

DÁIL ÉIREANN

AN COMHCHOISTE UM THITHÍOCHT, PLEANÁIL AGUS RIALTAS ÁITIÚIL

JOINT COMMITTEE ON HOUSING, PLANNING AND LOCAL GOVERNMENT

Dé Céadaoin, 31 Eanáir 2018

Wednesday, 31 January 2018

Tháinig an Comhchoiste le chéile ag 1.30 p.m.

The Joint Committee met at 1.30 p.m.

Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	Seanadóirí / Senators
Mick Barry,*	Victor Boyhan,
Pat Casey,	Paudie Coffey,
Barry Cowen,	Grace O'Sullivan.
Eoin Ó Broin.	

* In éagmais / In the absence of Deputy Ruth Coppinger.

Teachta / Deputy Maria Bailey sa Chathaoir / in the Chair.

Business of Joint Committee

Chairman: As we have a quorum, I call the meeting to order in public session. Apologies have been received from Deputy Ruth Coppinger and Deputy Mick Barry will substitute for her. I propose we go into private session to deal with housekeeping matters. Is that agreed? Agreed.

The joint committee went into private session at 1.35 p.m. and resumed in public session at 1.47 p.m.

Vacant Housing Refurbishment Bill 2017: Discussion (Resumed)

Chairman: At the request of the broadcasting and recording services, members and visitors in the Public Gallery are requested to ensure that, for the duration of the meeting, their mobile phones are turned off completely or switched to airplane, safe or flight mode, depending on their device. It is not sufficient just to put phones on silent mode because it will maintain a level of interference with the broadcasting system.

No. 5 on the agenda is detailed scrutiny of the Vacant Housing Refurbishment Bill 2017, which is a Private Members' Bill, and we will have two sessions on it today. In our first session, I welcome on behalf of the committee Mr. Alan Baldwin and Mr. Noel Larkin from the Society of Chartered Surveyors Ireland, Mr. David Browne and Mr. Joe Kennedy from the Royal Institute of the Architects of Ireland, and Ms Orla Hegarty and thank them for attending today.

Before we begin, I draw witnesses' attention to the fact that by virtue of section 17(2)(I) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the committee. However, if they are directed by the committee to cease giving evidence on a particular matter and they continue to do so, they are entitled thereafter only to a qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and they are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person, persons or entity by name or in such a way as to make him, her or it identifiable.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the Houses or an official by name or in such a way as to make him or her identifiable.

I call Mr. Baldwin to make his opening statement.

Mr. Alan Baldwin: I thank the committee for the opportunity to speak here today. I am a chartered and registered building surveyor and director of The Building Consultancy. I am chairperson of the SCSI building surveying professional group. I am joined by my colleague, Mr. Noel Larkin, who is also a chartered and registered building surveyor. He is principal of Noel Larkin and Associates and vice chairman of the building surveying professional group.

The Society of Chartered Surveyors Ireland is the professional body representing more than 5,000 chartered surveyors in the property, land and construction sectors across a number of surveying disciplines in Ireland. Our membership incorporates disciplines from building and

quantity surveying to estate agents, planning surveyors, property and facility managers and geomatic surveying. The SCSI is a partner with the Royal Institute of Chartered Surveyors, RICS, the global body for chartered surveyors, with more than 180,000 members and trainees around the world.

The SCSI welcomes, in principle, the Vacant Housing Refurbishment Bill 2017 as a step forward in reducing the timeframe required to seek necessary permits for redevelopment, especially of those vacant and underutilised properties in urban areas. More than half of our membership base is located outside Dublin and we are aware of the challenges facing towns and villages to breathe new life and vibrancy into urban centres. This year, the SCSI has placed the topic of the rejuvenation of our rural high street at the top of our policy and research agenda, and this will include highlighting the issues facing property owners when redeveloping their properties. Derelict, empty and underutilised buildings are a blight not just on rural towns but also on our cities, and we support practical and sensible measures that will improve vacancy rates, especially if they alleviate the housing supply crisis.

We also welcome the concept of a one-stop-shop where competing regulatory requirements such as accessibility and conservation, which can currently create contradictions that cannot be overcome in a practical and economic way, are dealt with in a holistic way. However, we have real concerns that any reduction in standards and processes does not come at any price to people's safety or deliver any unintended consequences elsewhere.

The SCSI is concerned about elements within the Bill's wording, which we believe is very much open to interpretation, particularly relating to aspects of the replacement of the existing building control procedures with the works permit and the interpretations in Schedule 1. The building industry has come a long way in terms of improving building regulations and building control regulations, and it would be counterproductive if derogations are made available to undermine or deflect from the standards which are properly in place to protect a building's occupants. The timeframes envisaged by the Bill will be exceptionally difficult to implement without significant resourcing and a specific requirement for sufficiently detailed plans and drawings to assist the panel's assessment of compliance with regulatory requirements.

This Bill proposes a one-stop-shop to consider applications for renovation or change of use applications for existing properties, of which the majority are likely to be of considerable age and built during a time when building regulations were not in place. Any proposed structural change to existing buildings impacting on a number of areas covered under the building regulations and already catered for by the existing building control amendment regulations, BCAR, procedures could be compromised due to the tight timeframe proposed and lead ultimately to structural failures. Consideration should be given to building or structural surveys of these buildings being carried out to ensure that the proposed alterations can facilitate the new loads or alterations proposed for the change of use or redevelopment. The SCSI is concerned that any general arrangement drawing used to consider an application would be in isolation of sufficient drawings and detail to demonstrate compliance with structure.

Resourcing of the proposed fast-track process to ensure that the proposed changes are workable solutions is unclear at this stage. The speedier turnaround process will increase the workloads placed on local authorities and therefore will require additional resources before a new expedited process is implemented. It is also important to ensure that a two-tier system will not develop for the standard of housing being delivered. The Bill is not clear on the definition of "relevant professionals" of the proposed "panel" and it also mentions the establishment of a register. There are already established registers for professionals in this area. The society is

the registration body for buildings surveyors and the RIAI registers architects. We are unsure, therefore, of the need for an additional register. We are also unclear as to whether the authorised persons are local authority staff or private sector professionals. Following a recruitment embargo and the early retirement of many technical personnel, there must be real concern that many local authorities simply will not have the ability to provide this one-stop-shop service and will be challenged to scale up to respond to what could be a deluge of applications. If non-local authority staff are required to undertake this activity, it is likely to place a higher risk of local authorities or indeed the State being held to account for future failures given the apparent light-touch nature of the interpretation of technical guidance contained in the amendments proposed in Schedule 1.

This proposed legislation appears to impinge on established third party rights to comment on or object to any proposed redevelopment. We are interested to hear how this process will work and what impact the proposal will have on the current statutory planning observation rights.

We are not convinced that the legislation will have the impact that is intended on the creation of housing supply. With such a high demand for short-term accommodation in many urban areas, renovated properties may be utilised for Airbnb-type accommodation and, instead of being utilised ultimately to assist with the overall housing accommodation crisis, will fuel the short-term letting supply. The Bill does not appear to contain any restriction in terms of building or project size, nor does it contain any limitation on the number of permissible units to be created by subdivision or refurbishment. The implications of intensification of use that will impact on parking and local services, which are important planning considerations, may need to be considered in the overall impact study for this legislation.

While it is outside the scope of the Bill, legislators may also want to consider the potential legal and financial implications that these exemption provisions may create. Will banks provide finance for subdivided units created under these exemptions on the basis of a certificate of conformity? Will the legal profession view this type of certificate as sufficient for conveyance or other purpose? Will residential property tax be applied to such properties?

From reading the Bill, the SCSi is concerned that there is not sufficient distinction made between the planning process and building regulations and building control regulations. We feel that further consideration is needed to separate these two distinct processes and we look forward to working with the Department to ensure that the legislation, when adopted, is fair, fit for purpose and merges properly with the current processes and procedures for the delivery of the built environment.

Chairman: I thank Mr. Baldwin. I now invite Mr. David Browne from the Royal Institute of Architects of Ireland to make his opening statement.

Mr. David Browne: I thank the committee for the invitation to speak to it on the Vacant Housing Refurbishment Bill 2017. I am from RKD Architects and president of the RIAI, and my colleague, Mr. Joe Kennedy, is from Smith + Kennedy Architects. We are both practising architects working on the design and delivery of a broad range of building types - industrial, commercial and housing projects, both large and small, throughout Ireland and abroad.

The RIAI has a diverse group of practitioners working right across Ireland and the vast majority of our members work on exactly the scale of buildings envisaged in the Bill. They are available and willing to help right now with solutions. A total of 53% of architects are in prac-

tices of fewer than five people and a further 28% are in practices of fewer than 15 people, so the work proposed in the one-stop shop system is work in which they would be eager to participate.

The RIAI welcomes and supports in principle many of the concepts contained in the Vacant Housing Refurbishment Bill 2017, including measures that assist in providing residential accommodation to address the housing shortage, the restoration of vibrancy to towns and villages and providing accommodation for the smaller household sizes that are a growing part of society. We support the provision of co-ordinated local authority meetings where planners, fire officers, accessibility and applicable conservation officers are present. I believe that point has been raised in earlier debate on the Bill. We also welcome any measures to speed up the pre-construction approvals process for housing delivery so that the refurbishment of vacant buildings for housing may be implemented urgently.

In principle, many of the concepts in the Bill are consistent with previous RIAI recommendations and are to be welcomed, in particular moving away from self-certification by builders or developers and the verification of plans before work commences. Our comments and recommendations are made with positive intent with a view to improving and strengthening the Bill, increasing clarity in achieving its aims, and ensuring consistency with other complementary legislation. However, the RIAI has significant concerns in respect of many key aspects of the Bill in its current format which we believe render it unworkable and which we will set out. That said, we are keen to work further with the committee if requested to address the issues we raise. I will outline our observations and Mr. Kennedy will outline our recommendations.

The primary concern of the RIAI with this Bill is in its potential to undermine the safety of occupants of any new dwellings. SI 9 of 2014 was enacted to improve delivery of safe and well-built buildings, particularly in the apartment and housing sectors. Alignment of the Bill with SI 9 is critical to provide proper protection of the public.

If the Bill's proposals to compile lists of so-called authorised persons to oversee its implementation are introduced, we will end up with three separate systems for building control. Those will be the systems under this Bill, SI 9 of 2014 and SI 365 of 2015. This will be inefficient, confusing and unsafe for the public. The RIAI believes that, in order to ensure the competency of the "authorised person" and the panel of "relevant professionals and authorised persons", they must comprise professional, trained people with the competence and experience to carry out assessment of applications and independent inspection of works.

The Bill proposes that the technical guidance documents, TGDs, be revised to indicate how the amended requirements detailed in the Schedule 1 of the Bill can be achieved in practice. The RIAI believes that this approach will have a number of negative results. There will be a two-tier system of building regulation and building control, which will be inefficient, confusing and unsafe for the public. It will be difficult in practice to achieve effective, robust change to the TGDs, given their current complexity. An effective relaxation of the building regulations, as proposed by the Bill, has serious potential to put at risk the occupants of new dwellings, particularly vulnerable individuals.

The Bill provides for a radical change to the current planning and building control systems. There is significant potential for unintended consequences. For example, a worst case scenario could result in the conversion of a relatively small non-domestic building into, for example, six bedsits with shared bathroom accommodation and substandard fire separation and means of escape if proper guidelines are not issued and rigorous inspection procedures are not implemented.

Therefore, it would be prudent to limit the lifetime of this Bill, in a revised format, to two years so that the outcomes may be understood. At the end of that period, it is recommended that a review of SI 9 and SI 365 be completed and the contents of this Bill and the Planning and Development (Amendment) (No. 2) Regulations 2018 be aligned.

No reference is made to zoning, vacant houses or vacant buildings in the Bill, nor any definition of what they comprise or the period for which they should be unoccupied to be considered vacant. The Bill does not provide for first or third party appeals. It also assumes that local authorities have the resources to deal with the additional workload that will result from it, which we do not consider to be realistic.

Mr. Joe Kennedy: Turning to our recommendations, the health and safety of the public and occupants of new dwellings that may result from implementation of this Bill must be its primary intent. The Bill should be aligned with a revised version of SI 9 as envisaged in the Safe as Houses? report of last December. The draft Planning and Development (Amendment) (No. 2) Regulations 2018 support the exemption of vacant town centre properties for change of use to residential under the Planning Acts. We would support the introduction of that definition into the Bill. The Bill should avoid introducing a third system of building control to this small country. Specific guidance to ensure the competency of the authorised person and the panel of relevant professionals and authorised persons should be set out or provided for in the Bill. We do not support the revision of the TGDs as proposed in the Bill. The Bill should be limited to two years in order to avoid perpetuating unintended consequences and should be aligned with other relevant regulations at the conclusion of that period after review. A definition of “vacant house” or “vacant buildings” and the period for which they should be unoccupied to be considered vacant should be included. The Bill should provide for first and third party appeals. Local authorities have to be given adequate resources to deal with the additional workload.

Mr. David Browne: In our written submission, which has been circulated to the committee, we have made further detailed observations that I will not read out, but we would be pleased to answer whatever questions the committee may have.

Chairman: I thank Mr. Browne and Mr. Kennedy. I invite Ms Hegarty of UCD’s school of architecture, planning and environmental policy to make her opening statement.

