

## **Consultation Response to Northern Ireland Housing Executive's Consultation on the establishment of a Belfast City Centre waiting list**

The Participation and the Practice of Rights (PPR) organisation supports groups to use a human rights based approach to realise their economic and social rights. This model is being used by communities in Belfast and elsewhere who are directly affected by inequality and deprivation on issues such as housing, mental health, urban regeneration and children's play.

As an organisation which supports communities who currently live in some of the eight Common Landlord Areas (CLAs) which will be affected by this proposal, PPR welcomes the opportunity to comment on this consultation.

### **Common Landlord Areas**

At the outset it should be stated that the NIHE use of CLAs as a geographical unit is one which no other public authority use and is therefore difficult to compare with the geographical units used by government statisticians to measure social deprivation and inequality (electoral ward, super output area). This, alongside the points made below, makes it extremely difficult to assess the potential impacts of this policy. **This underlines a broader concern that PPR raised on previous occasions with the NIHE about issues of transparency and accountability in the NIHE's data collection.**

PPR notes that the NIHE is proposing the creation of a City Centre Common Landlord Area which would be used to manage a waiting list of applicants seeking housing in the Belfast City Centre area. The following objectives are laid out:

- To take advantage of development opportunities for social housing to address housing need.
- To contribute to Planning Service and DSD policies and strategies aimed at regenerating the city centre
- To support the wider Good relations agenda
- To ensure that city centre living is an option for everyone in the wider Belfast Area.

### **NIHE Background and Legal Obligations**

It is useful to recollect that the NIHE was established as a direct consequence of reforms introduced by the British government in the early 1970s, which responded to the serious grievances of the Catholic community in parts of Northern Ireland about inadequacy of housing provision and unfair methods of housing allocations resulting in significant religious inequality. Consequently, the NIHE from its inception was charged with fair housing allocation based solely on the principle of need.

PPR wishes to reiterate that the NIHE, as well as other public authorities in Northern Ireland, are mandated through Section 75 of the Northern Ireland Act to promote equality of opportunity and through the legal enforcement of St Andrews Agreement to tackle poverty, social exclusion and patterns of deprivation on the basis of objective need. Such are the importance of these requirements that they were incorporated into law recognising that they are integral to the continuing implementation and bedding down of the peace process.

It is with these legal obligations in mind, that PPR expresses its concern about the basis on which this proposal is put forward, the aim it is seeking to achieve, and the outcome (as yet unmeasured by the NIHE) it is likely to have on the housing opportunities of some of the most vulnerable communities in Belfast.

### Proposal for City Centre Waiting List

Page four of the document contains the following statement;

*“The establishment of a city centre waiting list could draw on a wide and diverse waiting list catchment and promote shared housing which will assist Belfast City Council in its strategy to secure shared city centre living and “to secure and expand the public places of the city, from which no citizen feels excluded and through which all citizens can travel freely and safely”*

It is clear from this statement that a desire for shared city centre housing lies at the heart of this proposal. Section 75 is clear about the relationship between equality and good relations – that they are not mutually exclusive aims, and in fact complement each other. However, the primacy of the equality duty in Section 75 (1) is equally clear, requiring public authorities to give ‘due regard to the promotion of equality’ between nine named groups, in comparison to the requirement of Section 75 (2) to give ‘regard’ to good relations between three named groups. The legislation requires public authorities to discharge their obligations in section 75 (2), in a manner which is “without prejudice to its obligations” to those contained under 75(1).

However, this proposal displays a gross misinterpretation on the part of the NIHE of the legal duties they are under. It shows the NIHE erroneously prioritising the aims of several government programmes over the requirements of the national legislation which was a cornerstone of the peace process.

This paper considers three options for the establishment of a Belfast City Centre waiting list. These are:

- 1) Do nothing
- 2) Establish a Belfast City Centre waiting list, including existing single identity communities
- 3) Establish a Belfast City Centre waiting list, excluding single identity communities.

NIHE advocates the adoption of option 3 i.e. the creation of a new Common Landlord Area for Belfast City Centre which will be devised from eight existing CLAs (4 Protestant and 4 Catholic), excluding single identity communities. It is clear from the map on page 8 of the document, however that, only parts of each CLA will be drawn into the proposed Belfast City Centre CLA.

### Impact on the Affected Common Landlord Areas

In the absence of full information it is difficult to fully determine the potential impact this will have in each area. Information which is currently available, however, demonstrates the differing levels of housing need within each CLA.

