



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS  
COMITE EUROPEEN DES DROITS SOCIAUX**

21 July 2015

**Case Document No. 2**

**International Federation for Human Rights (FIDH) v. Ireland**  
Complaint No.110/2014

**SUBMISSIONS OF THE GOVERNMENT  
ON THE MERITS**

**Registered at the Secretariat on 13 July 2015**





EUROPEAN COMMITTEE OF SOCIAL RIGHTS

13 July 2015

**INTERNATIONAL FEDERATION FOR HUMAN RIGHTS (FIDH)**

(Complainant)

**V.**

**IRELAND**

(Respondent)

Complaint No. 110/2014

**SUBMISSIONS OF THE RESPONDENT ON THE MERITS**

**13 July 2015**

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## I INTRODUCTION

### Summary of Complaint

1. This collective complaint (the “Complaint”) concerns the application of the Revised European Social Charter (the “Charter”) in the context of local authority housing. Specifically, the International Federation for Human Rights / FIDH (the “Complainant”) has alleged violations of Articles 11, 16, 17, 30 and E of the Charter.

In support of this allegation, the Complainant has raised the following three issues:

- 1) Adoption of Charter rights within the legal, policy and administrative framework of housing in Ireland;
- 2) Adequacy, habitability and suitability of some local authority housing;
- 3) Respect for Charter rights in the context of Regeneration Programmes in key Local Authority housing estates.

### Procedural Background and Admissibility

2. The Complaint was registered on 18 July 2014. By letter dated 23 March 2015, Ireland (the “Respondent”) was informed that the European Committee of Social Rights (the “Committee”) had declared the Complaint admissible. The Respondent’s views on admissibility were not canvassed by the Committee at that time<sup>1</sup>. The Committee based its decision on admissibility on (a) the fact that the invoked provisions were accepted by the Respondent when it ratified the Charter<sup>2</sup> and (b) the fact that the Complainant is a non-governmental organisation with participative status with the Council of Europe<sup>3</sup>, which had already been considered by the Committee to have particular competence for purposes of the collective complaints procedure<sup>4</sup>.
3. The Committee expressly qualified its determination on admissibility as follows:

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<sup>1</sup> At paragraph 7 of the Decision on Admissibility, dated 17 March 2015, the Committee determined pursuant to Article 6 of the Protocol and Rule 29.4, that it was not necessary to invite the Government to submit observations on admissibility.

<sup>2</sup> Paragraph 2 of the Decision on Admissibility, dated 17 March 2015.

<sup>3</sup> Paragraph 4 of the Decision on Admissibility, dated 17 March 2015.

<sup>4</sup> Paragraph 5 of the Decision on Admissibility, dated 17 March 2015.

*“The Committee recalls, that Ireland has not accepted Article 31 of the Charter, as the FIDH recognizes, therefore should any part of the complaint relate to this provision, it will fall outside the scope of the examination of the merits of the complaint.”<sup>5</sup>*

### Summary of Response

4. The Respondent refutes the assertions made by the Complainant in their entirety. In particular, the Respondent will submit by way of preliminary objections that the complaint in substance concerns matters that fall within Article 31 (which has not been accepted by the Respondent), and (if and insofar as the Complaint is not excluded by virtue of the Respondent’s non-acceptance of Article 31) that the Complainant fails to set out sufficient reasons in relation to the other provisions of the Charter such as to satisfy the criteria of Article 4 of the Additional Protocol to the European Social Charter providing for a System of Collective Complaints (“Protocol”).
5. Without prejudice to these points, and by way of substantive response, the Respondent will address each of the three issues upon which the Complaint has focussed in order to submit that the Complainant has failed to establish any specific breach of the Charter’s provisions.

## **II PRELIMINARY OBJECTIONS**

6. Article 4 of the Protocol requires that the Complaint must:
  - (a) *“...relate to a provision of the Charter accepted by the Contracting Party concerned...”*;
  - (b) *“...indicate in what respect [the Contracting Party] has not ensured satisfactory application of this provision.”*
7. The Respondent submits that the Complaint does not fulfil the criteria of Article 4 for the following reasons:

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<sup>5</sup> Paragraph 3 of the Decision on Admissibility, dated 17 March 2015, emphasis added.

- (a) The Complaint in substance concerns matters that fall within Article 31, which has not been accepted by the Respondent. In this respect, it improperly conflates Articles 16 and 31;
- (b) The Complaint fails to address Articles 17 and E and inadequately addresses Article 11;
- (c) The Complaint is impermissibly vague and unparticularised.

## **II.1 Non-acceptance of Article 31**

- 8. As acknowledged by the Complainant<sup>6</sup> and the Committee<sup>7</sup>, the Respondent has not accepted Article 31 of the Charter. Although Articles 16 and 31 partially overlap with respect to certain aspects of the right to housing, the provisions are different in personal and material scope<sup>8</sup>. This case concerns matters that fall squarely within Article 31. The contention that the complaint falls within Article 16 amounts to a contention that the rights and obligations contained in Article 31 are imported into Article 16. This cannot be correct: such an interpretation would deprive Article 31 of any real meaning.
- 9. Article 16 provides for the right to housing of families as an element of the right of the family to social, legal and economic protection. By contrast, Article 31 provides that with a view to ensuring the effective exercise of the right to housing, the Parties must undertake to “take measures” designed to “promote access to housing of an adequate standard.”
- 10. *ERRC v Bulgaria*<sup>9</sup> is not authority for Article 16 to be treated as co-extensive with Article 31. In that case, it was in fact expressly accepted that there is a task of delineation between Article 16 and 31:

*“The Committee recalls that when it ruled on the admissibility it did not examine the issue of the delineation between Article 16 and 31, which in its opinion could only be properly assessed when examining the merits of the case.”*<sup>10</sup>

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<sup>6</sup> Page 4 of the Complaint.

<sup>7</sup> Paragraph 3 of the Decision on Admissibility, dated 17 March 2015.

<sup>8</sup> Complaint No. 31/2005, *ERRC v Bulgaria*, paragraph 17.

<sup>9</sup> Complaint No. 31/2005, *ERRC v Bulgaria*.

<sup>10</sup> Complaint No. 31/2005, *ERRC v Bulgaria*, paragraph 15.



