

FINAL Submission

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12th March 2010

Dear Stephen

RE: Proposed Housing Bill

1. The Community Relations Council (CRC) welcomes the opportunity to comment on the above consultation. CRC's aim is to lead and support change in Northern Ireland towards reconciliation, tolerance and mutual trust and promote sharing over separation. We work by promoting constructive and relevant dialogue, by actively supporting those taking real risks for relationship building, by acting as a practical bridge between groups in society and between the public, private, voluntary and community sectors and by promoting wider learning through developing better practice.
2. Housing is a critical matter for the Community Relations Council. It impacts on where people feel safe to live, work and play and touches on profound issues of territorial control, choice, freedom of movement and intimidation.
3. CRC's comments are will focus on community and good relations issues, and subsequently we will not offer detailed views on all of the issues raised within the consultation document.
4. **Injunctions against anti-social behaviour, illegal use of premises and breach of tenancy agreement.**
 - a. Following the public consultation event, Council again reiterates the need to clarify that injunctions can only apply to adults. This will remove any doubt when landlords are considering the use of this procedure.
 - b. In addition to the above clarification Council would like to make a few comments on particular aspects of the proposal:
 - A power of exclusion from any premises to be attached to injunctions.
 - A power of arrest to be attached to injunctions

- c. It is important that service providers are fully aware that sectarianism and segregation continue to impact negatively on our society - affecting mobility and access to services and facilities. It is important to take this into consideration when considering the power of exclusion. Not all communities have equal access to facilities due to the location of their homes . in many cases physical barriers and peace lines prevent access to the closest facility due to the fear of threat and safety concerns. Those agencies considering the application of a power of exclusion measure should take the segregated nature of communities into consideration e.g. if the premise in question is a leisure facility the individual concerned may not be able to access another similar facility due to the segregated geography of particular communities.
- d. Injunctions and arrest can seriously impact on an individual's future . stigmatised within their community and it could impact on future housing provision i.e. could be refused a house. Council understands that certain actions are necessary but would be concerned if these approaches became the favoured response. Council is supportive of preventative measures and therefore recommends a strengthening of relationships between social services and those involved in community safety practice . both statutory and voluntary. The Department of Social Development (DSD) and those involved in housing provision should consider the personal circumstances of individuals and families in relation to exclusion and arrest powers. Council supports the examination of alternatives to this type of action, to ensure the best remedy is applied.
- e. Furthermore, there are a number of ways in which these proposals could be abused e.g. a landlord seeking the removal of a tenant and poor relations between neighbours etc. It is important that robust investigative measures are applied to minimise and reduce exploitation of these provisions. A standard of proof is critical.
- f. In trying to reduce the mismanagement of these instruments, those responsible for providing housing and tackling anti-social behaviour should consider alternatives to injunctions etc and look for best practice in dealing with potential problem families and individuals. Council is aware that mediation and good behaviour contracts don't always work, but we believe that all appropriate actions should be given due process to ensure injunctions etc are not abused and applied in a hurried way to deal with difficult issues.
- g. There should be a time limit on injunctions and this should be made clear in any guidance issued regarding this remedy. Injunctions should also be issued with support programmes in order to minimise re-occurrence of bad behaviour e.g. if the behaviour has been linked to hate crime, a good relations element should be included in the programme.

5. Demoted tenancies

- a. Council has similar concerns regarding safeguards for tenants and again a standard of proof would be required.
- b. There should be guidance to distinguish between an injunction and a demoted order.

6. Information Sharing

- a. The normal safeguards relating to standards and practices should apply here and there should be a timeframe for the holding of information e.g. the poor behaviour of a tenant 10 years ago should not be used as a constant barrier to exchange of tenancies etc especially if there have not been any other occurrences since.