Ms Orla Hegarty: I thank the committee for the opportunity to contribute during this session. Existing buildings are the most readily available, cheapest, quickest and most sustainable source of housing supply in the short term. In addition to the estimated 183,000 vacant dwellings recorded in Census 2016, there were more than 28,000 vacant commercial addresses in mid-2017, a national vacancy rate of 13.5%. Upper floors of buildings in cities and towns were traditionally used for housing. These buildings exist, do not require infrastructure, have connections to utilities and drainage, and are close to shops, services and public transport. They are ideally suited to one to three-person households, which is the demographic of highest demand. Providing housing in existing communities, particularly for people who live alone, gives immediate access to services, generates commercial activity, reduces urban sprawl, supports sustainable transport, consolidates urban regeneration and reduces social isolation.

As an aside, and so that members can envisage the scale of building that could occur under this process, the Bill’s 500 sq. m limit is approximately the size of two pairs of semi-detached houses.

A study by UCC in Cork city centre indicated that North Main Street had 388 residents,

with the potential to treble its population within the existing building stock. Other studies by Dublin City Council and Space Engagers confirm a vast untapped potential in city areas and regional towns where there is high demand. The UCC study found that, contrary to “what is sometimes suggested, planning is not the problem here”. It goes on to read: “discussion with property owners and the local authority indicates clearly that the problem is actually a mix of bureaucracy (the complex/expensive building control regulation regime) and viability (the difficulty for building owners in securing credit).” This is confirmed by the limited impact of the previous living-over-the-shop schemes. Currently, the living city initiative provides tax relief for owners of residential and commercial buildings, but these schemes are largely concerned with financial incentives and do not deal with the most significant barriers, those being, regulatory cost, complexity and uncertainty.

I will give an example to demonstrate the problem in respect of this type of small building. If an owner of a shop with vacant upper floors that may have been used previously as a solicitor’s office or a hairdresser’s decides to convert the space to two small apartments, there are three separate regulatory approval processes to do so compliantly: planning, fire safety certificate and disability access certificate. The three go to different parts of the local authority, have different submission requirements, technical reports and drawings, have separate fees and operate on different timescales. The owner makes a substantial outlay to prepare these drawings and reports but carries the risk that, if any one of the three is refused, the project cannot go ahead. The conditions set by a fire officer or conservation officer could be in direct conflict with each other. There is no formal mechanism to get all of the people together to agree a workable and safe solution and no TGDs for interpreting the regulations for this type of work.

If the owner is successful in all three applications, a planning development levy is due. The owner then engages, and pays fees to, four separate statutory appointments: a design certifier and an assigned certifier under building control, a project supervisor for the design process and another project supervisor for the construction stage under the health and safety heading. Statutory notices are made to the Health and Safety Authority and the building control authority. A substantial amount of technical and regulatory information is uploaded to the building control management system, BCMS, for record keeping rather than verification or technical checks. At completion of the work, another submission of site records, certificates and technical documents are uploaded with a certificate of compliance. Separately, a statutory safety file is assembled for the owner by the project supervisor.

All of these procedures can be triggered by something as simple as changing the use from office to residential, subdividing a room, extending a bathroom or reconfiguring a staircase. Importantly, the checking of design and inspection of construction is done by certifiers appointed by the owner and who act for the owner, not the State. There is no independent inspection.

The regulatory system has, therefore, become a barrier to compliance. In the absence of active enforcement, there are widespread problems of illegal and unsafe conversions. “Slum landlords” have little fear of sanction and openly advertise on reputable letting websites. In one case that was highlighted by RTÉ, 40 tenants were accommodated in ten bedrooms. Overcrowding, illegal conversions and shoddy construction are putting lives at risk. Limited resources are available for enforcement.

The Vacant Housing Refurbishment Bill addresses the shortcomings in previous schemes. It gives certainty and reduced cost for owners; safer buildings for occupants; and a workable system of approval, control and enforcement for the local authorities.

In summary, there are four stakeholders in this process: the owner; the local authority; the architect or professional adviser; and the future tenant or resident of the building. The current does not work for any of them. This system would give the owner one-stop-shop approval, take uncertainty out of the process and allow him or her to have an expedited start on site. The local authority can streamline its administrative systems, generate flexibility for staffing and on-call expertise. Importantly, the system gives local authorities consistency and trust in the inspection regime and allows them have preventative controls so that premises are inspected before they are occupied and not afterwards.

Importantly, from the professional point of view, the system allows more collaboration, sharing and upskilling. Finally, for the future resident or tenant, the system gives the transparency of a national system that works across all of the various safety inspections. The resident or tenant is not the party that must take enforcement. A third party, prior to occupation, will carry out enforcement, which is reassuring. There is also a possible alignment of the various branches of inspection that takes place at the moment. Again, that will streamline the system and make it more efficient.

Chairman: I thank Ms Hegarty for her presentation and call Senator Coffey.

Senator Paudie Coffey: I welcome the witnesses before the committee. I thank them for sharing their views and observations on the Bill.

People have referred to SI 9 of 2014 and the recent building control regulations that have been introduced to protect the citizen who may be building or residing in a particular building. That is all very important and must be acknowledged. As Ms Hegarty mentioned, the existing housing stock in cities and towns must be prioritised for refurbishment. Despite the fact that we have all this regulation and construction levels have started to rise again, why have we not seen the activity in the over-the-shop-type premises in towns and villages that we need given the infrastructure and services that exist? Two reasons that have been outlined are the cost and the bureaucracy associated with such work. That can lead to two things, ether inaction, which means a premises will remain vacant, or it can mean there is shoddy workmanship. For example, people may not have engaged the services of professionals like they should, take on the job themselves, hire a small contractor and, literally, renovate the premises and let it without anybody knowing and probably in a substandard state.

I want to identify the best approach to take. I am interested in hearing further views from the witnesses sat opposite. Would they rather see an underground renovation system? That seems to be happening in some cases but not in others. Would they like the system reformed whereby the concerns about standards and technical documents expressed by the professionals here were taken into account? Would the witnesses prefer if local authorities provided independent oversight? It is a fact that in this country local authority inspections of the built environment are not at as high a percentage as in other countries. We should learn lessons from the Celtic tiger years, particularly well known cases such as Priory Hall and others that had serious infrastructural and structural issues. Despite the fact, presumably, that the work was signed off by architects, engineers and surveyors we still had problems. I foresee that the problems existed due to a lack of independent oversight. For that reason I am of the view that we should support more independent inspections from an independent source, and who is better placed to carry out such inspections than local authorities?

Have the professionals experienced the bureaucracy that we have heard about from their clients when they engage with local authorities? Planning certificates, planning permission,

disability certificates and fire certificates are required. As a witness has said, three different timelines are associated with the certificates and permission and three different Departments are involved. Is it a good proposal to streamline the process and create a one-stop-shop situation in local authorities? The proposal seeks to reduce the amount of bureaucracy and make it easier for Joe and Josephine Citizen to renovate their property. There are barriers that we need to address. This Bill, as written, addresses the matter to some extent. The bureaucracy is one element and one solution is a one-stop-shop system. Can the witnesses tell me about their experience of the situation? Do they agree that bureaucracy is a problem? Do they agree that a one-stop-shop system in local authorities would alleviate the amount of bureaucracy?

In terms of oversight, do the witnesses, as professionals, support more independent oversight and inspection by appropriately trained and competent professionals employed within the local authority services? I await the replies with interest.

Ms Orla Hegarty: I was in practice for a long time but I am not currently. In my experience these systems are very difficult to explain to clients, they are complex and there is a lot of uncertainty. One must wait for decisions and try to get decisions at the right time. I suspect that in a lot of cases when people are advised by a professional they go down the route of just getting a builder and do not engage with the system. Such a situation is a concern.

I fully support independent oversight and it is very important that we have it. It would dovetail into the commitment that 25% of residential rental properties would be inspected by 2021. Resources have been set aside for the initiative. This system could be a vehicle for the initiative and, therefore, one could overlap the two. The final inspection could effectively be a document that is also used for the Residential Tenancies Board. One could use a resource that has been made available in a more strategic way to do two things at the same time. The proposal could prove very useful.

Mention has been made that people in the local authorities could do the work. I understand that there are fewer than 70 building control officers in the country. Obviously a flexible resource is needed to expand that pool of staff. Probably the best way to do so is by establishing a panel and framework. I do not agree that such people need to be registered professionals. At present fewer than five of the 70 staff are registered professionals because building control differs from the job of a design professional although there are overlaps. The type of people who might be taken on to do this work might be somebody who is a clerk of works, a retired site foreman, somebody who has worked in the building control industry in the UK or somebody who is an architectural technologist. A wide pool of people exists that can do this work as, effectively, building control officers.

Mr. Alan Baldwin: I am very much involved at a commercial level, in almost every county in Ireland, with retail clients. The Bill makes a distinction about vacant properties. Perhaps, there is a misconception that the property that sits above a retail unit is vacant but it belongs to a tenant and to a landlord. We must be careful and explore that aspect a little bit further. If one goes up and down the high street in any town, one will discover that several occupiers have long leasehold interests. Leasing the upper floor of a premises is complex. Many commercial occupiers have no interest in residential management. Their sole focus is to run their business from the ground floor and they have no interest in the first, second or third floors. That does not mean that the opportunity does not exist. There is a process and a system involved. If one of my clients takes a leasehold interest in a property then he or she must apply to the superior landlord for consent.

I shall return to the point made about complexity. Before we even get to a point of making a statutory application we must obtain the superior landlord's consent. However, an awful lot of properties are held by funds.

I take the point the Senator made about individuals. There are many individuals the length and breadth of the country who own property. I am sure they would be more than willing to engage in the process of refurbishing the premises.

It is important to make a distinction. Earlier, Ms Hegarty made the point that there are 28,000 commercial vacant properties on the register. In reality, there are complexities around that situation. When I walk down the main street in my home town, I can recognise the vacant properties. The reality is they sit with a superior landlord who has no interest in the complexity of managing residents.

The Senator asked about the process of statutory proposals. I will share my experience. We are making applications to the local authority quite frequently and in various counties throughout the country. Unfortunately, owing to resource issues, we are experiencing delays. For example, we could submit a fire safety certificate application and wait upwards of 20 or 25 weeks for a decision. The process should not take that long.

Senator Paudie Coffey: The one-stop-shop element of the Bill would be preferable.

Mr. Alan Baldwin: Absolutely. We are not against the Bill and have only had a short time to consider it since we received it on Thursday. To explain, the Senator asked about our experience. My experience is that there are considerable delays in the system. Unfortunately, with planning, fire and disability access certificates, some of the delays are causing significant problems for commercial occupiers who just want to open shops and trade. A system that provides a more streamlined platform would be welcomed, provided it was properly resourced. Our concern is that we will experience further delays in the making of commercial applications if the resources are moved from one side of the county council to another to deal with one-off applications.

Mr. David Browne: We experience that bureaucracy in all of the statutory aspects in making applications in respect of buildings. The introduction of SI No. 9 of 2014 has put much greater discipline on the inspection of buildings and we have seen a notable change for the better where it is competently carried out. On the other hand, there have been incidences where it has not been properly carried out and that is a concern. The system has only had three years to bed in and needs a number of years before we can make a full judgment on it. I know that there are moves afoot to improve it.

We support fully the idea of a one-stop-shop. It would be excellent in the development of vacant properties within towns. It is interesting to note that the recent statutory instrument on the planning and development (amendment) (No. 2) regulations 2018 provides for an exemption of the type of development the Senator envisages. We believe that could well be-----

Deputy Barry Cowen: There are no guidelines on standards. They are for new builds, rather than refurbishment works.

Mr. David Browne: The principle could be applied because it has a lot of merit. We need to be cognisant of SI No. 9 of 2014 because we brought it forward for specific reasons. They were to ensure better and more safely built buildings. We need to be careful to try to maintain as much of it as we can in the development of these buildings. Speaking to Mr. Joe Kennedy

earlier, he mentioned the problem posed by radon. Dealing with the provision of a radon barrier in a new build is technically relatively simple. In an old building with a shop below and a residence above it might be much more difficult to deal with it. The rise of stairs in older buildings can tend to be somewhat dangerous and if we are trying to encourage them to come and live in towns and take advantage of their communities, we need to be careful that we are cognisant of the safety of older people.

Senator Paudie Coffey: Does the RIAI support the enhancement of independent inspection by local authorities or those contracted by them?

Mr. David Browne: As Ms Hegarty pointed out, there is a limited resource within the local authorities. We experience this on the ground. For commercial buildings, for example, we might have three inspections over the lifetime of a two-year project. Our people inspect every week or every two weeks.

Senator Paudie Coffey: If the local authorities were properly resourced, would the RIAI welcome the carrying out of more inspections?

Mr. David Browne: Yes, if they were properly resourced, either by resourcing them internally or providing for them to outsource, as is the case in Britain, although there are problems with that system also. It may be that there should be a fee-based system associated with the one-stop-shop arrangement to provide financial resources to support the local authorities.

Mr. Joe Kennedy: In our submission in 2015 to the Department with responsibility for the environment we strongly recommended independent inspection and raised serious concerns about self-certification and its advocacy. We were disappointed to see SI No. 365 of 2015 which removed experienced professionals from the core of building houses. We support independent inspections and have continually called for them.

Deputy Barry Cowen: I thank all of the delegates for their contributions. I appreciate the manner in which they have scrutinised the Bill and made known their views on it in order to ensure we will have a Bill that is fit for purpose and will do what we want it to do. I will not go into it in great detail but, as others have alluded to, there are cost and time barriers to development taking place and there is also a housing crisis. We are elected Members of Parliament and it is our duty to help and assist and provide the means and mechanisms to address it. This is one such way to do it.