11. The Committee accordingly made clear that these provisions **do not** carry identical obligations and that the delineation between Articles 16 and 31 is **case-specific**.
12. This Complaint places particular emphasis on the decision of *FEANTSA v France*<sup>11</sup> wherein the Committee set out obligations as to measurable progress (timetabling, meaningful statistics etc.) Of crucial importance, however, is that *FEANTSA* concerned Article 31 rather than Article 16.
13. It is noteworthy that the Complainant makes a range of specific allegations without setting out whether the persons affected were in fact living in family homes. In this respect, it might be noted that the most recent statutory assessment of housing need was carried out in 2013 (see “*Summary of Social Housing Assessments 2013*”<sup>12</sup>). It seems that the profile of those in need of housing is dominated by single person households (44%).
14. The Complaint accordingly does not comply with Article 4 of the Protocol because it concerns a provision of the Charter which has not been accepted by the Respondent.

## **II.2 Failure to provide reasons for alleged violation of certain provisions**

15. Although in its paragraphs of introduction and conclusion the Complainant purports to allege violations of Articles 17 and E of the Charter, these provisions are not otherwise addressed in the Complaint. Instead, the Complaint appears to focus exclusively on the position of local authority tenants in the context of Articles 16 and 30 of the Charter.
16. In addition, the question of health is addressed only cursorily as a subsection of Section B. The Respondent submits that a specific link to Article 11 of the Charter is not adequately established.
17. Article 17 provides for the right of children and young persons to social, legal and economic protection. The Respondent submits that it is not sufficient to simply state an allegation of violation of a provision; it is necessary to set out the specific case to answer

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<sup>11</sup> Complaint No. 39/2006, paragraphs 52-56.

<sup>12</sup> **Appendix 1.**

in the body of the Complaint. This Complaint does not expressly set out any grounds for an allegation of a violation of Article 17.

18. In relation to the allegation of violation of Article E, the Complainant has not set out the specific ground of discrimination, if any, which it alleges against the Respondent. On the face of the Complaint, the Respondent finds it difficult to discern the basis of this claim.
19. In Ireland, there are separate and extensive legal and administrative frameworks for the protection of children and vindication of the rights of minorities. It is not proposed to address each of these without knowing the specific case to answer. It is submitted therefore that the Committee ought not to consider the Complaint in the context of these provisions. In the event that the Committee considers it appropriate to address these provisions, the Respondent suggests that the Complainant should be requested to narrow and specify its allegations and that the Respondent should subsequently be afforded a further opportunity to respond.
20. In relation to the obligation to ensure the effective exercise of the right to protection of health under Article 11, the Respondent will only focus on issues of housing law and policy in addressing the assertions raised in the Complaint. An extensive legal and administrative framework also exists for ensuring protection of health and again, it is not proposed to set out this out in detail in the absence of a particularised Complaint.
21. Accordingly, insofar as it relates to Articles 11, 17 and E, the Complaint does not comply with Article 4 of the Protocol.

### **II.3 Impermissibly Vague and Unparticularised**

22. The Respondent submits that a central tenet of the requirement under Article 4 is that it is entitled to know the specific case to answer. This Complaint however is beset with sweeping generalisations. It is submitted that the criteria set out by Article 4 of the Protocol have not been fulfilled.
23. The Respondent respectfully requests that the Committee:

- (a) Accept further observations from the Respondent once the precise nature of the Complaint has been set out;
- (b) Seek any further information from the Respondent which the Committee requires or considers may be of assistance.

### **III BACKGROUND TO THE MAINTENANCE AND MANAGEMENT OF LOCAL AUTHORITY HOUSING IN IRELAND**

#### **III.1 Overview of Legislative Framework**

- 24. Local authorities (or “housing authorities”) are the largest single providers of socially rented housing in Ireland, controlling 137,000 dwellings. Of this, in late 2014, 4,800 was stock leased and approximately 20,200 properties were provided via the Rental Accommodation Scheme, leaving some 112,000 dwellings owned by local authorities.
- 25. Section 53 of the Housing Act 1966<sup>13</sup>, as amended by Section 2 of the Housing Act 1984<sup>14</sup> imposed a duty on the housing authority to make inspection and to assess adequacy of supply and condition of housing.
- 26. Section 58 of the Housing Act 1966<sup>15</sup> as amended by Section 14 of the Housing (Miscellaneous Provisions) Act 2002<sup>16</sup> provides for housing authorities to manage and control dwellings, buildings and land that they own, as well as other works and services provided by them under the Housing Act 1966 to 2014. Such management and control functions must be carried out subject to the provisions of Section 58 and any Regulations made by the Minister.
- 27. Section 9 of the Housing (Miscellaneous Provisions) Act 1992<sup>17</sup> requires housing authorities to adopt a written statement of their policy for the effective performance of their management and control functions under Section 58 of the Housing Act 1966 and also empowers them to review and to amend their policies from time to time.

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<sup>13</sup> Appendix 2(i).

<sup>14</sup> Appendix 2(ii).

<sup>15</sup> Appendix 2(iii).

<sup>16</sup> Appendix 2(iv).

<sup>17</sup> Appendix 2(v).

28. Section 66<sup>18</sup> of and the Second Schedule<sup>19</sup> to the Housing Act 1966, which establishes the duty of housing authorities with respect to overcrowding and unfit houses, is set out in the Complaint<sup>20</sup>.
29. The Housing (Standards for Rented Houses) Regulations 2008 (as amended)<sup>21</sup> specify requirements in relation to a range of matters, such as structural repair, sanitary facilities, heating, ventilation, natural light and safety of gas and electrical supply. With very limited exemptions<sup>22</sup>, these regulations apply to local authority and voluntary housing units as well as private rented residential accommodation.
30. The Housing (Standards for Rented Houses) Regulations 1993 were largely revoked by the Housing (Standards for Rented Houses) Regulations 2008; however, Regulation 7,<sup>23</sup> relating to heating facilities, continues to apply where the house is let by a housing authority under Section 56 of the Housing Act 1966<sup>24</sup> (as amended) or by a housing body approved under Section 6 of the Housing (Miscellaneous Provisions) Act 1992.<sup>25</sup>
31. Chapter 2 of Part 2 (Sections 14 to 18) of the Housing (Miscellaneous Provisions) Act 2009<sup>26</sup> will place an obligation on each housing authority to make a “housing service plan”. Although these provisions of the Act have not yet been brought into effect (“commenced”), the *Social Housing Strategy 2020 – Support, Supply and Reform*, published on 26 November 2014, commits to “...commence legislation required for the development of housing service plans and action programmes by local authorities”.<sup>27</sup>
32. The housing service plan is designed to give a strategic focus for the planning of housing services by the housing authorities, including delivery and ongoing management. Section 14(1) provides that the plan must set out the “*objectives which the housing authority considers to be reasonable and necessary for the provision of*

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<sup>18</sup> Appendix 2(vi).

