Council Response

Belfast City Council welcomes the opportunity to comment on the consultation on the proposed Housing (Anti-Social Behaviour) Bill (Northern Ireland). The Council welcomes measures that will assist Social Landlords in dealing with anti-social behaviour, however any measures would require robust guidance and checks put in place to ensure a consistent approach is applied throughout the sector.

The Council would, therefore, request that the Department consider the following comments:

1. Existing measures for tackling anti-social behaviour will remain in place and this additional measure will support them and be used in conjunction with them. The City Council therefore requests that guidance is produced to support this legislation and that this reflects the graduated approach adopted by other measures available for dealing with antisocial behaviour.

2. The Council requests that the DSD considers implementing a training programme for social housing providers and the Courts Service be developed to ensure a consistent approach to the new to the new legislation.

3. Pivotal to the success of good regulation and effective approaches is the ability of the relevant organisations to share data and information. This amendment therefore should also prescribe data sharing responsibility. At present we have an information sharing protocol with PSNI &NIHE, allowing us to share sensitive information for the prevention of crime and antisocial behaviour, the basis for our ASB Forums which DoJ fully support and are currently promoting this effective partnership working.

4. We do not have such protocols with housing associations. If we are to effectively support housing associations to deal with antisocial tenants we need to have robust legal framework for information sharing protocols that allow relevant officers to share information that is complaint with Data Protection legislation.

5. BCC believe it is vital that this amendment to the SST legislation should therefore prescribe data sharing responsibility that covers all registered social landlords, PSNI, NIHE and local councils. DSD should give consideration to including other agencies such as Probation NI & Youth Justice should also be included.

6. Given the potential resource required for the provision of floating support, there are concerns that the level provided may vary between different housing providers. The Council feel that Guidance will therefore be required to ensure consistency in its application.

7. It is possible that a large percentage of support packages to tenants, subject to the proposed tenancy, will be provided by voluntary or community based organisation. We would ask that the DSD consider what assistance can be given to these organisations to ensure continuity of service and support.

8. If the Bill is introduced there is a concern that if tenants are removed/excluded from the social housing sector, they would be shifted to the private rented sector which is unlikely to have access to any of the support services which are available to the social housing sector. This could in term create a shifting of a problem to which there is no
remedy and could blight other areas. Consideration should be given to the introduction of similar powers that would allow the same control in the private rented sector.

9. In light of the proposed welfare reforms and the need for houses in multiple occupation, we think that this proposed change needs to be considered and aligned to the review of the application and management of HMO’s. These proposals also need to be considered in light of the review of the NIHE and the shift towards more a model of Housing associations led landlord arrangements- for both unregulated as well as regulated Housing associations.

In addition to the above comments the Council have completed the questionnaire provided with the consultation documents. These are set out below:

1. Do you agree that the proposals on short secure tenancies will provide social housing providers with an appropriate tool to ensure their tenants and others can peacefully enjoy their homes?

Yes, the Council agrees with the above statement. Belfast City Council’s response to antisocial behaviour is to be proportionate and graduated, as we feel the introduction of SST’s will be. The SST will only be granted by a court, when satisfied, that a tenant or member of their household has been convicted of an offence or had an order made against them. This protects those tenants that are behaving from having their tenancy demoted and allows the landlord to begin a graduated response to address the behaviour if they are behaving in an antisocial or criminal manner.

It would be assumed that the Courts will look to the landlord to provide evidence of intervention or support before granting a SST, so the tenant is likely to have been offered and declined or not responded to support before an application for a SST is made. Again, a graduated response. The Council would request that guidance is produced to support this legislation and this reflects the graduated approach.

2. Do you agree that the proposals on short secure tenancies will provide social housing providers with an appropriate tool to help struggling tenants to sustain their tenancies?

Yes, the Council agrees it is an appropriate tool. By reducing the security of the tenancy the landlord is sending a clear message that unless the support is taken, a positive response achieved and behaviour improved, then the tenant will lose their tenancy and be ineligible for social housing. Again we see this as graduated; tenants are being offered a support mechanism to stop their antisocial behaviour and a reasonable period in which to do so.

3. How can social landlords best work in partnership with others in the delivery of support services to those tenants holding short secure tenancies?

In our experience social landlords already have networks of organisations providing support that they can suggest tenants seek help from. It is possible these organisations, as part of their core business will provide these services free of charge. In order to formalise referrals for support, social landlords could establish SLA’s with voluntary organisations such as FASA, NIACRO, NI Alternatives, CRJI, Surestart, Princes Trust etc. and improve referral mechanisms to statutory agencies like Social Services, Probation NI, Youth Justice Agency to cover the spectrum of issues that contribute to the tenant’s antisocial behaviour.
However, we understand that sustainable funding for many of these organisations may be an issue and their ability to provide additional service support as a result of any new proposals would need to be identified and explored. Discussion and engagement by DSD with this sector would be vital, will they be able to provide additional resource and who will fund this?

In this way when a referral for support is made, there is a clear path for the tenant to access the support and there should be appropriate consent or information sharing agreements to allow the landlord to find out how the intervention is working, as the courts are likely to require evidence of the support, despite the new legislation stating that the courts are required to grant possession of a SST should the landlord apply for this after the 6 month period.

