



BALLYMONEY
BOROUGH COUNCIL

Our Ref: LJ/JMc/CC11.07/OCE.101/07

Date: 3rd April 2007

Julie Gillespie
Legislation Progress Unit
Room A4.01
Castle Buildings
Stormont Estate
Belfast BT4 3SR

Dear Ms Gillespie

**Re: Proposals for a Draft Order in Council:
The Public Authorities Reform (NI) Order 2007**

Council has considered the proposals for a Draft Order in Council; The Public Authorities Reform (Northern Ireland) Order 2007 and representations from the NI Housing Council on the proposed legislation.

It has decided to endorse the Housing Council's comments rejecting the proposed legislation and the abolition of the Housing Council as set out in the Housing Council's letter to you of 9th March (copy attached)

Yours sincerely

Liz Johnston
Head of Corporate & Development Services

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9th March 2007

s/HC/RPA/abol.

Dear Ms Gillespie,

Proposal for a draft Order in Council: The Public Authorities Reform (Northern Ireland) Order 2007

Thank you for inviting the Northern Ireland Housing Council to comment on the draft Order in Council.

Members have considered the consultation document at length and having confirmed their total opposition to the proposed legislation would comment as follows:

1.0 Legislative basis for abolition of the Northern Ireland Housing Council.

The premise, on which the draft legislation is based, in relation to the abolition of the Housing Council, is wrong.

The Housing Council's role and responsibilities have in Members' opinion, been deliberately grossly understated. Members would refer legislators to Article 4 and Schedule 2 of the Housing Order (NI) 1981 (copy appended), which gives some indication of the broader remit undertaken by the Housing Council over the past 35 years.

In the Explanatory Memorandum accompanying the draft Order, the Housing Council's role is inadequately reduced to a 3 line description and limited to being '*... a channel of communication between the Housing Executive and District Councils on housing matters*'. This description indicates an absence of any understanding of the Housing Council and its role.

1.1 The Northern Ireland Housing Council was established by statute in 1971, to retain a locally elected representative input into housing and

housing-related policies and strategies at a time when housing was devolved to a Quango, i.e. the Northern Ireland Housing Executive. The Housing Council was charged with considering any housing or housing-related matter referred to it, or any matter to which the Housing Council felt consideration should be given. The Housing Council was also expected to advise the Minister on any relevant matter and to oversee and challenge housing and housing-related policies produced by government and the Housing Executive.

- 1.2 Originally, 3 representatives (now 4) were appointed to the Board of the Housing Executive to ensure greater democratic accountability for that Quango. The Housing Executive is aware of government's intention to remove automatic rights of nomination to a public body simply because an individual is nominated from a particular organisation. It is understood that government wishes all public appointments to be made on merit. Members would point out that all Housing Council Members nominated to the Department for Social Development (DSD) for appointment to the Board, follow the procedure only recently laid down by DSD. This requires all Members seeking appointment to complete an application form. If shortlisted, Members are interviewed to determine their suitability for appointment to the Board. The Public Appointments Commission has approved of, and participated in, this appointments process.

The legislation, in removing the Housing Council's statutory right to seats on the Housing Executive Board, allows for all 10 Board Members to be appointed by the Minister. This will further reduce the public accountability of that Board and will strengthen its Quango status.

- 1.3 The Housing Council has been fully involved in all housing policy developments undertaken by the Housing Executive and government. The Housing Council has contributed to strategic government policies such as the Regional Development Strategy, Fuel Poverty Strategy, Promoting Social Inclusion, Neighbourhood Renewal Strategy and more recently, Sir John Semple's Affordability Review. The Housing Council has been heavily involved in the development of the Housing Selection Scheme over many years and has recently submitted responses to consultation documents on the Housing Executive's Rural Housing Policy Review, draft Sexual Orientation Policy Statement and draft Children & Young People's Strategy.
- 1.4 The Housing Council has played an active role in housing policy development both on the Board of the Housing Executive and in discussions with several government Ministers. Following representations made to various Health Ministers over recent years, the Housing Council made significant progress in improving the housing adaptations service for people with disabilities. The Housing Council was successful in its lobbying for additional university places and funding for Occupational Therapists. Regular progress reports on the OT service

are brought to Housing Council by the Head of Allied Professionals, DHSS&PS.

It will be obvious from this brief outline of the Housing Council's work that this represents much more than simply a 'channel of communication between the Housing Executive and District Councils'. It is of serious concern to Members (who are all elected representatives) that draft legislation has been progressed to such an advanced stage, in the absence of any in-depth investigation or understanding of one of the bodies proposed for abolition.

2.0 Democratic Accountability

A fundamental objective of the Review of Public Administration in Northern Ireland was to increase local democratic accountability.

The Housing Council is the only fully elected body overseeing housing policy and procedures in Northern Ireland. The proposed legislation will therefore effectively remove all current democratic accountability mechanisms for housing matters without proposing how the resultant democratic accountability gap is to be filled. The draft Order will result in a weakened legislative framework for housing.