<sup>19</sup> Appendix 2(vii).

<sup>20</sup> Pages 16 and 17 of the Complaint.

<sup>21</sup> Appendix 2(viii).

<sup>22</sup> <http://www.environ.ie/en/Legislation/DevelopmentandHousing/Housing/FileDownload,19142,en.pdf>

<sup>23</sup> Appendix 2(ix).

<sup>24</sup> Appendix 2(x).

<sup>25</sup> Appendix 2(xi).

<sup>26</sup> Appendix 2(xii).

<sup>27</sup> Appendix 3.

*housing services having regard to the requirements of the housing strategy or strategies relating to housing supports for [the housing authority's] administrative area.”* Section 15(2)(a) provides that the Minister may specify the information to be included in the plan, including :

- The quality, standards and condition of housing owned by the housing authority, and priorities for refurbishment;
- Plans for regeneration of the administrative area concerned; and
- Policies of the housing authority relating to the management and maintenance of dwellings or sites owned or controlled by it.

33. The Housing Agency (a government agency set up in 2010) has been put on a statutory footing with effect from 1 August 2012.<sup>28</sup> The Agency resulted from the merger of the Affordable Housing Partnership, the National Building Agency and the Centre for Housing Research. In its remit to assist and facilitate local authorities with their housing functions, the Agency (and its predecessors the Housing Unit and Centre for Housing Research respectively) have published the following guidance for local authorities with regard to management and maintenance of their housing stock:

- *Repair and Maintenance of Dwellings - Good Practice in Housing Management Guidelines for Local Authorities*, Housing Unit, DELG and County and City Managers Association (2000);<sup>29</sup>
- *Managing Voids: Co-ordinating the monitoring, repair and allocation of vacant dwellings - Good Practice in Housing Management Guidelines for Local Authorities*, Housing Unit, DELG and County and City Managers Association (2001);<sup>30</sup>
- *Regenerating Estates, Rebuilding Vibrant Communities - Good Practice in Housing Management Guidelines for Local Authorities*, Centre for Housing Research (2006)<sup>31</sup>

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<sup>28</sup> **Appendix 2(xiii).**

<sup>29</sup> <http://www.environ.ie/en/Publications/DevelopmentandHousing/Housing/FileDownload,2062,en.pdf>

<sup>30</sup> [https://www.housing.ie/Our-Publications/Archive/Housing-Management/Good-Practice-Guidelines\\_Void-Management\\_2001.aspx](https://www.housing.ie/Our-Publications/Archive/Housing-Management/Good-Practice-Guidelines_Void-Management_2001.aspx)

<sup>31</sup> [https://www.housing.ie/Housing/media/Media/Archived%20Publications/Good-Practice-Guidelines\\_Regenerating-Estates\\_Rebuilding-Vibrant-Communities.pdf](https://www.housing.ie/Housing/media/Media/Archived%20Publications/Good-Practice-Guidelines_Regenerating-Estates_Rebuilding-Vibrant-Communities.pdf)

### **III.2 Investment in Regeneration**

34. Significant capital investment in regeneration continues to be an important part of the social housing response of the Government in targeting some of the country's most disadvantaged communities and is recognised in the Programme for Government and strongly referenced in the Social Housing Strategy 2020.
35. An ambitious programme of regeneration projects is underway in Dublin City, Cork City and Limerick City with smaller-scale projects at Tralee, Sligo and Dundalk. In 2014, a total of €70m was provided to support those regeneration projects, which aim to rebuild the communities by addressing not just the physical environment, but also by investing in the social and economic regeneration of the areas.

### **III.3 National Oversight and Audit Commission**

36. The National Oversight and Audit Commission (NOAC) is an independent oversight body for the local government sector established in July 2014 as part of the reform process legislated for by Section 61 of the Local Government Reform Act 2014<sup>32</sup>. NOAC's statutory functions include scrutinising performance of any local government body against relevant indicators as selected by NOAC (to include customer service) or as prescribed in Ministerial regulations, supporting best practice (development and enhancement) in the performance of their functions by local government bodies as well as overseeing how national local government policy is implemented by local government bodies.
37. As part of its work-plan for 2015 and 2016, and in accordance with its statutory functions, NOAC proposes to commence a thematic review during 2015 of the performance of the function of maintaining and managing local authority housing stock generally. The scope of NOAC's review will include the effectiveness of local authority processes for dealing with repair requests, planned maintenance, the preparation of vacated units for re-letting, minimising voids and estate management of their housing stock. It will focus on the processes used by local authorities in dealing with repair requests and readying vacated units for re-letting.

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<sup>32</sup> Appendix 2(xiv).

38. NOAC is in the process of establishing, with a representative group of local authority housing officials, the data that may be available for collection for the purpose of this study. Depending on the outcome of that process, issues that may be looked at in the course of the review include:

- the systems available to tenants for raising management and maintenance complaints with their authority and for obtaining information on their authority's performance in dealing with such complaints;
- the authority's repairs request response policy;
- housing stock inspection and planned maintenance policies;
- how economic and efficient is the expenditure on maintenance;
- whether there is a well-functioning estate management process and effective procedures for dealing with anti-social behaviour;
- the duration of letting voids and the timing of necessary works on vacated units;
- the level of de-tenanting applicable to bigger refurbishment works; and
- the existence of any perverse funding incentives impacting on the most effective outcomes.

39. It is hoped to include a customer satisfaction survey of social housing tenants with questions relating to the management of their estate and the maintenance of their accommodation. The results of NOAC's review will be published, including any recommendations as to best practices that should be implemented by local authorities.

#### **IV ALLEGED FAILURE TO ADOPT THE CHARTER RIGHTS WITHIN THE LEGAL, POLICY AND ADMINISTRATIVE FRAMEWORK OF HOUSING IN IRELAND**

40. In Section A of the Complaint (entitled "Failure to adopt the Charter rights within the legal, policy and administrative framework of housing in Ireland"), the Complainant has not identified the specific Charter Rights which it purports to invoke and has failed to provide specific grounds for each alleged breach. In this respect, Section A of the Complaint is not consistent with Article 4 of the Protocol. Furthermore, if the

complaints relate to any provision of the Charter, they relate to Article 31 exclusively and are therefore inadmissible in accordance with Article 4 of the Protocol.