7. Additional Comments

- a. We hope the Department finds our comments useful and Council would like to supplement the above observations with our recent submission to the Commission on the Future for Housing (Appendices A)

FINAL Submission

Appendices A

To: Grainia Long
Commission on the Future for Housing in Northern Ireland
Co/ Chartered Institute of Housing
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Date: February 2010

RE: The Future for Housing in Northern Ireland

1. Introduction

- 1.1. The Community Relations Council (CRC) welcomes the opportunity to comment on the above consultation.
- 1.2. CRC's aim is to lead and support change in Northern Ireland towards reconciliation, tolerance and mutual trust and promote sharing over separation. We work by promoting constructive and relevant dialogue, by actively supporting those taking real risks for relationship building, by acting as a practical bridge between groups in society and between the public, private, voluntary and community sectors and by promoting wider learning through developing better practice. Our overall aim is to lead and support change towards a peaceful, inclusive, prosperous, stable and fair society founded on the achievement of reconciliation, equality, co-operation, respect, mutual trust and good relations.
- 1.3. CRC believes that the Reform of Housing must be underpinned by a vision of justice, reconciliation and transformation for our society. For too many years public policy has been framed around the containment of communities as a tool of conflict management leading to a pattern of separation, duplication and social distance. The Review should examine how public policy contributes to the stability of the peace process. Eleven years on from the peace agreement, the majority of public policy still operates within the culture of separate and parallel communities. Furthermore, particular government departments are viewed as the title-

holders for addressing communal division. It is the view of CRC that the entire Executive and their departments have responsibility for addressing the legacy of the past. This means re-framing public policy around a framework of conflict-transformation.

2. CRC position

- 2.1. Housing is a critical matter for the Community Relations Council, with an ongoing impact on where people feel safe to live, work and play. Consequently CRC has sought to raise this issue to one of great importance.**
- 2.2. Housing in Northern Ireland touches on profound issues of territorial control, choice, freedom of movement and intimidation. These issues can no longer be ignored.**
- 2.3. Equality in housing provision is of critical importance and CRC believes that the allocation of housing and the pattern of living together must be addressed so as to end effective segregation in public housing and the ongoing distortion of free choice through fear.**
- 2.4. Because of the importance and scale of this matter, CRC believes that it can only be meaningfully tackled following a comprehensive review of policy and strategy. CRC believes that all issues of equality and good relations in housing can only be delivered through the development of agreed plan of action and an acceptable timeframe.**

3. General Comments

- 3.1. CRC's comments are concentrated on community and good relations issues and focus on our areas of expertise. Therefore, we will not offer detailed views on all of the issues raised within the discussion paper.**
- 3.2. This Review aims to examine a long term direction for housing. This cannot be done without full acknowledgement of the difficulties facing our society, specifically the communal segregation of communities along religious and political demarcations. The Commission has to be more explicit about the particular circumstances of Northern Ireland and the acknowledgement that the transformation of housing policy has to take place within the context of a divided society.**
- 3.3. CRC is concerned at the absence of any explicit aim and objective linked to peace building in the proposed paper and would urge the Review Team to include this in the final report. This appears to coincide with the general drift back into pretence that our divisions are normal, will simply disappear or have no relevance to social and economic goals.**
- 3.4. Change will require systematic attention from professional bodies and in this context CRC regards the absence of consideration of segregation as a matter of potentially serious omission from the report. The avoidance and denial of our past and current conflict related problems by those**

responsible for the development and delivery of public policy will create serious long term problems.

- 3.5. There are many comparisons with other jurisdictions in terms of housing needs and current challenges; however the issue that sets us apart from other areas is the scale and absoluteness of separate living. CRC stresses the need to have it properly addressed in this current review by the Commission.

4. The Housing landscape

- 4.1. Any review of housing must firstly acknowledge the level of housing need. There are currently over 40,000 applicants on the housing list and recent figures from DSD reveal that over half of those are in housing stress.¹
- 4.2. The Review must also take account of the legal obligations of those tasked with delivering and managing housing provision. Housing policy must operate and remain compliant with Section 75, relevant domestic equality legislation and relevant Human Rights standards to which the UK is a signatory party and to which designated public bodies in Northern Ireland are therefore bound.
- 4.3. Finally, the lack of information or analysis in relation to segregation and division in the ~~Snapshot~~ is unfortunate and the report is therefore seriously weakened for not profiling this data. For example two recent reports by the NI Housing Executive (NIHE) reveal the level of segregation in houses owned and managed by the authority:
- Catholics make up 53% of NIHE tenants in Belfast against 43% for Protestants.
 - In general 91% of estates fall into a ~~very~~ polarized category defined as having more than 80% of one community or less than 20% of that community using community background.
 - Lower class areas are usually considered to be more segregated than middle class neighbourhoods.
 - Estates became more segregated between 1971-1991. Changed little between 1991-2001.²