All of the delegates welcome the Bill and its intent and have acknowledged the need for it, but they say there are difficulties. Apart from Ms Hegarty, two, in particular, went about providing reasons the Bill should not proceed any further. We will take on board the recommendations made on definitions, clarifications and resources, as well as the issue of numbers. The delegates said that in the case of refurbishment works, the number of units within a particular building was not defined. In no way do we wish to compromise standards, safety or competence. In fact, I take offence to the implication, regardless of whether it was intentional. That is not our intention. As others said, there is provision within the Bill for competent, professional and independent assessment. We take on board the suggestions made in that regard and will further define it to make it easier for the delegates and the public to understand.

It is our intention to reduce the costs associated with certification. They are too dear and a cost barrier to construction. With others, I am interested in addressing that issue. There is a cost of construction issue related to the supply issue and certification is part of it. Development

charges, the cost of finance and VAT are others. We will do what we can in that regard. The cost of certification in other jurisdictions is a lot lower and there is no compromise on standards. SI No. 9, which was referred to, is as up-to-date as it gets and we would not deviate one iota from what is being provided for in it.

I again thank the delegates. In particular, I thank Ms Hegarty for her comments. She set out effectively and eloquently the reasons this has to be done. On Mr. Baldwin's contribution, I know that there are complexities with buildings and that there are more associated with those in the cities and where trade is greater. There are buildings in small towns and villages throughout the country that need an opportunity, an incentive and a reason to breathe life back into them.

The statutory instrument brought forward last week was also welcome, but it must be accompanied by relevant guidelines for refurbished buildings. It is not fair or appropriate and a barrier to have the guidelines for refurbishment works led by guidelines for new buildings. It is not and should not be the case. They have to be separated. Mr. Browne referred to old staircases and so forth. We want to make it easier. If the repair and lease scheme and the incentives associated with it are improved and the recommendations of the Commission on Taxation are taken on board in a future budget, there will be further reasons this could happen. That will get rid of the complexities fairly quickly as the lad will see there is a buck to be made here, and more luck to him. There is a provision for an effort to broaden the amount of property available in the market, which in turn would address affordability. That is our intention and what we want to do. I thank the witnesses and there are many well-intended suggestions that we will take on board.

Deputy Pat Casey: Deputy Cowen has probably covered most of the issues relating to the Bill and the presentation this morning but I will comment on some matters mentioned. Nowhere in the Bill do we refer to new buildings but new buildings have been mentioned by the witnesses in submissions. This refers to existing and vacant buildings. With regard to the planning process, the local authority has an opportunity to ensure through the one-stop process that it can deal with planning, exempted planning, fire certification and disability certification. At no point in this Bill do we want to compromise standards. That is not the intention or purpose. Reference has been made to SI 9 of 2014. We would still conform to fire and disability certification but we are saying that a works permit would have to be submitted under the building control regulation rather than fire, disability or planning exemption certification. We are replacing it with one certificate but we are not reducing what the statutory instrument requires with respect to fire or disability certification.

It has been indicated in a number of meetings now that we are talking about renovation of existing buildings. Building control regulations relate to new buildings and one cannot have exact guidance documents relating to refurbishment, as one can with respect to new buildings. Corridor widths would be different and it would be very difficult to convert many existing buildings to new building standards. We have identified these as weaknesses and it is why we clearly said the technical guidance documents are needed to ensure the likes of corridor widths are maintained, as well as ventilation and fire certificates. We are not dealing with new builds but existing buildings. The Bill seeks the technical guidance documents to ensure safety.

The Bill also brings independent inspection and it is one of the key aspects. Most people agree we need to move away from what is there at the moment, where the builder or developer is paying the assigned certifier to sign off on buildings. We are singing from the one hymn sheet in that this element of building control must be done by independent assessment rather than somebody paying the piper. This Bill gives the opportunity to introduce this independent

inspection. It is a welcome move in the right direction.

Mr. Joe Kennedy: I will make a couple of quick comments that I hope can clarify some matters. There was reference to “new” dwellings. When we convert an existing building into six units, for example, they would be deemed to be new dwellings. The building regulations apply to existing buildings as well as new buildings; that is other than simple refurbishment.

We can take Part M of the building regulations, relating to access for all. We used to call it the disability provision. It has two sections, with the first referring to new buildings. The second section refers to existing buildings and makes the point that one cannot always provide the full requirements under the first and second section. It is a very practical way of adapting the technical guidance documents without having to have new ones. It is a simple provision that one would go as far as possible within practical measures, as long as this does not go below the bar of safety. That is worth remembering.

There is also the cost of certification. We are just finished the first phase of the Ó Cualann affordable housing scheme in Ballymun. We are working very closely to develop these affordable models. The cost of certification of those houses is €1,800 per house for design and assigned certification. In other private schemes we are doing, the cost of certification is between €2,000 and €2,500. I have not a clue where the figure I have seen in various posts of €30,000 is coming from. I have never heard of it in the real world where practitioners work. There is a cost but it is relatively small for what one gets. The Ó Cualann model is a great way of how to quickly improve the housing stock. We are really in favour of the intent of this Bill, especially if it is limited to town centres, where there is much societal benefit in bringing older people living in isolation in the countryside into the towns.

Mr. David Browne: As an architect in a separate practice from Mr. Kennedy, I confirm the certification figures he mentioned. They are in the order of approximately €2,000 per unit. That is for private developers.

The matter of independent inspection was raised and the types of people who should carry them out. We find that clients are now becoming very dependent on us interpreting technical guidance documents for compliance because they have become so complex. Within the technical guidance documents there are embedded in the order of 500 references to Irish, British or European standards. It takes quite an amount of technical expertise and education to be able to verify that one is compliant. One would have to take a very careful look at how authorised persons are qualified and what are the criteria for qualification.

Ms Orla Hegarty: I draw the distinction between authorised persons and certifiers. Authorised persons are defined under the Building Control Act 1990 and there is nothing new in that respect. I mention it because they are given much legal powers. An authorised person has the authority to go on a site and take samples of materials, as well as seeking documentation and, effectively, take enforcement through the local authority. It is a very powerful role. Certifiers do not have authority to go on a site unless permitted to take samples and get documentation. They act for the owner, who appoints them, rather than the local authority. If a certifier sees something that is remiss or about which they are concerned, they could be fired by the owner of the building and replaced by somebody else. The local authority would be none the wiser. An authorised person has duties to report and would be involved in the enforcement process. It is an important distinction.

Another benefit of having an independent system is something we are seeing now with the

Carillion collapse. One of the issues in this jurisdiction is that the entire certification process is tied up in contracts. People due to be paid and to whom moneys are outstanding can now effectively hold certifiers to ransom by withholding certificates through the chain of construction contracts. An independent system takes that completely out of it and allows the State, in a case where there is a contractual complexity, collapse or a default, to still do the independent inspection, sign off and open the building on the other side. We could be in a position where certificates would not be available, for example, if people are not paid. The assigned certifier at the top of the chain would not have documentation, meaning the building could not be occupied. We have created a very difficult and complex position by putting that into contract and not keeping it independent.

Mr. Alan Baldwin: I have some observations. It was very useful to hear Deputy Casey's interpretation of the Bill. We have read it and put our own interpretation to it. What I have taken from Deputy Casey's explanation is that the information submitted to the local authority with the work permit will be to the same standard we would submit if we did it through the normal channels. There was a concern - I have no doubt others might share it - that it might have given rise to the old system where builders would build from planning application drawings. There was an absence of detail and clarity around that. That is an important distinction.

More often than not, my professional fees are less than the local authority charges. If my client is submitting a planning application, a fire certificate or a DAC, disabilities access certificate, the local authority charges involved could be in excess of the professional fee my client will pay me. There are costs involved in everything but some costs are going into the local authority.

Mr. Noel Larkin: We all agree reform is necessary. There needs to be clarification around the technical guidance documents, TGDs, because local authorities' hands are tied when it comes to them and the flexibility is not there. As Mr. Joe Kennedy mentioned, there is provision within the new Part M to allow flexibility when dealing with existing buildings or protected structures that can easily be applied back across all of the TGDs.

In a case where an assigned certifier is unhappy or falls out with a developer and is sacked, he or she must inform the local authority that his or her appointment has ceased and give reasons why. It cannot transfer to somebody else without the local authority being informed, if one is following the SI 9 strictly.

Deputy Mick Barry: Some of the information Ms Orla Hegarty provided the committee was interesting. I represent the Cork North Central constituency. The figures she gave from the UCC report about Cork's North Main Street, a street I know well, are interesting. This points to reasons to support this Bill. We want to support this Bill but we have some issues and reservations which we have flagged before.

Ms Orla Hegarty touched on the issue of overcrowding and illegal conversions. We saw the RTE exposé at the end of last year about massive overcrowding in some premises on the south side of Dublin city. We have a concern about the inspection regime. We do not want to see it outsourced. We believe it should remain in the hands of the local authority. However, if there is to be genuine independent oversight, one needs to have inspectors who can do the job. Currently, more than 60 are employed in this area but fewer than 40 are physically involved in visiting premises. What are Ms Orla Hegarty's thoughts on the idea that this Bill should not progress until such time that it is linked to a significant increase in the oversight capabilities of local authorities?

Senator Grace O’Sullivan: Similarly, the Green Party and Civil Engagement in the Seanad are interested in supporting this legislation. The Society of Chartered Surveyors Ireland, SCSi, and the Royal Institute of the Architects of Ireland, RIAI, raised concerns about the competence of authorised persons who will carry out the inspections under the system. The authorised person regime has been in place since 1992 and is the basis for all local authority building control inspections. This objection makes no sense. If the Bill is not passed, the same regime will continue to apply. Local authority building inspectors do not have to be registered under the 2007 Building Control Act as assigned certifiers do.

Both the SCSi and the RIAI raised concerns about local authority resources. With them both trenchant in their support of the Construction Industry Register Ireland, CIRI, without having been given any evidence how that system is to be resourced and how the CIRI system register will be used to assess the competence of builders, the resourcing of local authority building control is a significant problem of long-standing as recognised in the safe as houses report. The recommendation that local authority building control be reviewed and resourced in the safe as houses report would align with an increased role for authorised persons as contemplated by this Bill. Will the witnesses comment on that?

Both the SCSi and the RIAI suggested the Bill would compromise safety, which obviously would be a significant issue for the committee and, moreover, for the public. Will they explain why a system where there will be inspections by authorised persons under the existing Building Control Act regime before a certificate of occupancy is granted can be less safe than the existing system where there may be no inspections, given that many local authorities report they inspect only 12% to 15% of construction works?

Ms Orla Hegarty: The issue of overcrowding and illegal conversions is not going to go away. If anything, it is getting worse. There are no mechanisms or resources to deal with enforcement. There are multiple different inspections for different purposes with many overlaps. All of these inspections have the same purpose, whether it is for these conversions, for HAP, housing assistance payment, or for the RTB, Residential Tenancies Board. They are all about the safety of the resident, effectively, and personal safety. Many of them are looking at exactly the same thing such as whether there is a fire alarm, is it working, is there a fire exit or is there ventilation in the bedrooms.

It is an *ad hoc* arrangement. I have spoken to people involved in these inspections for local authorities. Some are being done by environmental health departments in local authorities while others are done by building control. Some are outsourced by the building control department into frameworks with private operators reporting to the local authority. There is no consistency with the checklists they are using or the fees they are paying. There is no transparency for people who have a property.

For example, if one had a HAP tenant in a RTB-registered converted building, notionally one could have a BCAR, building control amendment regulations, inspection if the two apartments in the building were fitted out. One could then be on a list for a RTB inspection sometime between now and 2021, which is a different process. Similarly, one could then have a HAP inspection, which should happen within eight months of a tenant moving in but often is longer. This could impose a third checklist on the landlord to do work or the HAP payment will stop.

The potential of this authorised person regime would give a local authority a panel of people who would be appropriate to the needs of whatever the inspection was and who could be ticking off the same list. In some cases, it might be checking if there is a fire alarm and a fridge in the

kitchen. In other cases, it might have to call in a fire officer to look at something more complex. It would effectively streamline the various processes which are all doing the same thing.

Mr. Alan Baldwin: On our concerns around how the Bill might compromise safety, to be fair, there was a misunderstanding on my part around what level of technical information was going to be submitted. I genuinely had a concern that we were going to create a scenario where only the minimum information would be submitted which might give rise to creating health and safety issues down the line, a reduction in standards, etc. In fairness to the committee, it has clarified that distinctly today on what the expectation is.

Likewise, if we are going to adhere to certain standards - we expect to see the technical guidance documents being amended and updated - it will reduce any concerns we had in terms of any reduction in living standards. This was how the submission was framed. It was around not knowing the level of technical information could be submitted.

Mr. Noel Larkin: On inspection by an authorised person, I understand what is meant in terms of the powers they have, more so than someone who is working under BCAR or SI 9. The numbers of inspections dictated by BCAR are at critical milestone points in construction before work is closed up. I would be concerned that if there was an inspection at the end by a local authority, that key points could be missed, covered or would not be available for inspection. If the local authority is to inspect, it would have to be under the regime of BCAR with a similar number of inspections at milestone points. That will be hard for a local authority to resource. I am concerned that it might come to a final inspection and be equated, as Ms Hegarty has said, to a Residential Tenancies Board inspection where people check if there is a fire blanket, ventilation and other simple things like that. A building control (amendment) regulations, BCAR, inspection will involve itself with typical structural things behind the scenes so I would still be concerned unless the inspection regime is tied down in this Bill.