### Complaint and Legal Principles

41. The Complaint appears to be invoking the criteria set out in *Autism Europe v France* for the progressive achievement of objectives which are particularly complex. In this respect, the Complaint is framed in general terms. The generality of Section A poses a difficulty for the Respondent in this response because it requires questions of process to be addressed in a vacuum.
42. It is proposed however to briefly outline examples of how housing law and policy in Ireland respond to the criteria in *Autism Europe v France*<sup>33</sup>. That report required that where the Charter's objectives are particularly complex, they should be fulfilled (a) within reasonable time, (b) with measurable progress, (c) to an extent consistent with the maximum use of available resources and (d) while being particularly mindful of the impact that choices will have for groups with heightened vulnerabilities.
43. It should be noted however that these criteria are addressed more comprehensively in the Respondent's response to Sections B and C of the Complaint. Furthermore, the examples set out below are provided strictly without prejudice to the Respondent's position that it is not obliged to demonstrate fulfilment of these criteria in the context of achievement of the objectives of Article 31.

### Application of the criteria

#### *Timeframes*

44. Clear statutory timelines are set out for the provision of social housing by local authorities. For instance, each local authority is required under planning legislation to make a Development Plan every six years. The Development Plan plays a central role in the Respondent's system of planning and local government. Section 94(4)(a) of the

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<sup>33</sup> Complaint No. 13/2002, *Autism Europe v France*.



Planning and Development Act 2000<sup>34</sup> requires each housing authority to produce an estimate of the amount of housing for persons referred to in Section 9(2) of the Housing Act 1988,<sup>35</sup> which is required in the area of the development plan during the period of a development plan.

45. In accordance with Section 20 of the Housing (Miscellaneous Provisions) Act 2009, and regulations made thereunder, a housing authority will, normally on foot of a household's application, carry out a "social housing assessment" of a household's eligibility for social housing support and the form of support appropriate for that household. Under Section 21 of the Housing (Miscellaneous Provisions) Act 2009, the housing authority is required to provide a summary of social housing assessments carried out in its administrative area. Historically, the summary of social housing assessments was carried out on a triennial basis. However, with the commencement of Section 21 of the 2009 Act<sup>36</sup> (repealing Section 9 of the Housing Act 1988), a housing authority shall carry out these summary of a frequency "as the Minister may from time to time direct". In that regard, the *Social Housing Strategy 2020* commits to carrying out a summary of social housing assessments annually from 2016.
46. Outside of a statutory framework, the *Social Housing Strategy 2020* lays down a firm foundation for a carefully calibrated, multi-annual investment programme to prioritise the provision of newly built and rented social housing out to the year 2020. The vision outlined in the Strategy is that every household will have access to secure, good quality housing suited to their needs at an affordable price in a sustainable community and that the State, for its part, will put in place financially sustainable mechanisms to meet current and future demand for social housing supports, ensuring value for money for taxpayers while respecting the preferences of individual households to the greatest extent possible.
47. In providing €1.5 billion in guaranteed, upfront Exchequer investment from 2015 to 2017, in developing a new €300 million Housing Public Private Partnership and in making available up to €400 million of public investment in a new housing finance

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<sup>34</sup> Appendix 2(xv).

<sup>35</sup> Appendix 2(xvi).

<sup>36</sup> Appendix 2(xvii).

entity to leverage further substantial private investment, a clear and workable timetable for providing the growing national population with the required level of quality, affordable homes has been set out.

48. The Strategy is based on a multi-annual approach to delivery over two phases, with an additional cost to the Exchequer over the six years at an estimated €3.8bn. The Strategy contains an Action Plan with detailed objectives and timelines. This process, will ensure that progress on the overall social housing delivery targets of the Strategy is measureable and ultimately that the targets are met over the 6 year Strategy period.

### *Monitoring Progress*

49. The capacity and commitment to monitoring progress is addressed in Section V in the context of data gathering. It is clear however that the statutory framework for housing law and policy envisages assessment of performance. In this respect, Section 9 of the Housing (Miscellaneous Provisions) Act 1992 requires housing authorities to adopt a written statement of their policy for the effective performance of their management and control functions under Section 58 of the Housing Act 1966 (as amended). It is also planned that the National Oversight and Audit Commission will significantly enhance how the performance of local authorities is monitored.

### *Maximum Use of available resources*

50. In order to fully appreciate on-going changes to housing policy in Ireland, it is important to consider the evolving economic context. The Irish economy has come through a decade of significant transition and upheaval. In the early to mid-2000s Ireland enjoyed a period of unprecedented economic prosperity, followed by an equally acute financial crisis.
51. The government's approach to budgetary cuts was not to apply blanket reductions to all areas of spending, but rather to reform expenditure in a way that continued to protect society's most vulnerable people to the greatest extent possible within available resources.

52. Social housing is a key priority for the Government, as evidenced by the additional €2.2 billion in funding announced for it in Budget 2015 and the publication of the *Social Housing Strategy 2020* in November 2014. Since the Strategy was published, details of over €1.5 billion for building, buying and leasing schemes, to accommodate 25% of the housing list by 2017, have been announced; €312m was approved for the first tranche of building 1,700 social housing units under the Strategy, with more announcements to follow. In addition a further €91 million worth of housing investment has been announced for 2015 and will be used across a range of housing schemes to make more social housing available and to improve housing for people with disabilities, as well as retrofitting homes to improve energy efficiency.

*Impact on persons with heightened vulnerabilities*

53. Local Authorities, with the support of the Department of Environment, Community and Local Government, work to improve social housing conditions for people with disabilities, as well as retrofitting homes to improve energy efficiency. Central exchequer funding of €11 million is being made available in 2015 for Local Authority house adaptations and extensions to meet the needs of tenants with a disability and to deal with overcrowding. These funding supports are seen as hugely important for those affected as they can greatly improve the quality of life for those who either have a disability or are reaching an age in life when they are less mobile; the grants provide significant social benefit by facilitating citizens to continued independent occupancy in their own homes.

54. Significant funding has also been provided under the 'Capital Assistance Scheme' to approved housing bodies to support their provision of independent living accommodation for people with special housing needs. This arises from Section 6 of the Housing (Miscellaneous Provisions) Act, 1992 which enables housing authorities to provide assistance to approved housing bodies in respect of the provision of housing. Section 6 (6) of the Act empowers the Minister to grant approved status for this purpose. Under the Capital Assistance Scheme, in operation since 1984, funding of up to 100% of the approved cost of a project can be provided in cases where all prospective tenancies are taken from the local authority housing waiting list. This scheme supports a commitment to homeless persons, older people and people with a disability, and the

promotion of access to community-based housing in the vicinity of any necessary supports, with particular regard to the specific needs of people with mental health and intellectual or physical/sensory disability. Funding for projects is provided by way of a grant from the Department of the Environment, Community and Local Government to the local authority which in turn provides the funding to the relevant approved housing body in the form of a mortgage. The terms of the scheme allow for the provision of a communal facility in projects undertaken under the scheme. Additional funding based on a fixed amount for each unit of residential accommodation provided in the scheme is available for the provision of such facilities.