Outside of Belfast there are similar patterns of segregation:

- Using religion, following Belfast, in terms of segregation follows Craigavon, Dungannon, Derry, Cookstown and Lisburn; and Armagh, Newtownabbey and Omagh are all more segregated than the figure for NI as a whole.
- When using community background Belfast, Derry & Mid Ulster have high levels of segregation.
- Lower relative levels of segregation in Larne, Ballymoney, Limavady, Banbridge, Coleraine, Ards, North Down and Moyle.³

¹ 20,478 | Housing stress as of 31st March 2009. Hansard: written Questions 30/10/09.

² NIHE-Mapping Segregation in Belfast: NIHE Estates. 2007.

³ NIHE-Mapping Segregation outside Belfast: NIHE Estates. 2009.

5. Shared Living - current practice

5.1. Shared living is not a new phenomenon. There are numerous examples of communities working hard to address barriers to enable change and progress. Sometimes that progress results in a softening of boundaries that consequently enables more choice and opportunities for housing selection. Unfortunately this report has not acknowledged current initiatives or their importance as key drivers for change. Below is a sample of good practice and interventions:

- 5.1.1. A number of shared neighbourhoods have developed organically e.g. Ballynafeigh on the Ormeau Road. The maintenance of these neighbourhoods has depended upon local communities working collectively to preserve and sustain the area as open and welcoming to everyone. Subsequently, the diversity and safety of that community created a distinct selling point which, while enhancing the diversity of the area, has brought with it many challenges i.e. the displacement of the local population and the inability to access houses due to affordability.
- 5.1.2. Other good practice exists through schemes such as Springfarm in Antrim. This inter-agency/community initiative has revitalised public housing in the area, addressing sectarianism and racism as well as other social problems i.e. dereliction, empty houses, and anti-social behaviour. Springfarm is an example of what can be achieved via inter-agency work alongside the commitment and leadership of the local community. It now has a waiting list for housing which illustrates its success.
- 5.1.3. The International Fund for Ireland is currently supporting the development and support of 30 Shared Neighbourhood projects. This is an extension of the shared neighbourhood pilot project in Enniskillen supported by the Northern Ireland Housing Executive (NIHE).
- 5.1.4. Of major importance for future interventions is the recognition that the success of these self-developing and maintained shared neighbourhoods has depended almost entirely upon the level of and effectiveness of local voluntary and community organisations in terms of offering support and leadership and commitment. Leadership, both local and government are crucial.

6. Gaps

6.1. There are a number of issues that without acknowledgement of sectarianism and fear will only have a limited impact:

- 6.1.1. An effective housing system in 2020 should include an objective to reduce segregation or increase the levels of shared living within this timeframe. The report needs to be explicit in terms of what it wants to achieve for segregated communities, and how housing can contribute to the reconciliation of our society. Is there a willingness in this Review of Housing to address the difficult issue of communal division

or will it be put in the too hard to do box. Political progress must be matched with public policy progress and this means doing business differently.

6.1.2. The establishment of a Communities Unit to look at land use and community planning etc must be done within the context of division and contested space. The planning and development process must address disputed land use between communities.

6.2. Safety & Intimidation

6.2.1. The issue of safety as a barrier to choice has not been addressed. Safety has huge consequences for life choices. In a 2006 publication on segregation in Belfast it was reported that out of a survey of 9,000 individuals living within interface communities 78% of respondents provided examples of at least three publicly funded facilities that they did not use because they were located on the wrong side of an interface⁴ The survey also revealed that the vast majority of respondents in both republican/nationalist and unionist/loyalist communities (81% and 72% respectively) stated that on at least 3 occasions they had not sought a job in an area dominated by the other community.⁵

6.2.2. Furthermore in schools where children had to pass through the other side of an area on the way to and from school, the fear of getting beaten up or a sectarian assault was greater than those children who didn't go to school in conflict-affected areas.⁶

6.2.3. Tackling fear and ensuring safety will be the key drivers of success. It is therefore crucial that those responsible for providing safety and dealing with discrimination are clearly identifiable with the public, communities, and more importantly among the different departments and agencies, thereby guaranteeing a quick reaction to incidents.

