

Consultation on the Draft Regeneration and Housing Bill

Belfast City Council Draft Response

1.0 INTRODUCTION

- 1.1. Belfast City Council welcomes the opportunity to respond to the draft Regeneration and Housing Bill. This is a timely and much needed piece of legislation, which represents the first real positive step in enabling the transfer of additional functions to councils and in creating strong and responsive local government. The draft Bill will enhance local government service delivery and the ability of the Council to make a real and lasting difference at the local level and, therefore, is strongly welcomed.
- 1.2. The Council seeks, through this response, to further enhance the effectiveness of this legislation for the benefit of its local people and for councils' residents across Northern Ireland.
- 1.3. The Council's response is structured as follows. First, the Council addresses a number of key strategic themes that arise, in a number of provisions, throughout the Bill. Second, the Council responds to the specific provisions of the Bill as relevant.

2.0 GENERAL COMMENTS

- 2.1 **Legislative Process:** While the Council fully welcomes the Bill and the enhanced responsibilities it confers on councils, it is conscious that much of the detail around the outworking of this legislation will be set out within the subsequent subordinate legislation (i.e. regulations) of which there is no detail at the moment. The Council would therefore advocate the need for the Department to consult with all interested parties (including the Council) in the drafting phase of any subordinate legislation related to the draft Bill. This would enable the Council (and all councils) to assist the Department in drafting even more effective regulations for the benefit of local people.
- 2.2 Due consideration will also need to be given to the inter-relationship and operability between this Bill (and its component parts) and other RPA related legislation (e.g. Local Government Reorganisation Bill) and their component parts e.g. transfer schemes.
- 2.3 **Relationship between central and local government:** While the Council recognises the role of the Department and Minister in setting the regional policy framework within which the functions will be administered, it would recommend that local government should be afforded the necessary level of autonomy and flexibility to deliver such functions at the local level.
- 2.4 The Council would be of the view that over-intervention by the Department would reduce the degree of freedom afforded to local authorities and would contradict the aspiration of the RPA to create a 'strong, dynamic and responsive local government sector'.
- 2.5 In particular the Council seeks clarification as to the Departments intentions in regards to: retaining a 'regional policy' role; input into projects which are of 'regional significance'; 'oversee' particular projects; have the power to 'approve' development schemes; and 'direct' councils with regards to specific initiatives.
- 2.6 Role clarity between central and local government in relation to the policy and operational aspects of the functions covered by this Bill will be important so as to provide the necessary clarity and assurances to relevant stakeholders impacted upon by the functions covered by the Bill. Any ambiguity may leave councils and the Department open to potential future challenge

- 2.7 **Regional Significance:** Given the role of Belfast in the regional economy it could be considered that any significant developments within the city are likely to have regional implications with the result that the proposals could be taken out of the Councils remit and retained by the Department under the current provisions of the Bill. The Council would request further detail from the Department on the classification of 'regional significant projects' and the role of the Council in progressing these.
- 2.8 **Transfer of Assets and Liabilities:** The Council would be concerned that provisions exist within the Bill which enable the Department to make regulations specifying exemptions to the transfer of assets and liabilities to councils in relation to both development schemes and Lagan-side. This could have significant financial implications for the Council if the Department were to transfer high-cost liabilities yet retain high value assets.
- 2.9 The Council seeks to be fully and formally consulted in relation to the detailed breakdown of the precise nature of functions, assets, and liabilities that will transfer to councils in relation to the functions transferring under both Parts 1 and 2 of the draft Bill.
- 2.10 **Lagan-side:** The Council would be concerned about the ability of the Department (within the provisions of the Bill) to exempt a number of undeveloped sites from statutory transfer to the Council, but instead transfer them on a non-statutory basis with specific conditions attached (as referred to at para 33, page 16 of consultation document). The Council would seek further detail in regards to the Departments intentions in regards to this issue and the nature of any conditions to be attached to undeveloped sites. Given the direct relevance to and impact upon the Council, it would seek formal engagement with the Department at an early stage.
- 2.11 **Resources:** In advance of any transfer of functions there needs to be a full due diligence assessment undertaken to ensure that the level of resources are adequate to provide the council with the capacity to deliver the functions effectively.
- 2.12 Clearly there remain issues of detail which still need to be addressed when the associated subordinate legislation is being drafted. The Council looks forward to working closely with the Department in the development of any accompanying regulations which are to emerge from the Bill.