55. Regeneration projects target Ireland's most disadvantaged communities; those defined by the most extreme social exclusion, unemployment and anti-social behaviour. The significant capital investment made through these projects seeks to address the causes of disadvantage through a holistic programme of physical, social and economic regeneration. Under the Department's *Statement on Housing Policy: Delivering Homes, Sustaining Communities*<sup>37</sup>, there is a requirement for regeneration projects primarily to deliver an improvement in the housing standards of an area, and this is where the highest concentration of funding is allocated. Additionally, regeneration takes a broader approach and seeks to address the socio-economic and infrastructural deficits that contribute to the social exclusion of a community.

### Summary

56. The Complainant has failed to set out in express terms specific examples of failure to comply with the criteria in *Autism Europe v France* in the implementation of Charter Rights. Furthermore, the Complaint is irrelevant in this regard as Article 31 has not been accepted by the Respondent. In the alternative, if and insofar as the Charter otherwise applies to housing law and policy in Ireland, the Respondent submits that a framework exists to fulfil the Charter's objectives within reasonable time, with measurable progress, to an extent consistent with the maximum use of available resources, while being mindful of the impact that choices will have for groups with heightened vulnerabilities.

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<sup>37</sup>Appendix 4.

## **V THE ALLEGATION REGARDING ADEQUACY, HABITABILITY AND SUITABILITY OF LOCAL AUTHORITY HOUSING**

### The Complaint

57. The following appears to be the grounds for the Complaint under Section B:

- That there is evidence of substandard housing conditions experienced by families and children living in, or at risk of, poverty and social exclusion living in local authority housing in disadvantaged areas and that such conditions indicate a failure on the part of the Irish State to take practical steps towards realising Articles 16 and 30;
- That the standards applied to local authority housing are not the same as those applied to privately rented properties;
- That there is a lack of effective remedies open to local authority tenants to ensure compliance with standards and redress for violations; and
- That there is a lack of meaningful statistics on housing conditions and social exclusion in local authority housing.

### **V.1 ALLEGATION OF SUBSTANDARD CONDITIONS**

#### Legal Principles

58. In relation to the Complainant's assertions as to substandard conditions, the following legal principles are relevant:

- (a) Article 16 only relates to the provision of "family housing" with a "view to ensuring the necessary conditions for the full development of the family." If this case falls within the Charter at all, it falls within Article 31, which has not been accepted by the Respondent.
- (b) Without prejudice to that contention, it is well-established that the Charter's provisions on the right to housing only impose on States an obligation of means, not an obligation

of results. This argument was made by the French Government, and accepted by the Committee, in *FEANTSA v France*<sup>38</sup>.

- (c) Where the achievement of a goal is exceptionally complex and particularly expensive, the requirements on a State are limited to taking measures that: allow it to achieve the objectives in a reasonable time, with measurable progress and to an extent consistent with the maximum use of available resources<sup>39</sup>.
- (d) States enjoy a margin of appreciation in determining the steps to be taken to ensure compliance with the Charter, in particular as regards the balance to be struck between the general interest and the interest of a specific group and the choices which must be made in terms of priorities and resources<sup>40</sup>.
- (e) The Committee has not prescribed specific “standards” for housing in its case-law. Nor were such standards included in the Committee’s Conclusions in relation to the Respondent’s adherence to Article 16<sup>41</sup>. This appears to be implicitly accepted by the Complainant’s invitation to the Committee to “define” standards of management, adequacy, conditions and related issues in order to “assist social housing providers to understand and meet their obligations in this area,” particularly in the context of residualisation of social housing<sup>42</sup>. The Respondent respectfully submits that the Committee is entirely correct to refrain from taking such a prescriptive approach which would be entirely inconsistent with the margin of appreciation afforded to the Respondent.
- (f) Article 30 requires Contracting Parties to adopt an overall and co-ordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or policy to housing and education and to review these measures with a view to adaptation<sup>43</sup>.

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<sup>38</sup> Complaint No. 39/2006, paragraphs 52-56.

<sup>39</sup> Complaint No. 13/2002, *Autism-Europe v France*.

<sup>40</sup> Complaint No. 64/2011, *ERTF v France*.

<sup>41</sup> European Committee of Social Rights Conclusions of the Committee of the European Committee of Social Rights 2011, Ireland, p. 14.

<sup>42</sup> Page 14 of the Complaint.

<sup>43</sup> See Complaint No. 33/2006, *International Movement ATD Fourth World v France*.

## Substantive Response

### *General Comments*

59. The allegations made in relation to adequacy, habitability and suitability are entirely inappropriate for the Collective Complaints Procedure. They suggest detailed obligations as to results and fail to establish how the assertions specifically relate to Article 16.

60. Furthermore, in relation to Article 30, it is clear that the Respondent's framework for housing provision is based on assessment of need. Social housing is part of the State's wider social policy and is therefore inextricably linked to issues such as poverty, inequality and redistribution of income.

61. In this Section, the Complaint challenges "results" rather than "means". The Respondent cannot be expected, in the context of a Collective Complaints procedure, to respond to all possible allegations regarding problems in individual households. In any event, it would be impossible to respond to each specific allegation in the absence of sufficient detail to allow the Respondent to verify the complaints. In those circumstances, the Respondent proposes to outline examples of its efforts to guard against substandard local authority housing. It will then address in general terms the case-studies raised by the Complainant.

### *Efforts to guard against substandard local authority housing*

62. As set out above, Section 66 of the Housing Act 1966, along with the Housing (Standards for Rented Houses) Regulations 2008 and the Housing (Standards for Rented Houses) Regulations 1993, set down specific conditions for the standard of housing. It should also be noted that local authority housing is constructed in accordance with relevant building regulations at the time of construction. The management and maintenance of local authority housing stock is a matter for each individual housing authority under section 58 of the Housing Act, 1966 and, in general, is funded by rental income received by the local authority. However, the Department of the Environment, Community and Local Government provides additional financial

support to local authorities to assist them in maintaining and improving the quality of national social housing stock. This is done through a range of measures including large scale urban regeneration programmes, improving the standard and energy efficiency of dwellings, pre-letting repairs and improvement and refurbishment works to vacant properties in order to return these to productive use as quickly as possible.