Mr. David Browne: It is worth reminding ourselves that building is complex and the requirements to ensure compliance between 1990 and now have grown quite considerably. Section 11 of the 1990 Act refers to the authorised person. It states who that person is but I wonder if it would now make sense to set further criteria for what their qualifications might be to deal with this much more complex world that we live in. On the Construction Industry Register Ireland, CIRI, system, if one wishes to move quickly with the aspirations of the Bill, the CIRI system has been set up in reasonable good faith, I believe, by the Construction Industry Federation, CIF, and has a degree of robustness about it. It may be a milestone on the way to achieving full independent certification or registration of builders. It may be that it could be implemented on a short-term basis to enable the system to proceed. On local authority resourcing, as I have said, there is a very large issue to be faced with regard to increasing resources so that they would be adequate for inspection requirements.

Mr. Joe Kennedy: I have a brief issue with the concerns we have raised about potential safety problems. In brand new buildings, designed from scratch, there is a growing problem with indoor air quality and mould growth. It arises from competing intentions of different parts of building regulations, particularly the near zero energy building, NZEB, standard, which gives us highly-insulated, airtight buildings. The ventilation regimes are difficult to impose on residents and occupants. It is the fastest growing area of legal action in France and the UK at present. It is even more challenging when one is converting a 1920 two-storey shop. We are not saying that this cannot be done safely but that there are big challenges in ensuring the safety of the most important stakeholder in all of those, which is the person who will live in those buildings.

Deputy Eoin Ó Broin: I apologise for having to step out there but I will check the transcript for what I missed later. I will re-emphasise, and am sure that everybody else said this at the start of their comments, that those of us who are sympathetic to this legislation do not in any way want to compromise fire safety or building standards. These sessions are very useful because they allow us to clarify and identify problems which, potentially through friendly amendment on Committee Stage, we might be able to resolve. We also share a desire to see a faster turnaround of vacant properties, particularly above shops. The current system is not achieving that for us. The discussion we are having today is not unlike the discussion we had last week about the Government's planning regulations with regard to exemptions, because standards are paramount for us.

As I listen, I wonder if part of the solution to this problem is not unlike part of the solution that many of us came to during the report on building control issues, which is that we are not really looking at a potential third inspection regime but at the old inspection regime with the new standards that come with BCAR. If there is some way to merge those two in a cost-effective and speedy way, that might be the way to do it. For example, clarifying the legislation about authorised persons might be a way to do that. Having a greater level of BCAR-type inspections by the authorised person worked into the legislation through amendment might be another way. Many of us are of the view that we would like assigned certifiers to continue operating under BCAR but not to be directly employed by the builder or developer, but essentially as authorised persons by the local authority, with the cost to be borne as it currently is. If all of that were to be done in the context of this legislation, which would not require substantial amendment, one could end up with the best of both worlds, which is a faster system with no questions on any of that. Maybe we can consider that as we go. Perhaps people have suggestions on how some of that could work.

The clarification of the point about the level of technical information that would be required in this Bill is important. We might look at clarifying that in the legislation because that is clearly the intention of the drafters. If that is where this conversation ends, I presume, if it is done right, that it would satisfy many of the concerns of the people on this side. My question relates to timelines because we obviously want to do this all more quickly but without compromising. Mr. Baldwin mentioned timelines. Does he have a notion of what a more appropriate timeline would be, particularly in the context of what I have outlined as a potential inspection regime and merging the two processes, or is that something he could maybe think about and come back to us on? That is more of a general point but perhaps people want to respond to that.

Deputy Pat Casey: I will address the inspection process again and tease it out a little bit. We are all on the same hymn sheet and want the same result at the end of the day. Deputy Ó Broin hinted at it too. At the moment, if I refurbish a building, is there an inspection under BCAR?

Mr. Joe Kennedy: If it involves a change of use.

Deputy Pat Casey: All this Bill introduces is that that is done independently, copying that process, and we follow the same procedure and that the same documents are submitted. What we are looking at is to have that person assigned in an independent manner and not paid for by the developer, builder or whoever, but by the local authority. There is no extra cost in that because that cost has already been incurred or will be incurred if done under the normal processes. There is the same negotiated fee or whatever it is. There is no cost to the local authority to do this independent inspection because it has to be done anyway. The other point, which was mentioned earlier, is the panel at local authority level. That panel is already there. It just operates in

different offices and one has to apply to different offices for different certification processes, and at a different timeframe. All we are doing is bringing that panel of people into the same room at the same time to make a decision on this. I think we all want to get to the same end result. I just thought that it would follow the BCAR system but be done independently rather than being carried out by the builder.

Mr. Joe Kennedy: We are all working towards the same thing and can summarise very quickly everything that we agree on. We have strongly proposed independent inspection as the norm rather than self-certification. We believe that town centres would benefit from this type of a Bill. We are happy to hear some of the clarifications, as Mr. Baldwin has mentioned, about the rigour of the documentation because it is very complex. Unfortunately, it may be getting unsustainably complex. Perhaps we could address some of the more practical concerns. We were a bit concerned about the lack of definition as to what existing buildings this might apply to. We were afraid that somebody with an industrial unit up in Sandyford could put six units in it. Some 500 sq. m is quite big. It is the floor area of six two-bedroom houses. None of us would want it to be misinterpreted. If we could foresee the unintended consequences now, they might be avoided.

Ms Orla Hegarty: Unintended consequences were mentioned earlier. The exempted development provisions discussed last week would be an automatic entitlement to an owner to just go ahead and do the work. There is a safeguard in this Bill for that type of work whereby one does not have an automatic exempted development. The planning authority has to say that one fits the criteria for this. It gives the local authority its own control, without anybody automatically getting into this system, to say there is not adequate parking in the area, there is no amenity, or whatever else. It is a much more effective tool for the planning authorities than the blanket exempted development provision which was brought in which did not have an upper limit on the size of the building. It is a much more effective tool for planning authorities than the blanket exempted development provision which was brought forward but which did not include an upper limit for the size of a building.

Chairman: Does Mr. Baldwin or Mr. Larkin want to come in on this issue?

Mr. Noel Larkin: No.

Chairman: On behalf of the joint committee, I thank the delegates for coming. I know that some of them have come repeatedly. I thank them for the time they give to the committee and engaging with us on the Bill.

Sitting suspended at 3 p.m. and resumed at 3.05 p.m.

Role of Chairperson of Housing Agency and Related Matters: Discussion

Chairman: No. 6 on the agenda is a discussion of the role of the chairperson of the Housing Agency and related matters, with particular reference to recently articulated views on the level of homelessness in Ireland. I welcome Mr. Conor Skehan from the Housing Agency.

At the request of the broadcasting and recording services, members, delegates and those in the Visitors Gallery are requested to ensure that for the duration of the meeting their mobile phones are turned off completely or switched to airplane, safe or flight mode, depending on the devices used. It is not sufficient to set them to silent mode as it will maintain a level of interfer-

ence with the broadcasting system.

By virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the joint committee. However, if they are directed by it to cease giving evidence on a particular matter and continue to do so, they are entitled thereafter only to qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person or an entity by name or in such a way as to make him, her or it identifiable.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the Houses or an official, either by name or in such a way as to make him or her identifiable.

During private session we agreed to divide this session into three sections if we were under time pressure. We will take Mr. Skehan's statement in the following order: the Housing Agency and its roles; Mr. Skehan's role as chairperson; and his recently articulated views. I hope members will adhere to that order, where possible.

Mr. Conor Skehan: I thank the Cathaoirleach and members of the joint committee for the invitation. I was appointed chairperson of the Housing Agency in 2013. The agency has 64 staff and an annual budget of €114 million. It deals with a very wide range of issues, detailed descriptions of which I have provided in an attachment to my statement. We deal with housing supply services, support local authorities in housing management, conduct research, support approved housing bodies, operate the regional and national mortgage-to-rent schemes, co-ordinate national housing policy for people with disabilities, provide procurement advice and support for local authorities and approved housing bodies, operate the pyrite remediation scheme, regulate approved housing bodies and provide advice on a wide range of issues, including policy development, technical advice and project management. We have been very vigorous and very active. I have given members an attachment showing the extent of that work.

In my role as chairman, I lead a team - the board - which sets the strategy and oversees the implementation of the agency's activities. These roles are guided by our published vision, mission and values. Identified as our core values are independent influence, quality expertise, innovation, a focus on solutions, a respected reputation and collaboration. They are outlined in detail in the attachment. One of my roles as chairman is to meet the Minister periodically to discuss our performance. It is my practice at such meetings to advise the Minister on housing issues and priorities. I usually do this the first time I meet a new Minister. I have given a typical briefing in appendix 4.

Since I took up my role, the agency has expanded in scope and scale considerably. An attachment sets out how much it has grown. I notified the Minister in 2016 that I would not be available for re-appointment because of my belief that the continued expansion of the agency would demand a chairman with deeper skills in financial and human resources management than I possess. To this end, I instigated and implemented a succession programme that resulted in the Public Appointments Service identifying and recommending replacements, who proved to be unavailable when offered the position. As a result, I agreed in December 2017 to continue in the role until a replacement could be appointed. The Minister assures me the appointment process is proceeding as quickly as possible.

On homelessness and my recent comments in the media on this matter, I draw members' attention to the fact that, prior to stepping down as chairman, I agreed to give one press exit interview. It took place on 2 December, lasted for about two hours and covered the topic of what I had learned in the past five years. Once it emerged that I was not going to be stepping down, I let the journalists know. *The Irish Times* subsequently published six articles based on my interview over a period of two weeks. They covered the matters that I understand this committee wishes to discuss. The matters, as I understand them, are my reported views on the following aspects of homelessness: that there are too many homelessness charities; that homelessness is normal; that people may be gaming the system; that there is a need for vigilance regarding housing numbers; that homelessness is a result of affordability; that attention to vacancies and arrears should be given higher priority; and that housing behaviour among millennials is affecting supply. I am happy to discuss these and any other topics I am directed to discuss by the Chairman and other members of the committee.

Senator Victor Boyhan: I want some guidance. May we ask questions at this point, or will the Chairman split the discussion into three sections?

Chairman: I would like to have three sections so we can really get into detail.

Senator Victor Boyhan: They are all slightly intertwined. I am happy to await my turn but what I have to say relates largely to the fact that Mr. Skehan clearly mixed all the issues in here himself. I was hoping to comment-----

Chairman: Maybe the Senator can ask questions on the points in the order they were made.

Senator Victor Boyhan: I thank Mr. Skehan for attending. I appreciate that. I want to go through the points in the order I received them. Much of this hinges on the interview. Mr. Skehan said he gave one exit interview. I read a number of press clippings, and I am not necessarily saying they were interviews. Mr. Skehan gave a very extensive interview to *The Sunday Business Post*. He mentioned *The Irish Times*. There were many interviews. I do not understand the reference to one interview.

Mr. Conor Skehan: As a matter of fact, we have to be very specific. There was one interview. That is a very important point because there is an enormous amount of commentary based on the outcome of a single interview. I will stress a number of times the importance of understanding that the statements being reported repeatedly are the results of a single interview and a single aspect of a single comment, to which I will come back time and again.

Senator Victor Boyhan: Could I please be let finish?

Mr. Conor Skehan: Of course.

Senator Victor Boyhan: Some comments have been reported. I will single out some of them and Mr. Skehan may comment on them when I am finished. I understand he has given a series of interviews. He targeted homelessness charities and said there were too many of them. There is due process here and I would like Mr. Skehan to correct me when I am finished if I am wrong. He referred to the Apollo House activists as misguided. Why does he believe that? Does he still believe that?

Mr. Skehan said the homelessness crisis is normal. This is my understanding of his commentary. I have read and played back some of his commentary, and this is what I have taken from it. He said people are gaming the system and declaring themselves homeless to be prioritised on

the housing list. That may or may not be the case. I am not disputing it but I just want to tease it out with him. He might also refer to Government policy. A certain amount of Government policy stated the homeless were to be prioritised and that there were to be quotas in each of the local authorities. Many people found the phrase “gaming the system” very offensive. Many discussed this with me and said they found it exceptionally offensive that somebody with Mr. Skehan’s responsibility was saying people were gaming the system. When did it come to his attention that people were gaming the system? If he believed that, what did he do about it? In some ways Mr. Skehan’s name became a byword for the idea — this is important — that there is official indifference to the human cost of homelessness. That is what some people thought.

I want to pass on what I picked out of the commentary. I found Mr. Skehan’s remarks offensive. I am not without a home. I met people who are homeless, people in hospitals and people who worked in the sector, and they found the comments offensive, particularly given Mr. Skehan’s position. Will he clarify whether he made the comments? If he did, he clearly gave a lot of thought to them. I have a lot of respect for Mr. Skehan and have attended conferences that he addressed, so I believe he would have given some thought to his comments. Does he still stand over them? If so, is he fit to stay in office at this juncture? That is a view of mine on which I would like him to respond. Did the current Minister summon him and express concern over the comments he made?

Mr. Conor Skehan: Would the Chairman like me to take all of these?

Chairman: Absolutely.