Detailed comments on the Draft Regeneration and Housing Bill – clause by clause

| Reference | Explanatory Memorandum overview | Belfast City Council Comments |
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| Part 1: Regeneration | | |
| Chapter 1 – Powers in relation to Social Need | | |
| <p>Clauses 1 and 2</p> | <p>Financial assistance to address social need; Conditions attaching to financial assistance</p> <p>A council will be able to provide financial assistance to third parties which it considers will benefit (directly or indirectly) areas of social need in its district.</p> <p>A list of examples of the types of activities which a council may fund is given but this list is not prescriptive and councils will have wide discretion about what they decide to fund.</p> <p>Financial assistance may take the form of grants, loans, guarantees or the taking of any interest in property or in a body corporate. A council will be able to attach such conditions as it thinks fit to the provision of financial assistance and failure to comply with certain conditions may be an offence.</p> <p>For the purposes of determining whether a condition has been complied with or whether financial assistance has become repayable a council may by notice require a person to give information or produce books, records or other documents. Failure to comply with such a notice or providing false information in response to such a notice may be an offence.</p> | <ul style="list-style-type: none"> ▪ The Council welcomes clauses 1 and 2 given their potential to enable councils to address issues of social need at a local level. ▪ The Council further welcomes the “<i>wide discretion</i>” given to it within the Bill to provide financial assistance to third parties it considers will benefit areas of social need. The Council also welcomes that the list of third parties to which it can give financial assistance will not be prescriptive (clause 1 (2)). ▪ The Council would seek notification of the programmes and initiatives (and associated funding) which are currently being operated by the Department so as to inform the necessary transitional / handover arrangements. ▪ The Council welcomes the conditions attached to financial assistance under section 2 (1). These conditions are useful in that they appear to enable the Council to claw back / enact profit-share arrangements in relation to property which receives financial assistance. ▪ The Council would seek further clarification from the Department on the future relationship between central and local government in terms of the establishment of regional policy and how this may affect the delivery of the powers set out within clauses 1 and 2. |

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| Clause 3 | Power to carry out works for the improvement of the environment | <p>Clause 3 allows a council to carry out works for the improvement of the environment which it considers will benefit an area of social need in its district. Certain works require the consent of the Department for Regional Development.</p> | <ul style="list-style-type: none"> ▪ The Council welcomes this provision which provides councils with the power to carry out works for the improvement of the environment in areas of social need. ▪ The Council believes that such provisions will strengthen the ability of councils to deal with dilapidated buildings. |
| Clause 4 | Power of Department to provide financial assistance | <p>Clause 4 amends Article 3 of the Social Need (Northern Ireland) Order 1986 by removing reference to districts in defining the focus of the Department's financial assistance. This more clearly reflects the role the Department will have in supporting regional level activity, for example community and voluntary sector organisations providing services across Northern Ireland.</p> | <ul style="list-style-type: none"> ▪ The Council welcomes the removal of the reference to "districts" in redefining the focus of the Department's financial assistance to that of supporting regional level activity. However, the Council would seek assurances that this would not undermine councils' access to funding. |
| Chapter 2 – Development Powers and other Powers for Planning Purposes | | | |
| Clauses 5 and 6 | Development schemes of councils; adoption of development schemes by councils | <p>These clauses give councils powers to prepare and adopt statutory 'development schemes' which, once adopted, form part of the local development plan. Development schemes have been used on occasion by the Department to pursue large-scale regeneration projects such as Victoria Square in Belfast.</p> <p>Clause 5 allows a council to prepare a development scheme for an area in its district which it considers should be developed, redeveloped or improved as a whole. Development schemes must be defined by a map and set out in general terms the intentions for land use and layout.</p> <p>The Department will be able to direct a council to prepare a development scheme where it considers that the regeneration of an area is required and likely to be of regional significance and the council</p> | <ul style="list-style-type: none"> ▪ The Council welcomes the proposed extended role of councils in relation to the preparation and delivery of development schemes. ▪ The process as outlined in the draft Clause appears to involve the potential for significant time delay in the approval process because a council is under a duty to submit the scheme to the department for comment (6(1)(a)) and also for approval 6(5). ▪ The Council seeks clarification as to the connection the Draft Bill has with broader legislative frameworks (in particular the Planning (NI) Order 1991). ▪ The Council would suggest that the definition of what is regionally significant should not rest with DSD alone but should be linked to the Regional Development Strategy or Regional Transport Strategy or other overarching plans |