63. Guidance addressing issues such as design and best practice guidelines, improvement of housing stock, energy efficiency measures and the return of vacant properties to productive use are issued regularly from the Department of Environment, Community and Local Government to all local authorities. Over 30 such Circulars have issued to the local authorities since 2002 and they also have access to an on-line document repository which contains guidance and instructions on a range of local government issues, including social housing.

64. The guidance document ‘*Quality Housing for Sustainable Communities*’<sup>44</sup> promotes quality and value for money in publicly funded housing, and seeks to maintain this level of quality even where other funding streams are fully or partially involved. Amongst the design priorities identified are requirements that dwellings are:

- Socially and environmentally appropriate;
- Architecturally appropriate;
- Safe, secure and healthy;
- Affordable;
- Durable;
- Accessible and adaptable; and
- Achieve target space standards.

65. The Department of the Environment, Community and Local Government’s “*Remedial Works Programme*”, introduced in 1985, has provided support for local authorities to significantly improve run-down estates by improving the layout, addressing issues of anti-social behaviour, improving the housing fabric, and, where possible, addressing issues of social exclusion. The purpose of the Remedial Works Scheme is to assist

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<sup>44</sup> <http://www.environ.ie/en/Publications/DevelopmentandHousing/Housing/FileDownload.1979.en.pdf>



housing authorities to carry out major essential works to certain groups of their rented dwellings which they could not fund from their own resources. These dwellings fall into three categories:

- (a) dwellings with serious design or construction defects;
- (b) dwellings constructed prior to 1 January 1960;
- (c) run-down urban estates, in particular, inner city flat complexes.

Under the programme, the Local Authority implements improved management and maintenance procedures for the estates involved. Some 45 remedial works projects are being supported around the country, which include the refurbishment of small rural cottages and the larger urban estates in Dublin, Cork, Meath and Kildare. Guidelines for the remedial works programme were issued to all local authorities<sup>45</sup>.

66. A strong focus has been put on improving comfort levels and energy efficiency and tackling fuel poverty through significant investment in social housing. Since 1994 central heating has been provided in new local authority dwellings during construction and included in the overall cost of the schemes. In addition, central heating has also been installed in existing local authority dwellings undergoing refurbishment. The “*Central Heating Programme for Local Authority Rented Dwellings*” operated from 2004-2009. The programme provided funding to local authorities to assist in the provision of central heating facilities in those rented dwellings which lacked them. In conjunction with the provision of central heating, eligible works also included, where necessary, measures to ensure the energy efficiency of the dwelling, such as attic insulation to Building Regulations standards; draught-proofing to existing windows and external doors; the lagging of exposed pipework and hot water storage cylinders; and the installation of a mains operated smoke alarm. Expenditure of over €100m was incurred on this scheme with improvements to some 25,000 housing units.

67. The “*Energy Efficiency Insulation Retrofitting Measure*” seeks to improve the energy efficiency of older apartments and houses by reducing heat loss through the fabric of the building and the installation of high-efficiency condensing boilers. The objective of the scheme is that the entire social housing stock will have, at minimum, cavity wall

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<sup>45</sup><http://www.environ.ie/en/DevelopmentHousing/Housing/SocialHousingSupport/RemedialWorksScheme/PublicationsDocuments/FileDownload,2454,en.pdf>

insulation, roof insulation and draught proofing. The programme is targeting the least energy-efficient local authority homes and providing warmer homes and lower energy bills for thousands of families, with improved energy efficiency and BER ratings. During the period 2013-2014, 30,000 local authority houses had received insulation upgrades.

68. In addition, in recent years, a programme to remediate vacant/boarded-up social housing units has been implemented by local authorities with the funding support of the Department of Environment, Community and Local Government. The Social Housing Strategy 2020 outlines that, in future years, the funding for local authorities to return vacant social housing units to productive use will be linked to the authorities putting in place on-going maintenance programmes to address the issue of vacant properties. Social housing units become vacant all the time and may often require different levels of repair and remediation works to be undertaken. This programme helps to ensure that Local Authorities' overall management and maintenance of their social housing stock is of a standard which ensures that vacant units are kept to a minimum and turned around as quickly as possible. It is recognised that having vacant/boarded-up social housing units can have a detrimental effect on an area and attract anti-social behaviour, hence the focus on funding and good maintenance processes to tackle such units.

69. Without prejudice to the Respondent's position that it is not under a legal obligation of results, the Respondent does not accept the facts presented in the case studies included in the Complaint. It wishes, however, to make a number of points:

70. In Case Study 1, it is alleged that delays of up to four days have occurred in responding to sewage blockages and invasions. The following however is the typical response of Dublin City Council to a report of a sewage blockage: Once a tenant reports a problem to the housing maintenance repairs number, a job is created and sent to the choke car (this is a jetting machine which is used to clear blockages). The choke car then calls out to unblock any blockages. If the call is after hours, the after-hours foreman on duty determines if the complaint is urgent and the choke car can call out after hours.

71. The allegation in this respect is particularly curious in the context of flat complexes as reports from flat complexes are generally given priority over those from houses. Dublin City Council's expected turnaround time in a flats complex for a reported blockage is 24 hours. A delay of four days would be surprising.
72. In relation to the allegation that Dublin City Council denied that waste-water was dangerous to health, there is no record of such a statement. The Complaint refers to a report carried out by Tobin Engineering. At the time that the report was presented, Tobin Engineering claimed that water in the bath was sewage (water from the toilet). Dublin City Council denied this at the time and established that the sewage and grey-water (water from the wash hand basins and bath) are separate systems and that they could not have crossed. The Tobin report had a microbiological analysis carried out and compared levels of particulates against Statutory Instrument No.294 of 1989, European Communities (Quality of Surface Water Intended for the Abstraction of Drinking Water) Regulations.<sup>46</sup> Dublin City Council objected to comparing grey-water from Dolphin House to levels as per S.I. 294 as this was not a comparable type of water. This should not be interpreted as Dublin City Council denying or making any statement in relation to waste-water.
73. The position of Dublin City Council with regard to repairs due to mould growth resulting from condensation is that they are a tenant's responsibility. This is outlined in page 20 of the Tenant's Handbook which is made available to all Dublin City Council social housing tenants.<sup>47</sup> This position was reiterated in a letter sent to all Dublin City Council social housing tenants in 2009.<sup>48</sup> In addition, an information booklet (produced by Homebond) about the prevention of condensation in the home and the treatment of condensation-related mould growth<sup>49</sup> is generally (but not always) given to the tenant. Condensation is not damp arising from a building defect. It arises typically from such activities as drying clothes in the dwelling and insufficient ventilation. Where damp occurs from a building defect (such as a rising damp, penetrating damp or a leak), Dublin City Council carries out those repairs. However, when a complaint of mould /damp / condensation is made and found to be the result of condensation, the tenant is

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<sup>46</sup> Appendix 2(xviii).