- 2.1 Housing in Northern Ireland has been successful in no small measure due to the Housing Council's role in overseeing and challenging housing policies and procedures. There is currently a two-way learning process between policy makers and those experienced in the impact of policy implementation on the ground and province-wide i.e. Housing Councillors. Housing policies must be challenged on a province-wide basis to ensure equity and consistency in policy application.
- 2.2 The Housing Council has operated successfully for 35 years and under every form of public administration in Northern Ireland during that time. It has already operated within two devolved governments, both of whom recognised the value in having such a body oversee housing in the Province. No rational argument has been forthcoming from the Secretary of State or his Ministers as to why the Housing Council is no longer required.
- 2.3 In the absence of the Housing Council, housing in Northern Ireland must have a body of elected representatives on a cross-Council basis to carry out the current public accountability functions.

Such a body should:

- be of a statutory nature to ensure that housing policy makers are accountable in law.
- have adequate representation from each of the new Councils to ensure that it is fully representative.

- seek and consider, representations from the public housing movement, voluntary housing sector and those operating in a housing –related environment.
- have representative input on the Board of the Housing Executive, the Strategic Regional Housing Authority.

Only a democratically-elected body should have the remit to oversee housing policy development. The Housing Council fulfills all the above criteria and its continuation would render the proposed legislation unnecessary, in as far as it relates to the Housing Council.

The Regional Strategic Housing Authority, the Northern Ireland Housing Executive, has indicated that in the absence of the Housing Council it would seek to engage with a representative body of the new Councils in the same way as it currently engages with the Housing Council.

3.0 Financial Savings

- The legislation refers to anticipated financial savings of around £50k. The Housing Council would argue that the additional costs of consultation with each of the new Councils are likely to exceed the running costs of the Housing Council. The cost/savings are at best neutral. For the relatively modest cost of £50K incurred by the Housing Council, the electorate may be satisfied that all housing and housing-related policies are fully consulted upon with elected representatives and that the formal representations made by the Housing Council to government are in the interests of the end-user and public generally.

4.0 Political Support for the Housing Council

The Housing Council operates successfully, irrespective of political opinion and promotes Good Relations between all political groupings for the greater public good.

The retention of the Housing Council has been supported by the vast majority of democratically elected representatives, political parties and therefore the political spectrum at local and regional levels. Details of the confirmed support received are available on request. This serves to highlight the cross-party support for the Housing Council and its work. Members therefore find it difficult to understand how, when government is seeking to increase democratic accountability in Northern Ireland, it considers it acceptable to totally ignore the views of the majority of elected representatives.

4.1 The role of NILGA

The Northern Ireland Local Government Association (NILGA) regards itself as the representative voice on issues affecting local government. As local Councillors, Housing Council Members are aware of the work undertaken by NILGA on behalf of Councils. Housing however is not a

Council function, nor will it be for the foreseeable future. Therefore NILGA has not represented Councils on housing or housing-related matters and has no expertise in the areas of housing policies, strategies or administration. It is therefore clear that NILGA is not in a position to carry out the role and functions of the Housing Council and if asked to do so, would be unlikely to be in a position to give housing the attention it requires since it is not a Council function. At a time when housing issues are dominate discussions at local, regional and central government levels, responsibility for housing matters should remain within experienced housing structures.

The Department of the Environment appears to have charged NILGA with responsibility for communicating the views of local government on RPA proposals and implementation plans. The Department should be aware of NILGA's failure to do so in relation to the retention of the Northern Ireland Housing Council.

Members have been extremely concerned and disappointed at NILGA's lack of representation to government on the Housing Council's future. The vast majority of Councils have registered their support for the Housing Council's retention with NILGA. If NILGA is to continue to claim to be the voice of local government it must review its current practices and structures to ensure that it truly represents the views of local government. A number of Councillors on the Housing Council have expressed concern and a lack of confidence in NILGA's ability to do so.

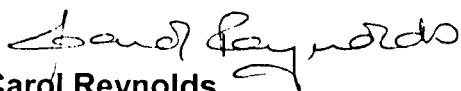
5.0 Summary

Legislators should be aware that at no time during the Review of Public Administration consultation process was any reference made to the abolition of the Housing Council. There was no opportunity for public consultation on the Housing Council's future, nor was the Housing Council itself approached at any time. The first public reference to the Housing Council was in the Secretary of State's final report launched on 21st March 2007 and related to its proposed abolition. At that stage, no opportunity was available to counter the decision to abolish this statutory body. This alone is at best inequitable, undemocratic and cause for legal challenge. To enact legislation in such circumstances would be undemocratic. The way in which the decision was made is the subject of a 'Freedom of Information' request and the way in which the request is being handled is the subject of a complaint to the Commissioner for Information.

With regard to the many issues raised in this letter on the erroneous basis for the legislation; the potential democratic accountability gap; the very modest running costs of the Housing Council and the overwhelming political support for its retention, the Housing Council wishes to record the strongest of objections to the proposed Order in Council.

The Housing Council would ask government to reconsider its position on this matter.

Yours sincerely,



Carol Reynolds
Secretary
Northern Ireland Housing Council

c.c. Peter Hain , Secretary of State, NIO;
David Hanson, Minister of State, DSD;
Stephen Peover, Permanent Secretary, D.O.E;
Political Party Leaders;
Local Councils.