<b>NIHE Common Landlord Area</b>	<b>Total Applicants at Dec 2010 *</b>	<b>Total Applicants in Housing Stress at Dec 2010*</b>
Cromac (South Belfast)	92	74
Sandy Row (South Belfast)	84	48
Donegal Pass (South Belfast)	61	33
Carlisle New Lodge (North Belfast)	284	174

Carrick Hill (North Belfast) [UNITY]	41	32
Brown Square (Shankill)	11	5
Hamill/ John Street (West Belfast)	24	18
Bridge End (East Belfast)	5	1

Table 1: \*all statistics taken from NIHE Belfast District Housing Plan and Local Housing Strategy 2011/2012

The above table highlights the higher need for housing in some predominantly Catholic areas such as Carlisle /New Lodge, which has a particularly high rate of Housing Stress. PPR is concerned that the existing inequality experienced by this community will be further entrenched by this proposed change.

**PPR requests information relating to the boundaries of the proposed new CLA, including exactly how many housing units from each CLA will be drawn into the proposed city centre CLA and how many will be left behind.**

**PPR also requests information relating to how the redrawing of the CLAs will affect housing waiting lists in each affected CLA, and housing district.**

#### Misinterpretation of the Equality Duty and Objective Need

On page 16, the following statement is made in relation to option 1;

*“The equality duty extends to all Catholics and Protestants who have housing needs and have the potential to apply to the city centre CLA and not just those who have a link to this new area. Option 1 (do nothing) fails to promote equality of opportunity for both Catholics and Protestants because it restricts housing allocations only to single identity CLAs”.*

The determination that option 1 i.e. doing nothing, would fail to promote equality of opportunity for both Catholics and Protestants because it restricts housing allocations to single identity CLAs is incorrect. Currently, housing available within these CLAs is allocated in accordance with the current waiting lists and thus on the basis of need. This is what is required by the St. Andrews Agreement and under Section 75.

PPR notes the comment that the equality duty extends to “not just those who have a link to this new area”. The equality duty extends to all those members of the nine groups named in the legislation that experience inequality, in this instance, Catholics on the waiting list for social housing in North Belfast. Choosing an area to live in involves consideration of many factors, the most important of which are family ties, support networks, and the availability of facilities such as schools and places of employment. This is reasonable and logical, and applies to all those making choices about housing, not just those in the city centre area.

On page 17 it states:

*“Option 2 implies that the city centre is the preserve of only those areas that immediately abound it and is a barrier to other city dwellers from the choice of city centre living.”*

Once again PPR is minded to restate the NIHE obligation to house those on the waiting list on the basis of their need and to promote equality of opportunity while doing so. As desirable as shared city centre living may be perceived to be, this does not mean that these obligations can be set aside in pursuit of that outcome.

In regard to Option 2, page 17 states:

*“The existing waiting list for the eight CLAs in Option 2 does not have the capacity to sustain the potential additional supply of social housing that could be generated within the city centre area”*

The meaning of this sentence is not entirely clear, however it seems to suggest that as the existing waiting list for the eight CLA's is very high, it is not possible by the current system to meet

the need of people in these areas, **and** house the additional people who wish to live in the City Centre area.

Once again, it is necessary to draw the NIHE's attention to its obligations under Section 75 and St. Andrews and reiterate that any plans to create a city centre waiting list should be measured against these obligations.

Further on page 17:

*"...this option would also fail to promote equality of opportunity for both Catholics and Protestants in the wider city as the unnatural merger of single identity areas with the new city centre dilutes the appeal of a new associated area. It also presents a risk that housing allocations could be made to a single identity area where the applicant may not feel secure."*

The communities of North and West Belfast, who are among those most impacted by this proposal were most impacted by the conflict. According to government and the NIHE's own statistics they are still impacted by the high levels of social deprivation and inequality that caused and fuelled the conflict. It is understandable that these communities are as yet unable to envisage a 'natural merger' of the single identity areas they currently live in. This does not mean that the NIHE are mandated to set aside the legal obligation to house these communities on the basis of their need and to address the chronic and longstanding inequality suffered by Catholics on the waiting list. As such the above reasoning represents a massive step away from both NIHE purpose and legal obligations.

A further reason for discounting Option 2 is that the significantly higher number of Catholic households on the waiting list compared to Protestant households would result in 63 offers going to Catholic, 4 to Protestant and 25 going to undisclosed in the event of 100 units becoming available. This option, which would require the need of Catholics on the waiting list to be met, would not result in the desired 'shared city centre living space' that is the intended outcome of this proposal, and therefore is set aside.

