In many cases, those people are not illegal immigrants. They are migrant workers who have not worked for more than 12 months under the worker registration scheme.

**Mr Baird:**

That is correct.

**Ms Lo:**

If they lose their job, they are not entitled to homelessness assistance.

**Mr Baird:**

It is a kind of technicality as to what constitutes an illegal immigrant. Nowadays, we tend to talk about people who are undocumented, because we are talking more about a bureaucratic issue than one of people who are committing a criminal offence by their mere presence in the country. However, I should explain that, in the cases of people who are EU workers and who have lost their accommodation, they lose their eligibility because of that change in circumstance. A recent legal decision handed down by an English court said that those people ceased to be persons who are not subject to immigration control, as EU citizens normally are. Because they have lost their employment, and because they have ceased to exercise their treaty rights to be in the UK, the court has said that they have become persons subject to immigration control and that that brings them into the raft of the strict Home Office legislation and, for legal purposes, takes them out of the EU migrant worker category and puts them into a different category altogether. That situation is not even in legislation: it was a legal decision handed down by the court.

**Mr Brady:**

With regard to your last point, I presume that that case would be taken to a higher appeal. The court has said that they lose their treaty rights, but the whole ethos is based on freedom of movement for work. They could be looking for work, even though they do not have it any more.

My point might sound simplistic, but I want it clarified. The Bill will be enabling legislation, and you referred to putting meat on the bones at a later stage. If this enabling legislation goes through but, at a later stage, the meat is not what it was initially thought that it might be, I presume that the process can be reversed. Are we putting through legislation that may enable weaker legislation to be put through at a later stage? Is that possible?

**Mr Sands:**

No, that would not be the situation. Primary legislation will always create the situation and the bones to deal with a particular scenario. I have explained on previous occasions that primary legislation cannot and should not include the smaller provisions that might need to be changed or adjusted. That is why there is always the opportunity to include those in subordinate legislation. When we put the contents of that subordinate legislation through, it will be subject to affirmative resolution, it will go through this Committee and members will have all the opportunities to comment and to suggest what should be in it. If members are not content or think that it should be stronger, it is up to the Committee to require that.

**Mr Brady:**

That is the point of issue. The stakeholder group is looking at how light the touch may or may not be, but, if that touch is too light and the proposed legislation on the regulation of the private rented sector is not strong enough, we can change it. I just wanted that clarification.

**Mr A Campbell:**

Light touch does not necessarily mean lightweight. We are talking about a system that will not force landlords out of the market, because they are an important part of it, as you said. We want to gather information on all of them comprehensively, but it will be something that will not be too onerous and prevent landlords from being landlords. They will not have too high a regulatory burden to —

**Mr F McCann:**

It is also a sector that has increased by about 40% or 50% over the past number of years. Some of the people who have come into it run fairly shoddy houses. The question is how to deal with that. The sector gets £90 million of public money each year.

**Mr A Campbell:**

It is really about getting the information, so that we can enforce within the sector. That is what the registry will do.

**Mr Brady:**

I came across a case recently of someone who was given temporary accommodation in a flat in

Newry, which is certainly not up to standard, yet it costs £157 a month. That is the sort of thing that needs to be addressed. When we heard a presentation from the landlords sector, we were told that they are very much in favour of regulation, because they feel that the vast majority of landlords are good landlords, and I think that most people would accept that. However, there is a need to legislate for those who are not. It has been mentioned that £85 million to £90 million is paid in housing benefit each year. That is a huge amount of money to be unregulated.

**Mr Sands:**

Yes, I agree with that.

**Mrs M Bradley:**

I want to ask a question that relates to community safety. The issue of people keeping animals in their homes and their yards needs to be included in tenancy agreements. Animals are allowed to roam free all over estates. That is something that we have a massive problem with, and there have been a few very serious injuries. In a housing estate recently, an elderly person using a walking frame received very serious injuries when two dogs knocked her over in the street. Of course, nobody took responsibility for that. How do you build it into the tenancy agreement that only one pet is to be kept in order to control that?

**Mr Sands:**

To build it into it —

**Mrs M Bradley:**

For the sake of community safety, how do you put it in and apply it?

**Mr Sands:**

You put the provision in the tenant's agreement, and it should be included.

**Mrs M Bradley:**

But the Housing Executive does not enforce it.

**The Chairperson:**

Is that sort of issue something that was going to be included in the provisions for antisocial behaviour?

**Mrs M Bradley:**

I think that it has to be included, because the problem is becoming a peril.

**The Chairperson:**

It is a stretch to describe having two dogs as antisocial. In some people's eyes, kicking a football is antisocial.

**Mrs M Bradley:**

Does the issue come under antisocial behaviour or where does it fit in?

**Mr Sands:**

Ultimately, the control of the dog is the responsibility of the owner, who may be the tenant. It is up to him to control that animal. However, I have to be honest and say that we have not thought of that.

**Mrs M Bradley:**

In small housing estates, is it acceptable that everybody has to suffer because of the problem? I know that it is a difficult issue, but it is one that there are big problems with.

**The Chairperson:**

Is the issue of dogs included in the guidance to the Housing Executive on antisocial behaviour?

**Mr Baird:**

It does not feature in that guidance at the moment, but it may be appropriate to revisit that.

**The Chairperson:**

It may well be.

**Mrs M Bradley:**

Please do that.

**The Chairperson:**

The poor dogs are often better behaved than the owners.

**Mrs M Bradley:**

I am a dog lover; I am not against dogs. It is the people who have the problems, and they just cannot deal with dogs. No one else wants to deal with them.

**The Chairperson:**

Some weeks ago, a lady asked me if we could have licensing for cats.

**Mr F McCann:**

I think that Mary is barking up the wrong tree.

**Mrs M Bradley:**

It would be grand if you would revisit it. The Housing Executive would need to work in conjunction with councils on that, of course.

**Mr Sands:**

You are giving new meaning to the phrase that even the dogs in the street know about it.

**The Chairperson:**

Mr McCann has already said that we are barking up the wrong tree.

**Mrs M Bradley:**

Years ago when a person got a house from the Housing Executive, the issue of keeping animals was one of the things contained in the tenancy agreement.

**The Chairperson:**

There are certain types of accommodation, such as flats, in which a person is not allowed to keep animals. However, the regulations are frequently breached, and that has to be dealt with. It may well be something that has to be looked at again.

**Mr Sands:**

We will look at that.

**Mr Brady:**

Will it be restricted to dogs? We should take an overarching view.

**The Chairperson:**

What about people? Or tigers?

**Mr Sands:**

Feral animals?

**Mr F McCann:**

Badgers?

**Mrs M Bradley:**

If dogs roam the streets, that is a problem.

**The Chairperson:**

I think that this is getting out of hand, so I will draw it to a conclusion. Thank you very much. We are in the early stages. The Bill reaches its Second Stage next week, and I am sure that you will be back frequently throughout the process. There will be more of what we had today, I am sure. Thank you very much, and we will keep in close contact as the Bill progresses.