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| | <p>is best placed to take this forward. This provision is related to clause 9 and the ability of the Department to make regulations requiring councils to provide information in relation to certain types of development proposals. (See paragraph 22)</p> <p>Clause 6 specifies the procedure for consulting on development schemes and considering objections. Councils will be required to consult with the Department for Social Development in the preparation of development schemes and will also have to publicly advertise its draft schemes.</p> <p>Any relevant objections to a draft scheme which cannot be resolved must be considered by the planning appeals commission at public local inquiry. A development scheme cannot be formally adopted by a council without the approval of the Department.</p> <p>The Department will expect councils to demonstrate that they have worked with the Northern Ireland Housing Executive when developing scheme proposals which involve social or affordable housing.</p> | <ul style="list-style-type: none"> ▪ The Council would have concerns that given the role of Belfast in the regional economy it could be considered that any significant proposal for the city would have regional implications and significance with the result that the proposals would be taken out of the Council’s remit and retained with the Department. ▪ It is the Council’s view that any Departmental veto should only be exercised in highly exceptional circumstances, and that these circumstances should be made clear. ▪ The Council would advocate the need for prior and appropriate consultation and engagement with relevant council prior to the Department exercising its power of direction ▪ The Council would seek assurances that there will be a detailed analysis of the financial provisions and financial mechanisms that will enable this extended role of councils. ▪ The Council welcomes the harmonisation of planning and regeneration within the Council. There is, however, uncertainty in respect of the situations where the planning power could be exercised by the Regional rather than local planning authority. There is also a significant change in that the Council sponsored schemes will be subject to the approval of the Department(s). ▪ The Council would note that there is no mechanism within the Bill allowing for the Council to challenge the Department's decision in relation to a Development Scheme. ▪ The Council feel that there may be a duplication of potential responsibilities, between the undefined regional level and council. This could be the source of uncertainty and challenge when the different potential agencies pursue implementation or the application of the new powers. |

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| <p>Clause 7</p> | <p>Acquisition of land by councils for planning purposes</p> <p>A council will be able to acquire land, by agreement or compulsorily, for certain planning purposes. A council cannot compulsorily acquire Crown Land, for example former military sites held by the Office of the First Minister and the deputy First Minister for regeneration under the Strategic Investment and Regeneration of Sites (Northern Ireland) Order 2003.</p> <p>The procedure for acquisition of land by vesting order is set out in Schedule 6 of the Local Government Act (Northern Ireland) 1972. Councils must apply to the Department to make a vesting order if they wish to compulsorily acquire land.</p> <p>Proceedings for the acquisition of land in connection with a development scheme and proceedings in connection with the adoption of a development scheme can be taken concurrently up to a point but a vesting order cannot be made until the development scheme has been adopted.</p> <p>A council will be able to acquire land “in the interests of the proper planning of an area” if they are satisfied that the purpose for which they want to acquire the land is in keeping with an extant local development plan.</p> | <ul style="list-style-type: none"> ▪ Consideration should be given to excluding the need for a public enquiry where the objection or objections are considered to be de minimis. ▪ The Council welcomes the extension to councils of the power to acquire land for planning purposes as this will greatly facilitate physical regeneration projects and the delivery of development schemes. ▪ The Council note that 7 (2), vesting is permitted if a council acquires a lesser estate than a fee simple in any land. It would be useful as part of site assembly, to expand this to include vesting to amalgamate sites acquired by agreement to create a single clean title. |
| <p>Clause 8</p> | <p>Disposal of land held by councils for planning purposes</p> <p>A council will be able to dispose of land which it holds for planning purposes in order to secure the best use of land or buildings or to secure the erection or construction of buildings or carrying out of works which the council considers are needed for the proper planning of the area in which the land is situated.</p> | <ul style="list-style-type: none"> ▪ It is the Council’s position that Clause 8 of the Bill should expressly permit the Council to retain any funds from the sale of such property falling under this section, for the purpose of potentially reinvesting this money in regeneration schemes. ▪ The Council would note that at Para 90 (3) of the Planning Order NI 1991 states that Clause 6 of Section 5 of the Stormont Regulation & Government Property Act (NI) shall not apply for the disposal of any land under this Article. Clause 6 |