<sup>47</sup> Appendix 5.

<sup>48</sup> Appendix 6.

<sup>49</sup> Appendix 7.

informed that related repairs are their responsibility. This approach to mould is mirrored in other local authorities.

## **V.2 ALLEGATION THAT STANDARDS APPLIED TO LOCAL AUTHORITY HOUSING ARE NOT THE SAME AS THOSE APPLIED TO PRIVATELY RENTED PROPERTIES**

### Legal principles

74. Neither Article 16 nor Article 30 require identical regimes to be established for the monitoring and management of standards in local authority housing and privately rented properties. Indeed, where it is more appropriate in the general interest for private dwellings to be subjected to a different framework, the Charter arguably necessitates such an approach. In any event, States enjoy a margin of appreciation in determining the steps to be taken to ensure compliance with the Charter, in particular as regards the balance to be struck between the general interest and the interest of a specific group and the choices which must be made in terms of priorities and resources<sup>50</sup>.

75. These principles apply equally in relation to the allegation of less effective remedy processes being open to local authority tenants.

### Application of Legal Principles

76. For the reasons set out above, the Respondent submits that no stateable case has been advanced. For the assistance of the Committee, however, the Respondent will briefly explain the regime for private renting as compared to that for local authority housing.

77. The Residential Tenancies Act 2004<sup>51</sup> regulates the landlord-tenant relationship in the sector and sets out the rights and obligations of landlords and tenants including in relation to rent, security of tenure and the termination of tenancies. The Private Residential Tenancies Board (PRTB)<sup>52</sup> was established as an independent statutory body under the Act to operate a national tenancy registration system and to resolve disputes between landlords and tenants.

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<sup>50</sup> Complaint No. 64/2011, *ERTF v France*.

<sup>51</sup> <http://www.irishstatutebook.ie/2004/en/act/pub/0027/print.html>

<sup>52</sup> <http://www.prtb.ie/>

78. The Residential Tenancies (Amendment)(No. 2) Bill 2012<sup>53</sup> will amend the Residential Tenancies Act 2004 to provide, inter alia, for the inclusion of the Approved Housing Body (AHB) sector within the remit of the Residential Tenancies Act 2004.
79. The Bill has passed all stages in the Dáil (the House of Representatives), together with second stage in the Seanad (the Senate). The Bill will return to the Seanad for Committee Stage in the coming weeks with provision for a deposit protection scheme foremost among the amendments. Following enactment, the provisions of the Bill relating to the AHB sector will be commenced as soon as practicable, having regard to the administrative requirements of the PRTB.
80. Local authorities monitor the standard of their housing stock, inspect the stock and repair properties through a range of approaches. The approach taken by each authority may vary depending on the condition and age of their housing stock. In addition, some authorities, in the context of significant capital investment programmes, deploy bespoke approaches to stock inspection and repairs/refurbishment, and to engagement with tenants. This is particularly the case with areas undergoing regeneration, where a consultative approach is used, with the tenants of the areas in question at the centre of the planning and implementation of the programmes, including a system of regeneration boards comprising local residents, NGOs and political representatives. Independent community development workers and regeneration support workers are also funded in some cases to liaise with tenants.
81. As set out above, the Housing (Standards for Rented Houses) Regulations 2008 (as amended) apply to both Local Authority and Approved Housing Bodies housing stock, with a small number of exemptions<sup>54</sup>. In addition, Guidelines for Housing Authorities in the implementation of Minimum Standards in Rented Accommodation were issued by the Department to Local Authorities in February 2011<sup>55</sup>. All Local Authorities surveyed for this response confirmed that they apply a minimum standard to local

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<sup>53</sup> <http://www.oireachtas.ie/documents/bills28/bills/2012/6912/b69b12d.pdf>

<sup>54</sup> <http://www.environ.ie/en/Legislation/DevelopmentandHousing/Housing/FileDownload,19142.en.pdf>

<sup>55</sup> <http://www.environ.ie/en/DevelopmentHousing/Housing/PrivateRentedHousing/PublicationsDocuments/FileDownload,19428.en.pdf>

authority housing that is aligned to the standards for private rented properties and exceeds this minimum standard in certain circumstances.

82. The Respondent maintains a strong focus on the delivery and management of social housing by the 31 Local Authorities. The Respondent strongly refutes the suggestion that local authority tenants are at a disadvantage to those in private accommodation. The benefits of providing permanent social housing, as distinct from reliance on the private rented sector, include:

- (i) Stability and security of tenure: *“private renting provides less security of tenure than owning or renting from a local authority, and tenants are uncertain about future rents that are market-determined.”* (p.x)<sup>56</sup>
- (ii) Differential rent: *“Tenants in local authority dwellings pay weekly rents which are based on the household’s ability to pay, a method known as differential rent. If the tenant’s household income changes, they must inform the local authority, so that the rent paid can be adjusted accordingly. Each local authority operates its own differential rent scheme, with different rates, and different minimum and maximum rents payable, although these rents average about 15 per cent of household income. From 2015 a single national differential rent scheme will apply, with a minimum payment of €30 per week”*<sup>57</sup>
- (iii) Tenant Purchase Schemes: The Incremental Purchase Scheme provides an affordable route to homeownership for households that are renting social housing or those awaiting the allocation of social housing. The scheme offers social housing applicants the earliest possible start on the path to home ownership for those willing and able to undertake a house purchase<sup>58</sup>.
- (iv) Succession of tenancy<sup>59</sup>: allowing for a relative to take over a tenancy if the original tenant dies;
- (v) Maintenance of communities: both the security/stability of tenure and succession of tenancy contribute to the maintenance of communities, over the medium term due to longevity of tenure for individual residents/families and over

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<sup>56</sup> [http://files.nesc.ie/nesc\\_reports/en/140\\_Homeownership\\_and\\_Rental.pdf](http://files.nesc.ie/nesc_reports/en/140_Homeownership_and_Rental.pdf)

<sup>57</sup> See **Appendix 8**, Review of Irish Social and Affordable Housing Provision, NESC Secretariat Papers Paper No. 10 July 2014.