4. Are there any additional proposals, including non-statutory actions, which should be considered?

The Council agrees with the use of ABC’s, again they are graduated, offering a person a chance to improve their behaviour and in our experience are offered alongside support.

The Council would have concerns about the use of floating support as social landlords would need to formalise relationships with support providers and in all likelihood will have to fund this support. Are DSD to provide additional resources to fund adequate and appropriate support, as tenants may require a number of interventions, over a prolonged period of time? It would be unrealistic to push these costs back on the landlord, which could in turn impact on rents.

It is accepted that the degree of floating support will vary from case to case. However there are also concerns that given the potential resource required its provision may vary between different housing providers. Guidance will therefore be required to ensure consistency in its application.

5. Do you have any comments on the proposal to amend the Housing (Northern Ireland) Order 1988 as proposed above, i.e. to provide that a person can be found ineligible for homelessness assistance at any stage before they are allocated a tenancy of social housing?

The Council thinks the previous legislation with regard to ineligibility to be confusing and so agree that this amendment will give clarity to the process of making a person ineligible for social housing.

Often there are questions to social landlords on the suitability of persons for housing when they, or members of their household, are known to engage in antisocial behaviour. If the decision on whether a person is suitable for housing will not be made at one point in time but over a period of time, before a tenancy is granted, this gives the landlord a greater window to assess the suitability for social housing. This is fair to the landlord, to any potential neighbours of the prospective tenant, and to the tenant because if they and their household members are behaving, they should not have concerns about being made ineligible.

6. Is there anything additional that should be considered?

As with any amendments to legislation it is important that the courts are fully aware of these new powers as the magistrates will still place the burden of proof on the landlord before granting possession, even if the SST states they are required to do so after 6 months, should the landlord apply.
The Council would advise that a training programme for social housing providers be devised to cover these amendments. NIHE may have the capacity to amend their procedures and legal teams to ensure compliance with the procedure as a result of any new legislation, therefore making effective use of these powers. However the Council would have concerns that this is not the case from some housing associations that may not fully enact these powers once granted. As more and more social housing is under the management of housing associations there would be a concern that if they are slower to deal with their antisocial tenants, this will be to the detriment of neighbours and the wider community.

It is important to note that in Belfast we have an information sharing protocol with PSNI &NIHE, allowing us to share sensitive information for the prevention of crime and antisocial behaviour, the basis for our ASB Forums which DoJ fully support and are currently promoting this effective partnership working. We do not have such protocols with housing associations, either individually or a broader social landlord. If we are to effectively support housing associations to deal with antisocial tenants, as an expanding social landlord category, we need to have robust legal information sharing protocols that allow officers to share information without fear of breaching Data Protection legislation. It would not be practical to sign a separate agreement with each housing association, so BCC believe it is vital that this amendment to the SST legislation should also prescribe data sharing responsibility that covers all registered social landlords, PSNI, NIHE and local councils as a minimum. Other agencies such as Probation NI & Youth Justice should also be included.

Finally, BCC have concerns in relation to the private rented sector controls around this issue, and if antisocial tenants are to be removed from the social rented sector to the private rented sector, without dealing with their behaviour, we have merely shifted the location of the problem to a sector where there is limited regulatory tools for any of the agencies to effectively address tenancy issues and cannot share information effectively.

BCC therefore seeks a response to the issues raised above and to proposals are planned to improve the tenancy behaviour controls in the private rented sector.

7. Do you have any evidence to suggest that the proposals within this document would create an adverse differential equality impact on any of the nine equality categories under Section 75 of the Northern Ireland Act 1998?

Yes. There is a potential adverse impact on people with learning disabilities/mental health issues, who may not understand regulations or what is expected of them in terms of their behaviour – there needs to be ongoing support and care to address any difficulties as they arise in a meaningful way.

The same issues may apply to people from migrant and minority ethnic communities, including Irish Travellers, regarding cultural differences. Language and translation issues may also be relevant here. People with multiple identities such as older male single residents, who have had difficulties in the past, may have difficulties settling and the short term tenancy may adversely affect this category of people, unless particular support is given.

8. Do you have any evidence that there is any scope for the proposals within this document for promoting good relations between the equality categories?

As social housing is largely segregated along religious lines, there would not appear for there to be any scope for promoting good relations between the two main traditions. However, the Short Secure Tenancy may be advantageous in tackling any low level issues of racism within the social housing sector, which can help people from different racial backgrounds feel more safe and secure in their homes – leading to better relationships among neighbours. We are
aware of the Shared Neighbourhood schemes within the work of the NIHE and are aware that they have a code of conduct.

9. **Do you have any evidence to suggest that the proposals within this document would create an adverse differential impact on rural areas?**

As this relates mostly to the Belfast area, the comments in question 7 would also apply, where relevant in multi-ethnic communities. However, people generally require being housed in areas where they feel safe and that provision may not be available in rural areas.

10. **Do you have any comments on the potential regulatory impact of the proposals?**

The Council has no comments to make in relation to this.