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| | | <p>says that any moneys received by a Department in respect of any transaction carried out by such Department shall be paid to the Exchequer of Northern Ireland. Similar provision should be made in the draft Bill in respect of councils.</p> <ul style="list-style-type: none"> ▪ Clause 8 as drafted may require screening to ensure compatibility with Article 1 Protocol 1 of the Human Rights Act 1998. |
| <p>Clause 9</p> | <p>Development of land by councils for planning purposes</p> <p>A council will be able to develop land which it holds for planning purposes by erecting or constructing buildings or carrying out works or entering into agreements with any person for the development of land. A council will also be able to maintain, repair and generally manage buildings or works on land which is being held for development purposes.</p> <p>The Department will have the power to make regulations which would:</p> <ol style="list-style-type: none"> 1) require councils to provide the Department with specific information about their plans to develop land in particular circumstances and; 2) enable the Department to delay the council from using its development powers in those circumstances for a specified period of time. The detail of these regulations will be developed and consulted upon separately. <p>The purpose of the regulations will be to ensure that the Department is kept informed of any proposed development which is likely to be of significance to the whole or a substantial part of Northern Ireland.</p> <p>It is intended that these regulations will be used to inform the Department's decision about whether to direct a council to prepare a development scheme under clause 5.</p> | <ul style="list-style-type: none"> ▪ The Council welcomes the extension of the role of councils to develop land for planning purposes. ▪ The Council would have concerns regarding the Department's oversight role and the potential restrictions on the Council's ability to develop and deliver proposals. The Council would also note that the debate around the undefined retained planning powers started with the concept that there would be very few situations where this would be exercised and became enshrined in a more formalised tiered approach covering an increased number of eventualities. ▪ The retained regional planning function for applications also introduces an element of uncertainty as to whether the Council will have the ability to manage the interrelated aspects of more complex regeneration proposals as the DoE may consider the proposals to fall within the regional tier of applications for consideration by the <i>Regional Planning</i> body. ▪ The Council note that Clause 9 enables the Department to make regulations to require councils to provide information on plans to develop land and to make regulations enabling the Department to delay the Council from using its development powers for a specified period of time. The Council would therefore advocate the need for the Department to consult with all interested parties (including the Council) in the drafting phase of any subordinate legislation related to the draft Bill. |

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| Clause 10 | <p>Powers of council before acquisition of land for planning purposes</p> <p>A council will be able to enter into agreements for the development or disposal of land which it intends to acquire compulsorily, at any time after it has published notice of the application for a vesting order.</p> | <ul style="list-style-type: none"> The Council has no comments on this Clause. |
| Clause 11 | <p>Extinguishment by council of right of way</p> <p>A council will be able to extinguish by order public right of way over land which it holds for planning purposes if it considers that this is necessary for the proper development of the land.</p> <p>A council will have to publicise its intentions and serve notice on any affected statutory undertakers and electronic communications operators, for example NIE or Northern Ireland Water. Councils may cause a public local inquiry to be held by the planning appeals commission to hear objections to the proposed order.</p> <p>Sub-sections 7-11 contain a number of safeguards for operators of electronic communications networks in the event of an extinguishment order being made.</p> | <ul style="list-style-type: none"> The Council welcomes Clause 11 insofar as it is a key provision in enabling development to take place. |
| Clause 12 | <p>Power of council to require information</p> <p>A council will be able to issue a notice requiring the occupier of any premises or a person receiving rent for any premises to provide certain information to enable the council to make an order or issue or serve notice. Failure to comply with such a notice or providing false information in response to such a notice may be an offence.</p> | <ul style="list-style-type: none"> The Council welcomes Clause 12 as it will assist councils in determining ownership of buildings/properties. |
| Clause 13 | <p>Development schemes made by the Department</p> <p>Clause 13 amends Article 85 of the Planning Order by restricting the ability of the Department to make development schemes. In order for the Department to make a development scheme it must be satisfied that the development, redevelopment or improvement of an area will</p> | <ul style="list-style-type: none"> Given the role of Belfast in the regional economy it could be considered that any significant developments within the city are likely to have regional implications with the result that they could be retained by the Department under the current provisions of the Bill. |