6.3. Intimidation.

6.3.1. Intimidation and fear prevent and reduce housing choices. They also create an unequal and unfair reaction of the relocation of the victims of intimidation and discrimination.

6.3.2. A recent update on the SPED⁷ scheme revealed the following figures for requests for transfer by housing executive residents due to intimidation and fear; and the cost to purchase all homes because of sectarian intimidation of the occupants.

Number of housing executive transfer requests due to intimidation; fear without violence	Intimidation	2005/06	63
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⁴ Belfast: Segregation, Violence and the City. Shirlow P and Murtagh, B. 2006 page 85.

⁵ Belfast: Segregation, Violence and the City. Shirlow P and Murtagh, B. 2006 page 91.

⁶ The impact of poverty on young children's experience of school. Horgan, G. Save the Children. 2007.

⁷ Special Purchase of Evacuated Dwellings (SPED). DSD.

		2006/07	54
		2007/08	47
		2008/09	127
	Fear without violence	2005/06	1
		2006/07	0
		2007/08	0
		2008/09	0
Number (and cost) of homes purchased by the NIHE because of sectarian intimidation of the occupants (SPED)		2005/06	69 (£9.88m)
		2006/07	22 (£3.19m)
		2007/08	22 (£4.81m)
		2008/09	46 (£9.21m)

6.3.3. A recent news article reported that a high profile Judges house has been purchased by the NIHE under the SPED scheme due to fear of a threat from dissidents⁸. This re-affirms fear and intimidation are ongoing realities. Furthermore CRC is concerned that those who faced intimidation are moved from their homes, rather than identifying the intimidator and dealing with this threat through the judicial system. Of course, in reality it is not always possible to identify the perpetrator, but where it is possible a strong message must be sent out that this behaviour and action is unacceptable and will be dealt with through the official channels. Allowing the perpetrator to remain in a community sends a bad message to that community. Intimidation is permissible. CRC is fully aware that problems continue to exist around gatekeepers in certain communities and the reluctance of victims to report incidents to the appropriate authorities. These are difficult issues and there are no easy solutions, but they must be considered seriously in any future housing discussions.

6.3.4. There are concerns on the ground that some people are being rejected for SPED whereas others are being accepted. There needs to be greater transparency around successful and rejected applicants. Other issues that impact on safety within the Northern Ireland context are the relationship with flags, murals and bonfires. Paramilitary and cultural displays can act as chill factors in terms of access and mobility. These issues must be addressed in the context of increasing choice and promoting a shared and better future for housing.

⁸ BBC Website 14th December 2009. One of Northern Ireland's highest profile judges has moved out of his Belfast home over fears of a dissident republican threat against him. Mr Justice Treacy's house in Donegall Park Avenue has been bought under the Housing Executive's Special Purchase of Evacuated Dwellings (Sped) scheme. It is now listed for sale with a Belfast estate agent for £650,000.

6.4. HMO's

- 6.4.1. The Review needs to give further consideration to the impact of HMOs on community cohesion and integration i.e. fractured relationships in the Holyland.

6.5. Housing Allocation

- 6.5.1. The review does not suggest practical proposals for long term change in segregated living. CRC believes that the critical questions of equality of access and cohesion must be addressed together. With this in mind CRC is strongly in favour of a major review of housing policy, on the scale of the Patten Inquiry, to set a strategic path for future planning in housing. It would be expected that this process of reform would experience significant challenges, particularly around the primacy of need against the possible wider public good argument. However, these are issues that need to be given serious consideration in the context of housing reform.
- 6.5.2. The Review should explore and identify innovative methods for allocations such as the Common Selection Scheme, which protect equality and also offer a way beyond the segregated public housing which has consolidated community division as a matter of normative experience, presented as free choice.