Mr. Conor Skehan: I thank the Senator for the opportunity to clarify those points because this is, indeed, the essence of the issue as to what I did or did not say. To get to the heart of the matter and to address the extent to which people said to the Senator that what I said was objectionable, hurtful or insulting, if he reads what I actually said, he will note that I said there “may” be an issue and that it “should be investigated”. At the risk of false flattery, I will continually draw the Senator’s attention to the wisdom he is continually told about in this committee by Deputy Ó Broin concerning the importance of having policy based on evidence, the avoidance of anecdote and the avoidance of emotion. Am I correct in my paraphrasing? The importance of doing what I describe rests on a systematic analysis of whether practices that are reputed by many people to be taking place are, in fact, true. If I am arriving at this committee, I am doing so to say to members that one of the really important pieces of work they must do is to find out whether these things are true. As the Senator said, I have been extremely careful in my words. I was extremely careful not to say that these things are happening but that they may be happening and should be investigated.

To take it further, I draw the Senator’s attention to the following two statements that appeared at the same time. The first reads:

There may well be a small proportion of people ‘gaming’ the system, but there have been chancers since time began. Look at insurance fraud, for instance. But if it is happening, I’m certain it’s at a tiny proportion.

The second reads:

No matter what system you have, whether it’s a social welfare system or a tax system or a housing system, some people will try to scam the system. That’s just a reality. I’m absolutely sure there are some families who are declaring themselves homeless when they may not actually be homeless in order to jump the queue. But that’s a tiny, tiny percentage

of those families who are actually declaring themselves homeless.

The first of those remarks is by Mr. David Hall, director of the Irish Mortgage Holders Organisation, as reported in the *Irish Independent*. I will provide the committee with the specific reference to that article. The second comment, on people who are trying to scam the system, is by Fr. Peter McVerry. These are exactly the same pieces of advice that I provided when I said this may be happening, that people may be doing this, and that if it is happening it should be investigated. Those are the actual words. I know this is a busy committee so I will not be tedious and read the article out to the members. It is extremely important, however, that we understand that this is the context. Does that answer the Senator's question on what I actually said?

Senator Victor Boyhan: That is Mr. Skehan's side. That is his view.

Mr. Conor Skehan: No, Senator. I do not deal in views. I am here to report facts. These are facts as reported by extremely reputable commentators on this issue who are saying exactly the same thing word for word. Are we clear about that?

Senator Victor Boyhan: I just want to-----

Mr. Conor Skehan: Are we clear about that?

Senator Victor Boyhan: I am sorry, but we have a Chair and a process-----

Chairman: I ask Mr. Skehan that anything he-----

Senator Victor Boyhan: -----for how we engage. We do not-----

Mr. Conor Skehan: If the Senator asks a question, he has to accept the answer all the way through.

Senator Victor Boyhan: No, I do not have to do anything.

Chairman: Mr. Skehan might forward what he referenced to the committee.

Mr. Conor Skehan: I will of course.

Chairman: It would be great for everyone.

Mr. Conor Skehan: That is the matter of gaming the system or otherwise. That is the matter of people taking offence at the things I have said or otherwise. Is it completely clear where that has come from and where it is going?

In terms of the questions asked about describing homelessness as normal - I am sorry, as I keep picking on Deputy Ó Broin - one of the important functions of this committee is to base policy and decisions on evidence. One of the most normal processes in all fields of human endeavour, but especially in the field of public policy, is to benchmark so that we can know how we are doing compared with other places or sectors. Saying that our homelessness issues are normal is a call to examine the ratio of people who are homeless in various categories in Ireland compared with other EU member states overall, other member states in similar circumstances and other parts of the world. That is what normal means. It calls on people to recognise something about the levels of homelessness in Ireland. To use my complete statement, I said that homelessness was a dreadful thing to befall anyone, but we must recognise that it occurs every-

where in the world for more or less the same mix of reasons. It is only by examining that and seeing it in this context that the committee can start to direct the Oireachtas's attention towards policies that are likely to be effective as opposed to those that are merely based on anecdote and emotion. That is the point of drawing attention to the issue.

I cannot read my scrawled handwriting, so if I have overlooked something that the Senator asked, please forgive me. I have referred to "normal", gaming the system and people taking offence. I was also asked whether the Minister summoned me to express his displeasure. On the contrary, the Minister made a public statement that chairpersons were appointed and valued for the provision of independent advice. He may or may not agree with that advice, but that is our role, particularly as an agency that is specifically mandated to be independent and to tell people what they need to hear, even if it is not always what they want to hear. Does that answer the Senator's question?

Chairman: Would Senator Boyhan like further clarification?

Senator Victor Boyhan: No. Mr. Skehan might confirm in a word whether he still stands over these comments.

Mr. Conor Skehan: I stand over the comments that there appears to be a body of evidence showing people describing themselves as homeless to obtain an advantage on the housing waiting list. I am telling members, as the responsible committee, that they should investigate this.

Chairman: If Mr. Skehan has evidence, he might send it to the committee.

Mr. Conor Skehan: I will do more than that.

Chairman: The committee can then examine the matter. Is that agreed? Agreed.

Senator Victor Boyhan: Unfortunately, I must go because the issue of housing is being debated in the Seanad with the Minister of State, Deputy English, and I want to speak on it. I thank Mr. Skehan.

Mr. Conor Skehan: I thank the Senator for the opportunity to clarify. It was important for me to have had that.

Senator Victor Boyhan: I agree.

Mr. Conor Skehan: It was appreciated.

Deputy Eoin Ó Broin: I thank Mr. Skehan for attending. I will make a couple of initial comments. I am a strong defender of free speech. People have a right to express their opinions and I would not try to curtail that. Likewise, the rest of us have a right to respond to those publicly. People in public bodies should express their views even when they do not necessarily coincide with the views of politicians in opposition or government.

When I commented on this matter over Christmas and the new year, I tried to be measured and accurate in my remarks regarding what Mr. Skehan said as opposed to what some misreported him as saying. I have no difficulty with his description. However, there is a difference between Mr. Skehan and Mr. David Hall and Fr. Peter McVerry in the sense that Mr. Skehan chairs a body that is tasked with providing independent and evidence-based research to the Government. Regarding potential strategic presenters in the homeless system, his organisation has had a great influence on a significant Government decision. The input of Mr. Skehan and

other members of the agency, be they on the board or staff members, is potentially significant. I will revert to this matter in a moment.

I will respond to two of Mr. Skehan's comments. Like many of those in the homeless sector, I believe there are too many homeless organisations. A reason for this is that the failure of the State over a long time has meant that the voluntary sector, often charities and religious organisations, had to step in and provide services. Mr. Skehan stated that voluntary service providers should have performance indicators. They already do. It is required by their service level agreements. Their reporting requirements have become onerous. The people in the voluntary sector with whom I spoke had no great difficulty with Mr. Skehan commenting on the number, as there are more than 40 homeless service providers in the city and county of Dublin, but with the specific issue of the existing performance indicators. Indeed, it has just been revealed that another State agency was trying to insert in its service level agreements additional elements that would have been detrimental.

Normal, as I understand the word, has a tendency to mean something that is not exceptional. There is a normal, common or typical way of doing things. While there is no doubt that every modern industrial society has homelessness, the levels of homelessness that we have experienced in recent years, especially child homelessness, are exceptional. This is not my view, but the view of the FEANTSA cross-country comparison and the OECD study. The concern that many of us had when the word "normal" was used was that it sounded like a suggestion that this was not exceptional and that it was typical. If Mr. Skehan's intention was to say that, on the basis of homelessness being a problem in many places, it was not unusual in Ireland, I would have no difficulty. However, that is not how it came across in the interview. For some people, including me, it sounded like the old Christian saying about how poverty would always be with us and we should just accept it. That is not Mr. Skehan's view, but I want to convey to him that this is how it came across in the radio interview. It caused difficulties.

I will turn to the issue of people possibly gaming the system. Most committee members have conducted many interviews and left unhappy with how our phrases were presented or kicking ourselves at our choice of words. We do not all get it right all of the time, particularly in a two-hour interview. However, I have a specific concern because, after Mr. Skehan's interview, I felt that he had crossed a line in his position as chair. I am on public record as saying that I have a great deal of respect for Mr. Skehan, have a good relationship with him and believe he contributes positively to our housing debate. The Housing Agency undertook a study of this issue at the Government's request during the review of the 50% priority allocation. I read the report unofficially at the time and later when I received it through a freedom of information request. While it states that people may be gaming the system on the basis of anecdotal evidence, it presents no evidence whatsoever to support the idea that it is happening in our housing system. It is a report that Mr. Skehan's body produced and of which he is aware. There has been a considered discussion on this issue among the Dublin local authorities, the Dublin Regional Homeless Executive and Mr. Skehan's organisation for a year.

I was surprised, but not that Mr. Skehan had said this at the start of 2018. Rather, given that this research had been done and no evidence was provided, that we had had this debate and that the Dublin Regional Homeless Executive subsequently stated publicly its belief that people were not getting through the system as a result of strategically presenting, it was unwise even to suggest that people might have been doing that. It plays into a public narrative - Mr. Skehan is not the narrative's fault - that these people are not genuine, are queue jumpers and are trying to get into a council house quicker. Mr. Skehan presented his remark as a theoretical comment as

a social scientist would, but it was a bad choice of words, especially given the current context.

It has caused deep hurt. It was not Mr. Skehan's intention to do that, but it has caused deep hurt. I think it has undermined the Housing Agency because it suggests that this body, which advises Government, believes there is a problem here when in fact John O'Connor came out in a subsequent interview and said he did not believe there was a problem.

Mr. Skehan is absolutely right. It should be evidence-based. If he or his organisation has evidence to suggest that this actually is a problem, then we have a conversation. The one publication we have access to - we had to get it by FOI - does not present it. That is why I think we are in difficulty on this remark. I ask Mr. Skehan to reflect on some of that and come back to me on it.

Mr. Conor Skehan: I thank Deputy Ó Broin, who was measured as ever, for the opportunity to open up those issues. First, I home in on his concern about crossing a line in terms of my role in the agency. The first thing to bear in mind is that I am chairman of the board and not a member of staff. My job as chair and our job as the board is to challenge our executive - sometimes to say, "Well done", sometimes to say, "Try harder" and sometimes to say, "Look harder."

I teach and one of these issues - the one the Deputy is raising here - is the absence of evidence. Absence of evidence is a very specific thing we teach our students. There is an old phrase that the absence of evidence is sometimes not the same thing as evidence of absence. We teach the students that by giving them the following example. We are in a room, I send all the students to the window and ask them to look out on the lawn and tell me if there is an elephant on the lawn. They come back and say that there is no elephant, which is excellent and well observed. I then ask the next student to go to the window and tell me if there are ants on the lawn. The student comes back and says: "I don't know; I can't see any." To which I respond: "Well, maybe you need to go out and look harder."

This is the category of argument I am putting to the committee here. In my role in the agency, people send me stuff. I will read out three or four examples from different aspects of stuff that people send me that give me the grounds for making exactly the remarks the Deputy is so concerned about. If they are true, we should all be concerned about it and if they are not true, we should all be relieved that they are not true because they are precisely that class of data he referred to as anecdote and no basis for policy. Therefore, we are both in complete agreement.

Chairman: Before Mr. Skehan reads those out, I want to ensure there are no names or anything that can be attributed to anybody.

Mr. Conor Skehan: I am holding them up generally. I have blacked out anything that could identify anybody. I will make these available to the clerk to make sure this is clear. This is not in any particular order.

One strand of evidence is social media. Through another business I have I am in the business of watching and seeing what takes place on social media. We relatively commonly come across group chats where people are sharing information with each other about how to improve their condition. Here is a sample in which people are talking about what they can do or cannot do to get into housing. The exact quote is: "Off course u are it's up to urself", meaning get oneself into the list. This woman who claims in this note to be in emergency accommodation says, "Its hard but it b worth it im on it with 3 kids an by god its hard but ill stick.it out too get my forever home u shud strongly think about it".

I now quote from meeting minutes from Fingal County Council on Tuesday, 16 January item No. 5 on housing numbers. Is this okay? This is an official record.

Chairman: Is it from the minutes of meeting?

Mr. Conor Skehan: It is an official record.

Chairman: Is it out in the public record?

Mr. Conor Skehan: It is in the public record. I have taken the care forensically to check with the chief executive, Paul Reid, that it is in order for me to deliver this. Is that completely clear?

Chairman: Okay.

Mr. Conor Skehan: It states:

Question: Councillor K. Redmond. AI040417

“That the Chief Executive reports how many of those currently counted on Fingal’s homeless/housing list has been offered an accommodation option and turned it down.

Please provide the answer with an up to date total number on the list for comparison”

Reply:

There are 7961 housing applicants on the Council’s housing list with 413 families deemed to be homeless or at risk of homelessness.

68 offers of accommodation were refused in 2017, 36 of which related to applicants in homeless circumstances.

That is specific. This is the type of stuff that Deputy Ó Broin rightly demands that we base decisions on.

I have a third item which again I will give to the committee. This is one where I have been specifically told I can use this person’s name and I have specifically checked with the county manager that it is in order. It is a county councillor’s name and it is specifically addressed to me. I have been specifically told that I can use it at this meeting. Is that acceptable? I will not read the person’s name out just now.

Chairman: Is it in the public domain already?

Mr. Conor Skehan: No, it is not. This person sent it to me. Out of an abundance of caution-----

Chairman: Mr. Skehan should take the name off it.

Mr. Conor Skehan: Fine. In that case, I will synthesise it because we do not have a huge amount of time. Essentially, it says that there are three case studies that would be of assistance on the basis of the personal experience of the councillor. To be really clear, I went back and checked this with the county manager afterwards and the county manager confirmed that these are cases.