On page 17 Option 3 is outlined as involving a scenario where:

*"City centre living should be an optional choice for everyone who has made an application to the Common Waiting List for the wider Belfast Area. This was regarded as more reasonable as the city centre was not an optional choice for any applicant at the time they applied for housing. In this context, and particularly with Option 3, an assumption could be made, that the profile of those who would switch housing choice to the city centre CLA would mirror the general profile of the total Belfast city waiting list"*

This statement amounts to an engineering of the waiting list to what is deemed an acceptable profile of a shared community. Once more, this is in breach of the NIHE's legal obligations under Section 75.

### Adverse Impact

PPR notes that the NIHE screening exercise indicates an adverse impact for Catholics in the 8 CLAs:

*"At the local CLA level, the single identity areas could argue that they are losing out on opportunities that they perceive as belonging territorially to them. **In equality terminology** (emphasis added) this would represent an adverse impact for Catholics, but only those in the CLAs. This should be mitigated by the fact that so many more people, including Catholics, would benefit from the new city centre choice."*

PPR would note that rather than equality terminology, this represents an adverse impact under the legislation. Catholics will also be affected as the number of social housing units available to them will fall. As such, PPR recommends that the **policy is subject to a full EQIA since on an analysis of the information presented and in accordance with the ECNI Revised Guidelines, the impact is 'major' in that the impacts are 'likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged.'**

### Type of Housing/Housing Quality and Vulnerable Groups

PPR also wish to register concern that the type of housing being proposed within the proposed Belfast City Centre CLA means that the needs of those with disabilities and dependants will not be addressed.

Despite the assertion that a key aim of these plans is to “create balanced local communities by providing housing choice through mixed tenure’ it is acknowledged that the available existing housing in Belfast City Centre is predominantly apartments.

Apartments may not provide suitable accommodation for children, the elderly or those with disabilities. PPR are concerned that the proposed policy fails to evidence how the legal duty to have due regard to the promotion equality of opportunity is being discharged for these groups.

PPR is particularly concerned that serious discussion as to how the needs of such vulnerable groups is absent from the Equality Screening form. In reference to those with disabilities for example, whilst it is noted that physical accessibility and good design are important features for disabled people’ the assertion is made that ‘these issues are not directly associated with this policy’. Conversely, PPR would maintain that it is issues such as suitability of housing which are of direct relevance to this policy.

In addition, the screening document suggests that high rise and high density living in apartments may be less favourable to those with dependents. Instead of assessing this as an impact and designing measures which could mitigate against this, the proposal suggests that there is ‘no impact’ on those with dependents and maintains that applicants with dependents ‘will be made aware of these considerations and of the range of housing options available (outside the city centre)’.

The document fails to identify the number of people with dependants or disabilities who will be excluded from the city centre because of the type of housing currently being proposed. On the basis of other information however, it is clear that within the current 8 CLAs the two highest categories of household composition of those on the waiting list are either single persons (which may turn into small families) and small families as the table below shows.

<b>NIHE Common Landlord Area</b>	<b>Total Applicants at Dec 2010 *</b>	<b>Total Applicants in Housing Stress at Dec 2010*</b>	<b>Household Composition at Dec 2010 [mostly composed of] *</b>
Cromac (South Belfast)	92	74	Single person (56) small family (18) older person (11)
Sandy Row (South Belfast)	84	48	Single person (49) small family (19) older person (7)
Donegal Pass (South Belfast)	61	33	Single person (37) small family (14) older person (6)
Carlisle New Lodge (North Belfast)	284	174	Single person (173) Small family (75) Older person (15) Large family (11)
Carrick Hill (North Belfast) [UNITY]	41	32	Single person (19) Small family (13)
Brown Square (Shankill)	11	5	Single person (7)
Hamill/ John Street (West Belfast)	24	18	Single person (18)
Bridge End (East Belfast)	5	1	Single person (4)

Table 3: *\*all statistics taken from NIHE Belfast District Housing Plan and Local Housing Strategy 2011/2012*

As a result of the concerns highlighted in the above points, it is inconceivable that owing to the predetermined exclusion of several groups within society that this proposal has the potential of delivering a shared future, in a literal sense for the most vulnerable within our society.

## Conclusion

Finally, PPR wish to underline our earlier comments that the proposals aim to create a shared future, within the legal underpinnings of the good relations duty will also be unsuccessful if the longstanding chronic inequalities in relation to housing in each of the 8 identified CLAs are not first addressed. Proceeding with the current proposal without doing so will at best, serve only to mask these inequalities from view and at worst further entrench them.

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