6.6. Other

- 6.6.1. It is essential to address the limited choice available to those who are in mixed marriages or relationships.
- 6.6.2. Any future housing planning should include all of the relevant stakeholders to include housing authorities, planners, community safety advisors, developers, residents associations etc thereby ensuring we have a holistic approach to building safe, sustainable communities.
- 6.6.3. This Issues Paper is also written within the context of a developing Cohesion, Sharing and Integration Strategy (yet to be finalised or published). However, the classification of a shared future as a phrase within this document demeans the concept to a slogan used by some, rather than formal government policy (A Shared Future Strategy). This again gives the perception of a limited commitment to sharing and cohesion at a strategic level by the Housing Commission. Finally, there is no acknowledgement of the Minister's⁹ own objectives and vision, despite the recent Shared Future Roadshows, which will impact on any future housing strategies.

7. Drivers/Opportunities

7.1. DSD Objectives

- 7.1.1. CRC believes that housing should be addressed in a systematic way, and consider issues such as planning, community safety and community development. The Minister for Social Development, who

⁹ Department for Social Development

is primarily responsible for housing policy, has recently carried out a series of public events promoting the vision of a Shared Future. The events have attempted to begin a conversation with the public seeking their views on shared housing and living. The Minister is aware of the many projects happening at ground level and wants to explore attitudes and new ways of delivering housing. It is therefore crucial that any final report from the Housing Commission take account of these conversations and ministerial objectives.

7.2. Leadership

7.2.1. The vision and leadership of communities and key stakeholders should be harnessed and used to advocate change. Like a lot of community relations issues, until practical examples are revealed, the goals seem unattainable.

7.3. Changing Attitudes

7.3.1. Attitudinal surveys reveal a desire to live in more mixed neighbourhoods. The Northern Ireland Life and Times Survey (NILTS) 2008 reported the following attitudes:

- 80% said they would prefer to live in a mixed-religion neighbourhood and this can be further broken down to 80% (Catholic), 77% (Protestant) + 89% (No religion).
- In terms of favouring more mixing or more separation where people live, 41% wanted much more mixing, 40% wanted a bit more mixing and 15% wanted to keep things as they are.

7.3.2. Unfortunately reality does not reflect these attitudes and as we have already shown over 90% of public housing is segregated by religion. It is therefore crucial that any vision and redesigning of housing strategy takes these views and wishes into account and develop a policy framework that reflects this desired choice. It is also important to reflect on the increasing demand for shared housing and this is evidenced via the growing waiting list for Shared Future housing.

7.4. Regeneration & Shared Spaces¹⁰

7.4.1. Regeneration offers huge opportunities for social inclusion and cohesion, both at inter and intra community level. CRC believes that the success of regeneration projects requires three key actions:

- Maximising social, economic and environmental benefits.
- Maximising the benefits for local communities, the wider city and region and visitors.
- Generating a vibrant, inclusive and diverse environment in communities which continue to struggle with poverty, fear and separation.

¹⁰ Please see Appendix A: Regeneration Principles for Crumlin Road Gaol

7.4.2. It is also crucial that design encourages sharing rather than division, for example, designing out opportunities for the erection of paramilitary symbols etc.

7.4.3. Residential spaces require

- high quality facilities which attract people,
- open and safe design,
- thought out location and access and
- serious ongoing management of sites and facilities, particularly in areas which are contested, will require proactive intervention to ensure safety, openness and equality.

This is both a good relations imperative and an economic priority if public resources and facilities are to be sustainable.

7.5. Developer Contribution

7.5.1. CRC would be interested in exploring the developer contribution proposal in more detail, particularly in relation to the management of regeneration sites and facilities as shared and safe spaces. The planning system should consider ways in which developers could make financial contributions to make developments safe and accessible after their construction e.g.

- Management as a shared site.
- Training on good relations issues/conflict management.

7.6. Acknowledgement.

7.6.1. Without an acknowledgement of where Northern Ireland currently is in relation to shared and separate living then we will be unable to move forward.

7.6.2. This process of review offers a chance to define housing policy and housing provision within the context of a peace process. Unfortunately, in its current draft, the report has failed to adequately identify segregation and fear as the main obstacles to creating shared and inclusive communities.

7.7. Policy & Financial Implications

7.7.1. The Review has the opportunity to impact on both public and private housing, thereby making significant contributions to the wider community.