Case 1

A young woman who had been living with her father in Council accommodation contacted me in the latter half of last year. A problem arose, as her father had no permission to allow people stay with him. She found herself becoming homeless and contacted myself and other Councillors in our electoral area. The problem was resolved and the Council advised she could remain living with her father.

She was most disappointed at this... because of the difficulty with her father he would no longer allow her to live with him. The council agreed to provide emergency accommodation in a nearby hotel.

She only stayed in the Hotel room for one week and then moved back to her family home and now uses the hotel room to meet her partner a few nights a week, but as far as she is concerned she is now living in emergency accommodation... This lady is counted in our homeless figures and nothing could be further from the truth.

This is the information I am being sent. I would be remiss in my role if I did not challenge my executive to find out if this is true.

Case 2

A young lady approached me two years ago who told me she was homeless and sleeping in her car with her three children under the age of 7. She had been living in a council house with her father and claimed that he was being physically abusive to her and her partner and they had to leave the home. I asked if she could stay with her mother who was in another council house close by and she told me she had not spoken to her mother in years and that there was no chance of her mother agreeing to this.

I attended the Council offices with her, her partner and her children. It was impossible for the meeting to be held, as the children were [very noisy]...

[I arranged a meeting the following day] To my surprise she called her mother who arrived in her car and took the children home and arranged with her daughter to see her at the house later, when I questioned her about what she had told me in relation to her mother she said [that]... this was the best way for her to enter emergency accommodation. She had a council house six months later.

This is what I am being told. This is what I am being asked to draw to the committee's attention.

Case 3

Some months back at the launch of yet another fundraising drive by the homeless charities I watched a video... of a young child struggle with the steps of a B&B because he was in temporary accommodation. It was an appalling site [*sic*], and one that was viewed over 500,000 times on you tube.

When I realised that this child was a member of a homeless family from Fingal I approached our executive and sought an explanation as to how this was happening on our watch.

It was only then I learned that this family had been offered alternative accommodation, including a brand new 3 bed specially [adapted] home in a new development and refused it as it was a ten minute bus journey from where they had hoped to secure a home.

The same family also refused a transfer to a hotel nearby where they could have had a room [adapted] for people with special needs, as it was not close enough to the mother's family home.

This next piece comes to the heart of looking harder for evidence.

When the facts in this case were brought by me to RTE and Independent Newspapers they both investigated and confirmed the story, both indicating they were anxious to run it and both then reverting and advising me that it was too dangerous legally to deal with the story.

I will not deal with the rest of it.

Chairman: I think that answers the Deputy's evidence question. What was his next question?

Deputy Eoin Ó Broin: Let me respond to that. This is very important and in some senses I am even more concerned now than I was at the start. Again I will be as measured as I can be. Third party accounts of very complex family situations are not evidence. I am not disputing that the person who sent Mr. Skehan that may believe that. However, that is not evidence of people gaming the system. That is somebody's interpretation of a set of circumstances.

Mr. Skehan's first quote, for example, was from a young woman on social media. None of us knows from that account if this person was made homeless from a notice to quit from a landlord, if there was abuse in the family relationship or other family circumstances. I appeared on a radio show recently talking about this and a very similar social media post was used by an interviewer. The implication is that this person is not genuinely in there when it is clearly not demonstrated from the information that Mr. Skehan has given.

I will go back to what I say. I hear all the time all sorts of things. I hear that a mother with one child can easily get a three bedroom house in the local authority area in which I live. That is not true. I go and check it out whenever I am told this and I look at the complexity of the situation. When somebody presents as homeless and Mr. Skehan should know this, given his position, there is a very rigorous test, there is documentation required. They engage with professional local authority staff at the front line who make very difficult decisions every day to allocate very limited volumes of emergency accommodation. If it is suggested that even one family slips through that process, we are suggesting that a wrong call was made by one of those staff. Likewise, if somebody is in emergency accommodation and they do not stay in that emergency accommodation of a single night, that emergency accommodation is taken away from them straight away by the local authority, the Dublin Regional Homeless Executive. I have no difficulty with somebody who might be in bed and breakfast accommodation in a hotel going back and staying with family and friends for some relief. In many of these emergency accommodation locations, one cannot spend the day there. There is nothing in what Mr. Skehan has said that provides any evidence of gaming the system. A councillor and another individual informed Mr. Skehan that they think there is a problem. All I am saying is that this is the report of his organisation. The Housing Agency looked at the matter and while it is said there may be a problem it provided no evidence for it. If Mr. Skehan is concerned that the Housing Agency's

report is not good enough, in the first instance it should be his responsibility to get the Housing Agency to do proper research and produce a new report.

When Mr. Skehan comes out as the Chairman of the Housing Agency - and I understand the role of the board - he is perceived to be a spokesperson for that organisation because the ordinary punter on the street does not know the difference between a board member and a chief executive officer. When one uses the words “gaming the system”, even though there is a caveat before the words, it sends out a signal that there is a big problem. Nothing of what Mr. Skehan has said suggests there is a problem. There may be, there are some people who think there are, or there is some speculation about problems. I think it was incredibly ill advised. I say that with the greatest of respect to Mr. Skehan. In the period that Mr. Skehan remains as chairman of the Housing Agency, I ask him, given the vulnerability of families who are in emergency accommodation and the staff dealing with them on the front line, to please be thoughtful in how he uses these words. For a social scientist in a university lecture, most of what he said is fine, but back out in the world of families dealing with homelessness and workers dealing with the stress of trying to respond adequately, those same rational, logical social scientist conversations, can be deeply hurtful and can feed into a narrative that many of these people are in there to short circuit the long housing waiting list and are turning down properties.

I do not have a difficulty with a person turning down an offer of accommodation, if the reasons are legitimate. Nothing in what Mr. Skehan has said has given me any facts from the original source that those refusals might not have been legitimate. I have dealt with two homeless families, one family with a child with special needs in particular on whose behalf I fought with them tooth and nail because the offers of accommodation they were given were so wholly inappropriate for them, that I think the council made a mistake. The council eventually agreed and they were put in long-term accommodation, appropriate for their needs. Again, we need to be careful that we do not feed, unintentionally, a whole set of prejudicial narratives about what is going on. If those few emails and posts are the basis of Mr. Skehan making the claim, that is very disappointing, given the fact that he is a very smart man who understands the need for evidence and the organisation which he chairs, the Housing Agency, which has done a report has not provided any.

Mr. Conor Skehan: I thank Deputy Ó Broin for raising the issues and giving me the opportunity to address the most important of those points, which is that the report, to which he alludes, was prepared two years ago. It was prepared because our main client groups, the housing authorities of Ireland raised their concerns. As soon as the new initiative came out to allocate the proportion of social housing to homeless as was laid out, we immediately had red flags raised the length and breadth of the country by our client housing authorities, saying that this could, unwittingly, give rise to people seeking to move from a conventional housing list into an accommodation list. Members will agree that this is the time we are talking about. Deputy Ó Broin, as ever, is correct. There was no evidence at that time that this was occurring and that is why no evidence was included in that report. The Housing Agency was doing what it is supposed to do, which is to send up red flags into the system to say there is a potential problem here: Be aware of it. That was the agency doing its job. To the Department and the Minister’s credit, they did something about it, almost immediately. That is a very important point that Deputy Ó Broin is raising and there is a reason that the report did not have the materials in it.

In the matter of vigorous scrutiny, the next piece of evidence is similarly from one of these social media sites. This is why we need to look for something other than elephants, this is why it may be so difficult to spot the ants. This one has a heading on it “ANON POST” and reads:

“Hi there, I am a Social Welfare Inspector and was wondering if one could have this post anonymous in the group.”

Chairman: I have to ensure we remain, orderly, relevant and fair and as that alludes to somebody’s job, it might be best if Mr. Skehan does not proceed with that example.

Mr. Conor Skehan: That is okay Chairman.

Chairman: We might remain with the report to which Deputy Ó Broin alluded. As was mentioned, it refers to the refusals, whether we have evidence for the reasons behind the refusals.

Mr. Conor Skehan: All I have is the evidence given in the managers’ formal response on 14 January.

Chairman: For the benefit of those watching the proceedings, when people are offered a home, whether it is suitable or not, is it not normally in their preferred location?

Mr. Conor Skehan: Correct.

Chairman: Does it not have the number of bedrooms that they applied for?

Mr. Conor Skehan: Yes.

Chairman: Once it is in accordance with what they have applied for and it is in their preferred area, the Housing Agency has the statistics and we need to understand the rationale for refusing it.

Mr. Conor Skehan: I would say the same thing; that is the type of evidence we need to bring out.

Deputy Eoin Ó Broin: On a point of clarification. When somebody is in homeless accommodation, emergency offers of accommodation are not made on the same basis, so that very often somebody will be offered accommodation not in their area of preference but so far away from their area of preference and family support networks that it is not an appropriate offer. That is an important distinction to make. Increasingly, and my own local authority has two areas of choice, so it is not like people get to choose a housing estate, one has a choice between either north or south of the Naas Road. That is why, for example, there are occasions where somebody is in emergency accommodation, they get an offer of accommodation but when one looks at the details of the family and the offer, it is wholly inappropriate. It is not that they are choosing to turn something down, it does not meet the complex and important needs in family support networks of those individuals.

Chairman: It is important that we have that information in order to inform policy, albeit it is a minority situation. Such evidence would help with future policy.

Were all of Deputy Ó Broin’s questions answered?

Deputy Eoin Ó Broin: There is one very small point. Mr. Skehan is absolutely correct that the report dates from 2016 and the logic of the report was the dramatic rise in the increase in the number of families presenting as homeless. What he did not mention, but I am sure it was an oversight, was that this was also the period when we had a dramatic increase in the number of landlords increasing rents, but before we had an adequate response from Government. There

was a crisis in the rental sector. The consequence of that report, notwithstanding the fact that no evidence was provided for strategic presenters, was the 50% priority allocation was allowed to lapse and in all four of the Dublin local authorities, the 50% priority allocation dropped to a range of levels from 20%, 25% and 30%. What is very important is the number of families presenting as homeless, notwithstanding that the original suspicion that led to the call for the report was the rise in this number, but the number of families continued to rise in spite of the fact that the priority allocation fell. That was because of the rental crisis continuing to spiral out of control. We are now in a situation where many local authorities who have never applied a priority allocation system are seeing very dramatic rises in family homelessness. None of that is conclusive evidence, but all of this information is very important to the context. The suggestion, and it is only a suggestion contained in the 2016 report that there is a link between the number of family presenters and the availability of a 50% priority allocation is not only inconclusive but is counter proven by the fact that the increasing levels continued after the withdrawal of the 50% priority allocation in Dublin, and in those counties that have never had a priority allocation.

Chairman: I will bring Deputy Barry in and Mr. Skehan might respond to both.

Deputy Mick Barry: I would like to ask Mr. Skehan about what his presentation described as “recently articulated views”. I had intended to focus on recently articulated views to the effect that homelessness is normal, and that people are gaming the system, both of which were comments made last year. However, I will now ask about views articulated far more recently than that. What Mr. Skehan has said in this room in the last 30 minutes does not just continue down the path of his comments about the normality of homelessness and gaming the system. It has actually brought things to a point of even greater seriousness than when the invitation to attend this committee was first extended to him.

I have listened to the examples Mr. Skehan has listed, and I have heard scraps of information. I have heard hearsay. I have not heard anything that would constitute real, hard, serious evidence for the line of argument he is making. I have heard people who are in very difficult and vulnerable positions being wheeled out as examples. Mr. Skehan mentioned not one but two young women who are in difficult relationships with their father. For one of these women, physical abuse was part of the issue.

Mr. Skehan has done this while engaged in a particular action, and that action is to defend his position from the criticism he has received in recent times. The effect of his comments is to add fuel to the fire of a narrative that is out there, pushed by sections of the right-wing media. I refer to the old Victorian idea that there are the deserving poor on the one hand and the undeserving poor on the other. His comments add fuel to the fires of prejudice and backward attitudes towards people who find themselves in a very difficult position within our society. I would like to deal with some of the specific points he has raised.

The minutes of Fingal County Council were mentioned. Some 68 offers were refused, 36 were refused by people in homeless services.

Mr. Conor Skehan: Homeless circumstances.

Deputy Mick Barry: Homeless circumstances. To anyone here who is a public representative, who has worked as a Deputy or as a councillor in a local authority, that figure would not be a shocking one. We deal with people in those circumstances all the time. There can be any number of good reasons, which would stand up, for someone in homeless circumstances

to refuse the offer of a house. I had many debates on my old council, Cork City Council, when conservative politicians said a certain woman would not accept an offer because it was too far away from her mother. They would make a big issue of that. The reason they would make a big issue of it is that they live in a different world to a lone parent who is on a low income, in a stressful situation and trying to improve their situation by getting a part-time job and earning a few bob, but cannot afford a babysitter. They need support from relatives and family. People who do not live in communities like that, who live in a different and more affluent world, do not understand that these are the realities of life for many working-class people with low incomes.

I have seen people turn down the offer of a house because there is someone living across the road or around the corner who has been threatening or violent towards them in the past, or is a known drug dealer with whom they have had difficulties. These are the realities of life for many people. I suspect that there are people high up in the Government, the Civil Service and, with respect, in the Housing Agency, who do not understand the realities of life that people are struggling with in situations such as this.