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| | <p>be of regional significance and that the relevant district council is not best placed to carry this out.</p> | <ul style="list-style-type: none"> ▪ The Council would request further detail from the Department on the classification of ‘regional significant projects’ and the role of the Council in progressing these. |
| <p>Clauses 14 to 17</p> | <p>Transfer of assets and liabilities to councils</p> <p>The Bill provides for the transfer of assets and liabilities held or incurred by the Department for planning purposes to the appropriate district council. The Department will also be able to make regulations specifying exceptions to the transfer.</p> | <ul style="list-style-type: none"> ▪ The Council notes that Clause 14 makes provisions for the automatic vesting of assets and liabilities held by the Department for the purposes of, or in connection with, a transferred development scheme. ▪ The Council would recommend that Clause 14 gives a further provision to the Department, at the request of the relevant council, to enter into special arrangements for the purpose of underwriting any onerous liabilities or potential liabilities which might affect the transferred asset. ▪ The draft bill, at Clause 17, allows the Department, by way of regulation to exclude assets & liabilities/schemes from transfer to councils. This could have significant financial implications for the Council if the Department were to transfer high cost liabilities yet retain high value assets. |
| <p>Clause 18</p> | <p>Unadopted development schemes</p> <p>The Department will be able to make regulations specifying transitional arrangements for an unadopted development scheme in the event that it is in the process of making a development scheme when the Bill is enacted.</p> | <ul style="list-style-type: none"> ▪ The Council would advocate the need for the Department to consult with all interested parties (including the Council) in the drafting phase of any subordinate legislation related to the draft Bill. |
| <p>Clause 19</p> | <p>Interpretation of Chapter 2</p> | <ul style="list-style-type: none"> ▪ The Council would recommend that within this Chapter, the phrase ‘The Department’ refers to the Department of Social Development. ▪ There is potential for confusion given that all of the Articles within the Planning Order NI 1991 were originally within the remit of the Department of the Environment but since devolution certain Articles have become the responsibility of the Department for Regional Development and the Department for Social Development. |

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| Chapter 3 – Laganside | | |
| Clause 20 | <p>Transfer to council of certain functions in relation to Laganside</p> <p>Clause 20 provides for the repeal of the Laganside Order and Schedule 1 sets out the powers which Belfast City Council will be able to exercise in relation to part of the River Lagan.</p> <p>These powers will enable the Council to safeguard the legacy of the work done by the Laganside Corporation and include:</p> <p><i>the power to execute works to facilitate access to the river or promote recreational use; power to construct bridges and weirs; power to make byelaws regulating e.g. fishing or the use of the river by vessels.</i></p> | <ul style="list-style-type: none"> ▪ The Council note that there may be significant financial and operational implications arising from the transfer of resources, revenue and operational maintenance from the Department to Belfast City Council ▪ The Council would advocate the need for a full due diligence assessment of assets, liabilities and functions ▪ In advance of any transfer the Council would recommend that there be detailed scoping exercise undertaken in relation to the necessary transition arrangements / range of services and resources needed to maintain Laganside operations |
| Clauses 21 and 22 | <p>Transfer of assets and liabilities to council</p> <p>The Bill provides for the transfer of Laganside assets and liabilities to Belfast City Council. The Department will also be able to make regulations specifying exceptions to the transfer. The Department may wish to exempt a number of undeveloped sites from statutory transfer under this Bill and instead transfer them on a non-statutory basis to the Council with specific conditions attached.</p> | <ul style="list-style-type: none"> ▪ The Council would have concerns in regards to the ability of the Department to exclude undeveloped sites from statutory transfer to the Council but rather to transfer them on a non-statutory basis with conditions attached. The Council would welcome the opportunity to engage with the Department in relation to this matter and the drafting of any associated criteria. ▪ Clause 21(3) states that “the transfer does not apply to rights or liabilities under a contract of employment”. Clarification is required in regards to the potential implications of this Clause in terms of the transfer of staff alongside the function. ▪ With respect to Clause 22(1) the Council notes that the Department may, by regulations, provide that section 21 (including the automatic vesting of assets and liabilities to Council) is not to apply to prescribed land. The Council would advocate the need for the Department to consult with all interested parties (including the Council) in the drafting phase of any subordinate legislation related to the draft Bill. |