7.7.2. Reducing fear and intimidation could enable greater housing choices in previously restricted areas, thereby contributing to efficiency savings in the current budgetary climate.

8. Chartered Institute of Housing (CIH)

8.1. The CIH has identified community cohesion as a top priority within its GB operations. The lack of focus on shared housing within this document weakens this commitment and requires an affirmation to this objective

across all CIH regions. This is a surprising and unjustifiable omission in the report and raises the serious question of whether CIH has joined those who wish to ignore or deny this question.

9. Recommendations

CRC would like to make the following recommendations:

- CIH should develop a proposal of how the issue of housing division can be tackled at a systemic level in Northern Ireland
- The development of a specific aim and objective that promotes good relations and equality as conjoined aims, accompanied by actions to ensure the rhetoric and vision of cohesion and sharing becomes a reality.
- Protect and extend existing mixed/open housing areas.
- Continue to support, develop and incentivise:
 - Pilot schemes on integrated housing.
 - Mixed home ownership to promote less divided territory.
 - New build shared housing projects in both the public and private sector.
- Address issues of equality and good relations together.
- Explore options for allocation. Investigate short-term approaches that can measure the ability to meet objective need whilst also enabling more choice in housing provision.
- Develop initiatives to increase public safety for all in public housing. Embedding design-led crime reducing approaches in the planning and construction of housing can work to make new builds secure from the start or to make existing dwellings more safe with intelligent refurbishment.¹¹ Design Out Crime initiatives in housing planning can be effective preventers of capacity for anti-social behaviour.
- There needs to be more transparency about how and who can access SPED.
- Engage Planning service in promoting open and free movement.

10. Conclusion

CRC is concerned by the absence of evidence of the Commission engaging directly with the issue of enmity, division and antagonism in housing in a place which has been characterised by these issues. The 30 years of conflict is briefly acknowledged but almost as if it is no longer relevant.

However the legacy of the troubles is still glaringly obvious for various sections of our community. Areas that were hardest hit by the conflict are experiencing high levels of deprivation and unemployment. Large sections of society remain highly segregated and live alongside peacelines. This is despite ceasefires and political progress. If this review is conducted without serious consideration of the scale and absoluteness of separate living it will not have a lasting impact.

¹¹ <http://www.designcouncil.org.uk/Design-Council/1/What-we-do/Our-activities/Designing-out-crime/>

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The Review should explore in more detail the full potential of planning to promote mixing and social integration. Obviously different environments pose different challenges for pilot mixing and safety will be the key issue . safety for all, no matter what the population balance, is crucial.

It is clear that the Commission for Housing will not be able to provide solutions to all of the issues raised in this paper. However, it is clear that the inability to address them collectively will result in the failure to truly address the segregated living conditions of Northern Ireland, and curb any vision for a shared and cohesive society.

Appendix A Regeneration Principles for Crumlin Road Gaol

Objectives	<p>To meet a reasonable proportion of social housing need, allocated on the basis of need alone</p> <p>To encourage the development of a shared resource, which people of all incomes and backgrounds consider a safe place to live</p> <p>To connect the most neglected and deprived parts of a particular area directly and permanently into the social and economic life of the whole city and wider region.</p> <p>Equality:</p> <p>An agreed element of social and affordable housing which is available on an objective needs based and equality-proofed basis.</p> <p>Demonstrable equal access by all persons living on the site and those coming in to the site to all of the public spaces in the development, so that there are no implicit chill factors to any access. This will require active management.</p> <p>Attractive, safe, openly accessible private housing which attracts people of all backgrounds, ages, family-type and incomes to live in one of the most dynamic areas of the city and so spreads the economy more equally within the city and region.</p> <p>Good relations:</p> <p>Meeting all of the equality criteria over time, through agreed pro-active management and rules, thereby building confidence that good relations and equality are co-requisites not opposites.</p> <p>Inter-community and city-led management of sites to ensure a dynamic, open and fair development.</p> <p>Human Rights:</p> <p>promote rights-based democratic practice</p> <p>participation by communities, stakeholders and marginalised groups in decisions which affect their lives</p>
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