I refer to the example Mr. Skehan gave involving people with difficult situations with their fathers and physical abuse. In my experience, difficult family situations show the opposite to the narrative of people gaming the system. For example, how many times have I come across this story? A relationship or family unit breaks down and people move back in with their mother or father. That house is then overcrowded. There are tensions, which become unbearable. The people present as homeless, and the reason given is family breakdown. Are they gaming the system? They have been evicted. They have been subject to huge rent hikes. In fact, they tried to do the exact opposite. They tried to avoid having anything to do with the system. What do they get? Do they get help? Do they get assistance from Mr. Skehan's comments? No. They perceive that they are at the butt of a cruel jibe.

Mr. Skehan might say that they are not the people he is talking about. He said today he was referring to a tiny percentage of people, and that it may be an issue. If I walked out onto the plinth and said that I thought there may be corruption in the Cabinet, and then I qualified my comments by saying that it may be an issue or that it is a tiny percentage of Cabinet members, I know that my qualification would not be the headline in the newspapers tomorrow. I know that because I have been around the block. I have a little bit of experience of how sections of the media operate and the way in which comments are taken up. Mr. Skehan is the chairperson of the Housing Agency.

Chairman: Deputy Barry is clearly not suggesting that. I am just putting that to him.

Deputy Mick Barry: I would not dream of making a suggestion such as that.

Chairman: I am being very serious. Deputy Barry is clearly not suggesting anything.

Deputy Mick Barry: I am clearly not suggesting that even a tiny percentage of the Cabinet-----

Chairman: I remind the Deputy that witnesses are expected to be treated fairly and with respect and consideration, and at all times are protected by absolute privilege. That applies to the committee members too. I am reminding the members of this.

Deputy Mick Barry: I think the Chair knows what I am saying, and I think she knows-----

Chairman: No. I am not agreeing with anything Deputy Barry just said. I am being impar-

tial. I am trying to protect the members and the witnesses. Everybody is protected by absolute privilege in here, and that is all I am reminding the Deputy of. Does the Deputy want Mr. Skehan to answer his questions?

Deputy Mick Barry: I will finish my point and then ask him to reply. I am merely using an extreme example to make a point. The chairperson of the Housing Agency should know better. He should know how his comments would be taken up. I will be blunt with him. I suspect that he did know. I think he knew how those comments would be taken up, and I think that there are people who are in high places in this country, high up in politics and the Government, who like the narrative of the deserving poor and the undeserving poor. It is a divide-and-rule narrative. It is a Tory narrative. Mr. Skehan is being called out on it, and the comments he has made today are at least as bad as those he made previously, if not worse. They are grounds in and of themselves to ask for his resignation, which the Minister for Housing, Planning and Local Government should do. He will not, because Mr. Skehan is playing quite a useful role for the Government. I will leave it at that.

Mr. Conor Skehan: I will start at the end and work back. The person described by the Deputy who said it was a tiny percentage is Fr. Peter McVerry. I did not say that. The person who said it was a tiny proportion was Mr. David Hall. I did not say that. I was very careful in the words I used, which was to say that if it was happening, it might be in one or two constituencies only. I am careful with my words.

In terms of the deserving and undeserving poor, it is the opening slide in my lecture that I give people about housing. Housing is one of the subjects I teach in DIT. I specifically draw attention to the potential for this to be kidnapped or hijacked by people who want to use it for socially divisive means so I am well aware of the potential for hurt. I am well aware of the potential for people to feel defamed or otherwise injured by these but I am not making this comment on the 400 or 600 people in Fingal. I am saying this for the 85,000 people who are on our housing waiting list - the 85,000 people who, to use the words of Fr. Peter McVerry, may find themselves having a queue jumped. I am not even going to talk about what happens when one starts the business of identity politics of saying “you’re in my group or the other”. The whole point of drawing attention to this is because the Housing Agency’s remit is all of housing - everything in housing, which is everybody who is need of social housing - and to make sure that everybody in social housing is treated fairly and given a fair opportunity. The 100% is the concern of the agency, not the 1% causing a distortion, which are the words used, in the application of social policy. It is the 85,000 people about which I am worried.

In terms of defending my position, far from it because I have literally nothing to lose; I am in here to defend those 85,000 people. I am in here to make those statements to make sure that the majority of people who are entitled to social housing and who we as a society should be proud of, are provided with it and dealt with equitably and fairly. We are a fantastically good country. We deal with people who are in need. When we get out into the business of proportion and look at some states in the US where a significant proportion of the population of the entire state live in trailer homes, the 100,000 units of social accommodation we provide every year is the kind of thing we can and should be proud of. We can always do better. We have a waiting list of 85,000 people. It is down from 91,000 last year to 85,000 this year so it is going in the right direction. It will never be good enough.

Deputy Mick Barry: On a point of information-----

Chairman: Mr. Skehan did not interrupt the Deputy so the Deputy should let him finish his

remarks and I will then let him back. I have no problem with letting the Deputy back in.

Mr. Conor Skehan: The point is that we are dealing with the majority of the people in those circumstances to make sure the system works as equitably, efficiently and fairly as possible and to make sure the needs of all of the people who are entitled to social housing and who we should be proud of are provided with social housing, get what they are entitled to and get it as efficiently as possible. They are the people we are all serving.

Deputy Mick Barry: I would like Mr. Skehan to clarify his comments about hundreds of thousands of people living in trailer parks in various states in the US, that this is not the position here and that it is-----

Chairman: That is not what he said.

Deputy Mick Barry: That is the clarification sought.

Chairman: I will ask Mr. Skehan to clarify but that is not what I heard.

Deputy Mick Barry: I have not finished asking my question. From what Mr. Skehan said, I took it that we should be proud of the fact that we do not have that scenario here. I am asking him whether he thinks it appropriate as chairman of the Housing Agency at a time when there are more than 8,000 people in emergency accommodation, including a record 3,000 plus children, to say we should be proud that we do not have hundreds of thousands of people living in trailer parks as is the case in the US. That is an incredible comment. It is an offensive comment.

Chairman: I will ask Mr. Skehan to clarify that but that is not what I took from his comments.

Mr. Conor Skehan: Deputy Barry is correct. A housing list is a normal means of allocating social housing. It is a system that is like a conveyer belt. People come on to and move off it. As a society, we would like people to be on it for as little time as possible and for as few people as possible to be on it. That is a normal way of allocating resources. The Deputy is absolutely correct. None of us should be proud of the fact that we have people in emergency accommodation in this country. It is called emergency accommodation for a reason. It means that aspect of the system is not working. I would not like for a second for anyone to record, understand or believe that I think that is in any way normal or acceptable. All of us must try to increase our endeavours to make sure that this particular category is removed as quickly as possible. There is not a hair's breadth of difference between the Deputy and me on that.

Deputy Barry Cowen: I thank Mr. Skehan for coming before the committee today and seeking to clarify the comments he made or the context in which he made them and the way in which they were interpreted. With regard to my reaction to the comment about gaming the system and the subsequent comments we heard today, from an accountability perspective, the buck stops with the Minister. When the Minister said in the public domain that there was no evidence to suggest that, I will accept his word and leave it at that if that is okay.

With regard to homelessness being normal and the right and the expectation to investigate the situation in other countries and to compare our figures against their figures, there is nothing wrong with doing that. There could be much to gain from doing that but I would simply ask that when the comparison is made, that this comparison is qualified with like-with-like figures because the methodology regarding how figures are compiled in some countries differs from the methodology used to compile them here. It might suit some quarters to give the impression that

it is all done in a similar way and, therefore, we can say it is normal. That is far from being the case and I wish Mr. Skehan could acknowledge that so that is clarified as well.

Two issues relate to a point Mr. Skehan made. I do not think it was even in the context of that interview or articles he mentioned. Mr. Skehan said at one stage that “the point that starts a crisis, and the thing that makes them worse, is data being produced by people who have skin in the game. We now have people saying we need up to 50,000 houses a year, and that’s rubbish”. That was the quote. We now see the likes of Davy, Goodbody and the American Chamber Of Commerce Ireland putting the figure that is required to meet demand at 40,000 to 50,000. The ESRI says 35,000 to 40,000 units are required. The Housing Agency appears to be the only organisation that believes the demand is 20,000 to 25,000 so I ask Mr. Skehan to reiterate his confidence in that figure being the one to which we should aspire rather than 50,000.

Can Mr. Skehan confirm that he acted in an advisory capacity to Phil Hogan while he was in opposition? If so, does he believe the scale of that involvement with that party in some way colours his viewpoints and public statements? I would imagine not but Mr. Skehan needs to clarify that. In doing so, he could acknowledge that this connection is open to being drawn upon and could consequently lead to the assertion to which Deputy Barry referred. It is understandable if that assertion is made on foot of that connection.

Mr. Conor Skehan: Could the Deputy clarify the last point?

Deputy Barry Cowen: It is the assertion about the undeserving poor.

Chairman: Is that the Deputy’s final question?

Mr. Conor Skehan: The Deputy has the gift of brevity. He packed a lot into those five questions so I will do the best I can to answer them in the correct order. The Deputy should correct me if I leave anything out. The Deputy is correct that the Department and the Minister said they have no evidence of it. Our advice back to the Minister is the elephant and the ant one - look harder Minister. That is our job - to give independent and objective advice and to tell people things they do not want to hear. That is the Minister’s position. I say things he may not agree with or like. That is my job - to call the shots as I see them, end of. That is clear.

With regard to the question about normalising homelessness, I can do nothing except agree with the Deputy. The Deputy has made a very important point, namely, that using international comparisons as benchmarks is absolutely riven through with difficulties of having comparators across the line. The public commentary, in particular by advocates for the housing charities, is that some countries count people couch surfing as being homeless and others count someone living beyond a certain amount of time with their parents as being homeless. It is a problem that bedevils the system. The Deputy is absolutely correct. Again, one of the things we are pointing out is the need for us to have access to those type of international comparators. No game, no contest. The Deputy is correct.

Deputy Barry Cowen: Does Mr. Skehan agree that nobody should infer that our crisis is normal and back that up with fact-based evidence that is built on sand?

Mr. Conor Skehan: That statement is a misconstrual of what I have just said. There are major housing crises in every major European country at this point in time. If I could show the Deputy the cover of the *Frankfurter Allgemeine Zeitung* he would see that homelessness is a huge crisis in German cities. We can all speak English and read the English newspapers at the moment. Theresa May said two weeks ago that she was giving priority to dealing with home-

lessness above dealing with Brexit. That is how big it is in Britain. It is a huge issue all over Europe, for more or less the same suite of reasons. We are not unique. We should be a little bit careful about mixing the two things. I agree with Deputy Cowen that there is a need for a standardised way of examining homelessness but I do not agree that our levels of homelessness are out of step. If one thinks the situation is difficult in Europe one would want to go to a few major cities in the United States.

Deputy Barry Cowen: I do not doubt that but I was elected to represent Offaly and that is my priority. I have a responsibility as a spokesperson for my party from a national perspective.

Mr. Conor Skehan: I will come back to that point soon. Point taken. We do not disagree with that. The next issue relates to data and skin in the game. One of the most certain ways to bring about a housing crisis is to have an oversupply of unwanted dwellings. I should not have to go into any more detail in this particular chamber as to how that has affected Ireland. In 2008 we built 98,000 units in Ireland. As a result of the oversupply the market for housing dried up. People who had borrowed money to buy and build those houses lost their money to such a degree that this country experienced one of the most catastrophic falls ever experienced by a western European democracy. The primary cause is inaccurate data that are not delivered on time. The mechanism for bringing about the collapse of a housing market is people continuing to invest in a market long after the demand has dried up. The agency has specifically been mandated by the Government to produce an annual housing needs assessment. We do it every year because of the complexity of housing and those changing numbers. Our current estimate is between 20,000 and 25,000 per annum. Poor old Cathal Mac Coille - that is not said badly - but the Davys and those types of people and I argued long and hard about the lack of wisdom of people making excessive projections as to what the housing supply should be. I will not name any of the people the Deputy mentioned a few minutes ago who produced projections but they are all the same people who told us we were going to have a soft landing.

Deputy Barry Cowen: The ESRI does not have skin in the game.

Mr. Conor Skehan: It certainly does. It is reputational.

Chairman: We must be careful.

Mr. Conor Skehan: Just going back to the single point of information, in point of fact the Housing Agency has a specific remit from the Government to produce a housing needs assessment, which we do every single year. I would plead with the committee-----

Deputy Barry Cowen: Does Mr. Skehan stand over his estimate of 20,000 to 25,000?

Mr. Conor Skehan: Absolutely.

Deputy Barry Cowen: I do not agree with Mr. Skehan but we will agree to differ.

Mr. Conor Skehan: We do not do it on the basis of opinion. We do it on the basis of rigour.

Deputy Barry Cowen: I know that but I and my colleagues do it on the basis of the representations we get.

Mr. Conor Skehan: Okay, fine, we will move on as we will not agree on that particular one. We have talked about the ESRI. There was also a reference to Phil Hogan. That is an amazing one. I confirm that for many years while it was in opposition I provided advice to the Fine Gael Party generally about matters to do with the environment, planning and other such

matters. Opposition is the really exciting time in politics. The poor parties in government are stuck with defend, deliver and announce. I have been around this game for most of my adult life. The really sweet time in politics is when one is in opposition and one has the time to think, talk, explore and develop new ideas. I have no apologies to make for enjoying that so much. I have advised Jim Mitchell and Avril Doyle. The list is as long as one's arm. The last one, just as Fine Gael went into power, was Phil Hogan.

Chairman: That is a matter of public record.