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| | | <ul style="list-style-type: none"> ▪ The Council would note that the majority of Laganside assets, including the River Lagan & Weir, have very significant revenue and capital financial implications, the future cost of which may be very difficult to quantify, particularly for major capital renewal or repair works that may be required. The Council would therefore advocate that the transfer to BCC of <i>all</i> assets & liabilities (including development sites) would be appropriate in the context of meeting future expenditure requirements. ▪ In relation to paragraph 5 (1) of Schedule 1 the requirement of the Council to have the consent of DARD in respect of undertaking those works specified in paragraph 2(1) and (2) would appear to be unnecessarily onerous in respect of certain activities except for those matters directly affecting environmental issues and water quality (which the Council would recognise are clearly within the remit of DARD). |
| Clause 23 | Surveys and Studies A council will be able to conduct or fund studies, investigations or research related to the exercise of its functions under Part 1 of the Bill e.g. social need in its district; development or redevelopment of its area etc. | <ul style="list-style-type: none"> ▪ The Council has no comments on this Clause. |
| Clause 24 | Guidance Following consultation with councils the Department will be able to issue guidance in relation to regeneration. For example, if a council is taking forward a regeneration scheme which involves an element of social or affordable housing, the Department will require councils to work with the Northern Ireland Housing Executive in developing its proposals, in the same way in which the Department has traditionally done. This is in recognition of the NIHE's role as Northern Ireland's strategic housing authority. | <ul style="list-style-type: none"> ▪ The Council welcomes the stipulation within Clause 24 that guidance will only issue following consultation with councils. ▪ The Council would recommend that in line with good practice, that there be pre-developmental consultation in respect of all guidance, whether regulatory or otherwise, which relates to council activity and procedure. |

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| Part 2 – Housing | | |
| Clauses 25 and 26 | <p>Housing unfitness</p> <p>The Housing Executive currently has a statutory obligation to identify and address unfitness in both social and private housing. To do this, it employs a number of methods to tackle the problem, including repair, closing, deferred action and demolition notices for individual properties, access to private sector grants in appropriate cases and the declaration of clearance and redevelopment areas.</p> <p>Councils currently have more limited powers for dealing with unfit housing in the private rented sector. These are set out in the Private Tenancies (Northern Ireland) Order 2006.</p> <p>Clauses 26 and Schedule 2 set out the proposals for transferring the statutory obligation to identify and address unfitness in all housing to councils. Councils will also be given a range of powers to deal with unfit housing, including the ability to serve repair, closing, deferred action and demolition notices for individual properties.</p> <p>These powers will be complemented by a number of the new regeneration powers available to councils under Part 1 of the Bill, particularly the powers to prepare and deliver development schemes to improve a whole area.</p> <p>A number of development schemes are likely to include a housing element. For this reason, the Housing Executive’s powers to declare clearance and redevelopment areas, which are similar to those available to councils to undertake development schemes, are being repealed rather than transferred. Clause 25 sets out the detail of the provisions being repealed.</p> <p>The Housing Executive will continue to retain responsibility for the delivery of private sector grants.</p> | <ul style="list-style-type: none"> ▪ The Council welcomes the powers of the Bill insofar as powers are transferred to Councils in respect of housing unfitness. ▪ Traditionally the Housing Executive has relied on district council staff to provide the evidence for unfitness. In addition, powers under the Private Tenancies (NI) Order 2006 allow district councils to deal with unfitness specifically in the private rented sector. It would appear that the extension of powers, under the Bill, for Councils to intervene generally in respect of unfit dwellings is a formalisation of this important regulatory function. ▪ The Council would suggest that there may be merit in the consideration of a more general provision in relation to the ability to secure the improvement of property that would be considered detrimental to the environmental amenity of regeneration areas by virtue of its condition. This could supplement the current powers or responsibility to take action where properties are in a dangerous or unfit condition. |
| Clause 27 | <p>Houses in multiple occupation</p> <p>Houses in Multiple Occupation (HMOs) are one part of the private</p> | <ul style="list-style-type: none"> ▪ Belfast City Council welcomes the proposals in the Bill for the transfer of this function from the NIHE to district councils. |