Mr. Conor Skehan: Yes. Absolutely. I have nothing to apologise for over that. Whether that means one can associate that - I presume by that the Deputy means Fine Gael, and I presume by Fine Gael he means a party that is to the right rather than to the left of politics, is that the Deputy's implication? - is a separate matter altogether. In terms of my role as chairman of the Housing Agency, I repeat our duty is towards the majority and in particular the majority who may not have as much skin in the game as those people who have imagined access to power and money. We have to be the voice of the voiceless and that is what I am trying to do here today, namely, to make sure that every single one of the people who is on the social housing waiting list is treated equally and that there is no distortion of that. That is the reason I am here and that is the reason I make those statements. I make no apologies for doing that.

Deputy Barry Cowen: I do not expect Mr. Skehan to make an apology. If he had he would not be in the position. He would resign forthwith.

Chairman: I have a couple of questions. Does Deputy Ó Broin wish to clarify something?

Deputy Eoin Ó Broin: I have a supplementary question but if you want to go ahead Chairman I will come in after you.

Chairman: The main discussion points have been on a couple of comments that were made before Christmas. Those have been well addressed. I wish to focus in more on the work of the Housing Agency and the role it has in delivery of housing supply services. Mr. Skehan mentioned that the social housing list has gone down from 91,000 people to 85,000 in the past year. I and members probably know that but good news stories like that are not in the press. How does the Housing Agency support local authorities in their roles and management functions?

Mr. Conor Skehan: I missed part of what you asked Chairman.

Chairman: I asked how the Housing Agency supports local authorities in their housing management functions. In what way does the Housing Agency support approved housing bodies? I would like more information about the mortgage-to-rent scheme. I know it was slow to get off the ground but there has been more success in recent times. It is something we want to explore much further and we want to put more emphasis on the area because it is getting to the root of the problem more so than dealing with the symptoms. I would also like to hear more about what is coming down the line. Deputy Ó Broin might want more information in that regard as well.

We have a meeting coming up on the reclassification of approved housing bodies and I would welcome Mr. Skehan's views on that. If I have time I will ask a couple of supplementary questions afterwards. Does Deputy Ó Broin wish to ask a couple of questions?

Deputy Eoin Ó Broin: Yes, I will just throw them in quickly here. Data accuracy is one of the things we talk about a lot. The recently announced Government housing needs assessment

figures of 80,000 plus is for June or July of last year. I have subsequent figures from every local authority under FOI of the same net need figures from September and they are 99,000. I would not get too excited that there has been as big a drop as they say.

Chairman: I will wait to hear Mr. Skehan's response.

Deputy Eoin Ó Broin: I would also say we have 32,000 households on the housing assistance payment, HAP, which is a short-term response to their particular housing situation. We have 20,000 households on the rental accommodation scheme, RAS. One could argue that we have a gross housing need of approximately 130,000. The reason I say that is because all of us in here represent all of those people in our constituencies. I am in a constituency where there are more than 4,000 households on the waiting list just for Dublin Mid-West, and perhaps 250 families in emergency accommodation. We all want to ensure the system is fair. It is also important to emphasise the significant majority of those people who exit emergency accommodation do not go into a council house. In fact, if one looks at the most recent data, the majority of them go back into the private rental sector through the housing assistance payment. I say that in case anybody listening or watching thinks that people are automatically getting access to council houses.

It is also important to stress if one looks at Focus Ireland's most recent research via the intake team, because it has the data, that the key driver of families into homelessness is a notice to quit. The rental crisis is still driving. Whereas the Dublin Region Homeless Executive has said that family breakdown is the largest reason, it only asked people what was the last address they had. The Focus Ireland data goes back three addresses. A large number of those families who are coming from family breakdown got a notice to quit. However, they chose not to go down the homeless route because they understood the major difficulties that would create for them and their children. Instead, they chose to go into family accommodation, which was unsustainable. I make this point because it is evidence to counter the theory that there is a gaming of the system.

Given Mr. Skehan's strong belief that the 2016 Housing Agency report is out of date, at what point did he make a formal request to the agency to do a further study based on the anecdotal information he was receiving?

Chairman: As we must conclude shortly, other members who wish to ask further questions should do so now.

Deputy Mick Barry: I have a brief question. Mr. Skehan provided the joint committee with information from a variety of sources to support the view that there are at least questions about people gaming the system. Some of this information was from social media sources. While I stand to be corrected, I understand Mr. Skehan indicated he was involved in an entity or business and had obtained some of this information in the course of this business which monitors social media or does similar work. He then provided some anecdotes. What exactly is the other business in which Mr. Skehan is involved that gave him access to this information? Is it appropriate that he has shared this information in this forum?

Chairman: I will also ask Mr. Skehan to submit evidence, obviously without names, which he believes would be relevant to the joint committee in developing policy. It could then be circulated to members.

Mr. Conor Skehan: I will first answer the Chairman's questions, after which I will respond

to Deputies Ó Broin and Barry in that order. To start at the beginning, the work of the Housing Agency with the approved housing bodies and local authorities extends across a broad spectrum. It runs from giving them research, which we heard about, to providing practical supports. For instance, when the housing assistance payment, HAP, was introduced, we worked closely with the local authorities, starting in Limerick city, followed by Limerick county and so forth, as we sought to find out the flaws in the system, correct these flaws and move forward. Incidentally, the introduction of the HAP was a very good model for introducing any new process provided for in legislation. Under this model, it is not assumed that everything will be perfect from day one. Instead, the system is rolled out gradually and the problems with it are identified before it is extended. This means when it hits a place the size of Dublin, many of the issues that need to be resolved have been identified, although the system will still not be perfect. That is the type of role the Housing Agency adopted and we worked very closely with the local authorities in that regard.

In terms of our work with the local authorities and approved housing bodies, we also work at the financing end by helping to secure financing and helping local authorities with sites they may have acquired. We look after these sites with the local authorities and approved housing bodies.

I probably do not have to say this but much of the stuff that makes a difference in housing involves boring work in which no one is interested, for example, the regulation of approved housing bodies. One of the major problems these bodies face in accessing international finance is being able to show they are monitored and supervised. This involved the tedious and bureaucratic task of introducing a whole system of regulation, registration, inspection, monitoring and certification of approved housing bodies. This task, which has been completed, is the type of work we do. We help these bodies with direct money and advice and also provide subtle infrastructural work. The work of the joint committee also includes ensuring that this type of slow background work is done. The data gathering that I repeatedly refer to is part of this.

The city manager in Dublin uses a great phrase drawn from the social sciences to draw attention to this issue. He refers to housing as “a wicked problem”. In this context, the word “wicked” does not have the same meaning as it does when used by people in Dublin. It refers to an issue that has many intertwined parts and a change in one affect all the others. Unfortunately for the joint committee, its remit is to deal with this incredibly complex mix of issues, all of which - data, regulation, social attitudes, social expectations and national policy - come together, and as each one changes, it has an effect on all the others. We are trying to deal with these.

In terms of each of the systems, to return to the mortgage to rent scheme, the complexity of housing and the variety of expectations and demands are so vast that there is a major lesson to be learned. This ties back into Deputy Ó Broin’s question on the three major strands of housing provision, namely, direct provision, the housing assistant payment and the rental accommodation scheme, and people float in and out between these strands. The issue is that something like this is prone to being exploited. Deputy Ó Broin is absolutely right that we have to continue to look at the big picture and we must not fool ourselves or be complacent by saying, for instance, the housing list is reducing while ignoring an increase elsewhere.

The housing assistant payment and rental accommodation scheme may be in place for other reasons. Deputies from rural areas will know that the housing assistance payment is not always for an apartment or a house in an estate. Many houses in rural areas are paid for by housing assistance payments for reasons to do with communities and what people want or do not want

to do in terms of admitting their financial status. Such people will avail of the HAP. This is a highly complex issue covering a very wide range of areas.

I will speed up at little as I note it is 4.30 p.m. I do not want to get between members and the end of their day, although I can come back with more detail. Deputy Ó Broin's point about the complexity and overlap of the three strands is absolutely correct. To amplify the Deputy's point, the work the joint committee is doing on Focus Ireland is exactly the type of work that needs to be done. This complexity means realising that somebody who has eventually reached the point of presentation, if I can use that word, may have had a problem in his or her family because he or she may have been moved previously to unsuitable accommodation, for example, accommodation that was not large enough. This places stress on a family. The question is whether this is a fair summary of what can sometimes happen and it results in people being pushed in and there is then a cascade. We need to do that type of work.

We will agree to disagree that the reasons for homelessness in the Eastern Region Homeless Executive studies go into flux and change from time to time. All of these data are like something one would write on water in that they change all the time. For this reason, it is not good enough to do studies once. The Deputy is right about the need to ask the agency to do a further study because these studies need to be done repeatedly. We will never arrive at the point at which the data are perfect and allow us to make perfect decisions. While Deputy Ó Broin is dead right that we must be led by evidence, it is also the case that the evidence will never give us all the answers.

Deputy Cowen is also dead right that international comparisons will always change and be in flux. We can only do our best by trying to run to catch up with the data. We will always be behind the data, however. To go back to the international housing comparisons, people had a field day saying they were based on out-of-date information. The information is out of date because it is based on census data which covers the period from 2011 to 2016 or whatever. This means one will always be running to catch up with census data. This is normal and tough and we must make brave decisions based on the best data available to us.

Deputy Ó Broin asked whether a further study should be called for.

Deputy Eoin Ó Broin: I asked when Mr. Skehan asked the Housing Agency to conduct a further study given his view that the 2016 study was out of date. Is he saying he did not ask the Housing Agency to do another study?

Mr. Conor Skehan: I have never asked the Housing Agency to do any studies. What we have is a-----

Deputy Eoin Ó Broin: Would it not have been appropriate to ask the agency to do a study before floating the idea publicly that he was not satisfied with the 2016 report? Would that not have been more sensible given that Mr. Skehan is the chairman of the body?

Mr. Conor Skehan: No. To be clear, the Housing Agency has, among other roles, a research function. We have a wonderful research officer, Mr. David Silke, who presents his research priorities for the following 12 or 18 months to the board every year. Again, this is a rolling programme. I do not always agree with Mr. Silke's priorities but it is his job to tell us what he believes we need to examine. He presents his priorities to the board every year and we accept them and move on. That his job and he is very good at it.

Deputy Eoin Ó Broin: Given Mr. Skehan's concern about the possibility of gaming the

system and his view that the 2016 report was out of date and in light of his statement that part of the job of the board is to challenge the Housing Agency, why did he not ask the agency to conduct a follow-up report on this issue?

Mr. Conor Skehan: The Deputy should see the list of things----

Deputy Eoin Ó Broin: That is a “Yes” or “No” question.

Mr. Conor Skehan: It is not a “Yes” or “No” question. The Deputy should see the list of things we give poor old David Silke every year. They are in accordance with the priorities. We basically ask him what he is doing to study vacancy or affordability. The list is the list. I gave the joint committee a copy of the list of priorities and I make no apologies for having priorities. That is good management and gives a clear steer to the board.

Deputy Eoin Ó Broin: That is a “No” in reply to my question.

Mr. Conor Skehan: Deputy Ó Broin, you are a scallywag. That is not a “No” to the question.

Deputy Eoin Ó Broin: It is a “No”.

Mr. Conor Skehan: Deputy Mick Barry asked a question on social media. I am the chairman of a company that helps people to protect their reputations online. People who are involved in social media sign up and the company, which is called RiskEye, monitors what they do to see if they are getting in trouble. If they are getting into trouble, we give them advice to get out of it. Occasionally information like this gets entrained. That means one is watching a site because, for instance, a beauty blogger got herself in trouble because she made outrageous claims and people are giving out to her about it. That kind of stuff crops up. It is called entrainment. It is entrained with a big, long flow of stuff that is being looked at. Does that answer the question?

Deputy Mick Barry: What is the name of the company?

Chairman: We cannot mention the name because they are not here to defend themselves.

Deputy Eoin Ó Broin: We are not allowed to advertise commercial products in the building.

Mr. Conor Skehan: That is a good point.

Chairman: Are there any further questions for Mr. Skehan? No. I thank Mr. Skehan for coming in. Nobody could underestimate his passion in this area. I thank him for the manner in which he appeared before the committee. He answered all the questions that were put to him. If there is information he thinks is relevant to the committee which would allow it to make informed policy, I would appreciate it. We can forward it on to members and it might inform our work programme in the future.

Mr. Conor Skehan: I will do it subject to the advice of the clerk because it is a sensitive issue. If it is okay with the Chairman, I will check I have framed it correctly before doing so just to make sure we are square.

Chairman: Yes. We will possibly ask Mr. Skehan to come in again, if that is okay. There was a lot of information there.

Mr. Conor Skehan: The Minister assures me I will be gone sooner rather than later. My request to him was to relieve me of this burden a long time ago. He assures me it will happen sooner rather than later, so this may be my last time before the committee. In the lectures I give to students, I emphasise that these committees are the anvil of the Oireachtas. The work the committee does is incredibly important. Most of the content in Rebuilding Ireland came out of this committee. The committee has to get it right. It has to listen to Deputy Ó Broin. It has to have data and evidence from the full spectrum of people. I am sorry for that rant but the committee has to do it. The work is too important to be fed by anecdotes and emotions. It is way too important.

Chairman: I thank Mr. Skehan for his attendance today and wish him well. I thank members for attending today. The meeting is now adjourned and the next meeting of the joint committee will be held at 9.30 a.m. on Thursday, 8 February to discuss the reclassification of approved housing bodies.

The joint committee adjourned at 4.32 p.m. until 9.30 a.m. on Thursday, 8 February 2018.