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| | <p>rented sector, providing accommodation to individuals without a close family relationship, such as students, young professionals and migrant workers.</p> <p>For over nearly twenty years, Government policy on HMOs has focused on improving the standard of accommodation and the way in which this is managed. To date, the Housing Executive has been responsible for regulating HMOs, including the management of a registration scheme which operates in areas with higher concentrations of HMOs.</p> <p>As HMOs tend to be concentrated in areas with large numbers of students and migrant workers, some councils will have a more significant role than others. Councils can, if they wish, work in partnership with one another in the regulation of HMOs, using powers available to them under the Local Government (Northern Ireland) Act 1972. This may be a particularly attractive option for those councils with lower numbers of HMO properties.</p> | <ul style="list-style-type: none"> ▪ In considering the transferring of this function, due consideration will need to be given to ensure that staffing and financial allocation is commensurate with the number of HMOs in each council area to ensure that councils have the capacity to deliver this function effectively. ▪ The Council would welcome early dialogue, and where relevant full and formal consultation as to detailed breakdown of resources and funding, with the Department and NIHE as the specific provisions in this area are taken forward. ▪ The Council would also highlight the potential synergies with this function and existing regulatory enforcement activity undertaken by the Council in particular those currently with responsibilities in relation housing and building control. |
| Clause 28 | <p>Energy efficiency</p> <p>Under the Home Energy Conservation Act 1995 the Housing Executive was designated as Northern Ireland’s sole Home Energy Conservation Authority. The Act requires the Housing Executive to develop a strategy to significantly improve the energy efficiency of the entire housing stock and to submit annual progress reports thereafter.</p> <p>The Energy Efficiency (Northern Ireland) Order 1999 also gave the Department for Social Development powers to promote energy efficiency in residential accommodation. The Department has used these powers to establish the Warm Homes Scheme and develop a strategy for tackling fuel poverty in Northern Ireland. Fuel poverty is defined as where a household has to spend more than 10% of its income on fuel to maintain an acceptable level of warmth in the home.</p> <p>A number of councils have already undertaken a range of actions on energy efficiency and fuel poverty. The Bill formalises this position and provides all councils with powers to promote domestic energy</p> | <ul style="list-style-type: none"> ▪ The Council welcomes the proposal to provide councils with powers to promote domestic energy efficiency as an element in the drive to address fuel poverty. ▪ The Council understands that an option for a national Fuel Stamps Scheme will be included as a proposal for consideration in a DSD public consultation in the current Fuel Poverty Strategy due out in the spring of this year. ▪ In order to facilitate this type of support to the fuel poor however the Department may wish to consider a more explicit inclusion in the draft Bill that would ensure that Councils have a clear <i>vires</i> for such schemes by specifically empowering them to support schemes that are designed to assist the management of heating costs in residential accommodation. ▪ The administration of this function would have significant resource implications for councils. The Council would welcome full and formal consultation in relation to the nature and extent of resource provision. |

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| | <p>efficiency in their districts. The proposals include powers to deliver advice and information, provide funding or other assistance and produce action plans to improve domestic energy efficiency.</p> <p>To ensure coherence with existing activity, councils will be required to take account of work undertaken by the Housing Executive and the Department and provide information to the Housing Executive for the purpose of carrying out its functions as Home Energy Conservation Authority.</p> | <ul style="list-style-type: none"> The Council observes that there is an existing synergy with functions it currently holds with building control having a regulatory function in relation to building regulations and responsibility for energy performance certificates. A certain level of expertise already exists in Councils in respect of this function. |
| Clause 29 | <p>Housing Council</p> <p>The Northern Ireland Housing Council was set up by statute in 1971, at the same time as the Housing Executive, to provide a channel of communication between the Housing Executive and district councils on housing issues. The Housing Council currently consists of 26 members - one from each district council.</p> <p>It is now proposed that the membership from each of the 11 new Councils should increase from 1 to 2 to enable a wider political representation on the Housing Council.</p> | <ul style="list-style-type: none"> The Council accepts that the Housing Council will provide an advisory and consultative role to the Department and to the Housing Executive in respect of housing matters generally. The Council therefore welcomes the proposals in the draft Bill to permit each district council to appoint two of its members to be members of the Housing Council. |
| Clause 30 | Interpretation of Part 2 | <ul style="list-style-type: none"> The Council has no comments in relation to this Clause. |
| Part 3 – Supplementary | | |
| Clauses 31 to 36 | <p>The regulations made under the provisions of this Bill will be subject to negative resolution.</p> <p>This means that the regulations are made by the Department and will come into operation unless the Assembly passes a motion to annul them.</p> | <ul style="list-style-type: none"> The Council notes that Clause 32 stipulates that Regulations made under the Act relating to issues such as transitional arrangements will be subject to negative resolution. The Council would therefore stress the importance of the Department engaging with the district councils prior to the making of any Regulations. Prior consultation should ensure consistency with any new arrangements for the delivery of services, such as the regulation of HMOs, where district councils have already agreed the optimal delivery methods. |