<sup>58</sup> <http://www.environ.ie/en/DevelopmentHousing/Housing/HomeOwnership/IncrementalPurchaseScheme/>

<sup>59</sup> [http://www.citizensinformation.ie/en/housing/local\\_authority\\_and\\_social\\_housing/inheriting\\_a\\_tenancy.html](http://www.citizensinformation.ie/en/housing/local_authority_and_social_housing/inheriting_a_tenancy.html)

the long term (cross generational) due to succession. Local authority tenants can also specify the areas in which they would like to live<sup>60</sup> and can apply to transfer to another local authority property<sup>61</sup>, which allows people to move back to the communities in which they grew up and where they may have extended families.

(vi) In setting target minimum floor areas, social housing exceeds the standards of rental houses where no minimum floor areas exist. Rental houses can therefore be smaller than social houses.

### **V.3 ALLEGATION OF LESS EFFECTIVE REMEDIES BEING OPEN TO LOCAL AUTHORITY TENANTS**

83. Local authorities have put in place a multiple stage procedure for dealing with customer complaints, the first of which is discussing the complaint at the point of service, as this is usually the quickest and most efficient way to address the matter. If a complainant is unhappy with the outcome of the first stage a formal complaint can then be made. A formal complaint will be dealt with by the Manager of the service involved. If the Manager of the service cannot remedy the situation, a formal complaint can be made to the Authority's Customer Services Officer, who will either take on the complaint or re-assign it to a senior staff member in an area other than that of the complaint.

84. The complaints procedures adopted across local authorities have regard to the customer complaints guidelines for local authorities which issued in 2005<sup>62</sup>. In the main, complaints can be made directly via local authority websites (on-line forms), by e-mail or in writing to the Corporate Services Department of individual local authorities.

85. If matters have not been resolved following engagement with the local authority, it is open to a complainant to bring the matter to the attention of the Office of the Ombudsman<sup>63</sup>. The function of the Ombudsman is to investigate complaints from members of the public who believe that they have been unfairly treated by certain public

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<sup>60</sup>[http://www.citizensinformation.ie/en/housing/local\\_authority\\_and\\_social\\_housing/applying\\_for\\_local\\_authority\\_housing.html](http://www.citizensinformation.ie/en/housing/local_authority_and_social_housing/applying_for_local_authority_housing.html)

<sup>61</sup>[http://www.citizensinformation.ie/en/housing/local\\_authority\\_and\\_social\\_housing/getting\\_a\\_transfer\\_to\\_another\\_local\\_authority\\_home.html](http://www.citizensinformation.ie/en/housing/local_authority_and_social_housing/getting_a_transfer_to_another_local_authority_home.html)

<sup>62</sup><http://www.environ.ie/en/Publications/LocalGovernment/Administration/FileDownload,2046.en.pdf>

<sup>63</sup><http://www.ombudsman.gov.ie/en/Publications/Information-leaflets/Local-Authorities.pdf>

bodies, including Local Authorities. Over the 5 year period 2009-2013<sup>64</sup>, the Ombudsman dealt with 203 complaints relating to Local Authority housing repairs. Naturally, local authority tenants are also entitled in the normal course to take legal action in the domestic Courts in order to vindicate their legal rights.

86. It is submitted that these mechanisms are sufficient to satisfy any requirement of the Charter which might arise. It is disingenuous to suggest that the remedy for a local authority tenant should be identical to that of a private renter. The challenges facing a private renter are different to those facing a local authority tenant. For instance, no statutory maintenance and control functions arise for local authorities in the context of private rental accommodation and often the private renter faces more acute difficulties with unscrupulous landlords.

#### **V.4 ALLEGATION OF LACK OF MEANINGFUL STATISTICS ON HOUSING CONDITIONS AND SOCIAL EXCLUSION IN LOCAL AUTHORITY HOUSING**

87. In 2003, the State carried out an evaluation of the national housing stock in *National Survey of Housing Quality 2001-2002* (NSHQ) - ESRI<sup>65</sup>, which was commissioned by the Department of the Environment, Heritage and Local Government. Detailed information was collected from a representative sample of over 40,000 householders on characteristics and problems of the dwelling, and on the household members. The sample covered all housing stock (not just local authority dwellings). In particular, information was collected on:

- the basic type of dwelling, its age and location;
- the number of rooms of different types available to the household;
- rent and mortgage payments, and other indicators of affordability;
- services such as water, sewage, electricity and gas;
- main method of heating the dwelling and fuel used;
- presence of insulation and other energy-saving measures;

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<sup>64</sup> The Office of the Ombudsman Annual Reports 2009, 2010, 2011, 2013. Housing repair complaints figures were not provided in the 2012 Annual Report. <http://www.ombudsman.gov.ie/en/Publications/Annual-Reports/>

<sup>65</sup> <http://www.environ.ie/en/Publications/DevelopmentandHousing/Housing/FileDownload,2446.en.pdf>



- problems with the accommodation and major works carried out in the last five years; and
- household characteristics – household type and age structure, economic status of household members and household income;

88. A module in the Survey of Income and Living Conditions dealt with housing conditions in 2007. In those statistics, 71% of households who rented below market rate/local authority/rent free were satisfied with their accommodation. The data is further broken down by principal economic status, educational levels, age, tenure, income employment, household composition, etc. The variables collected related to general satisfaction levels, heating installation and its impact, plumbing and electrical installations, and accessibility to services such as GPs, post offices, banks and public transport<sup>66</sup>. The census provides an update every 5 years on the composition of the local authority sector tenants. Data on nationality, social class and type of accommodation is presented<sup>67</sup>.

89. In addition, the Local Government Management Agency (LGMA) reports on a number of service indicators, including housing repairs completed by local authorities (as a percentage of the number of valid repair requests received) and the status of local authority housing stock (in terms of availability).<sup>68</sup>

90. As will be seen below in Section VI on Regeneration Programmes, data gathering is also used to measure the effectiveness of social housing interventions. For example, in the case of Limerick Regeneration a comprehensive baseline socioeconomic study<sup>69</sup> was carried out based on 2011 census data and other sources so that the effect of the regeneration programme could be measured. One year on from the formal adoption of the Limerick Regeneration Framework Implementation Plan (LRFIP), a Monitoring Report is being prepared on the activities over the past year and will be published. The local community can use the Monitoring Report to see how the LRFIP is currently performing and how it will improve its performance in the future.

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<sup>66</sup> <http://www.cso.ie/en/media/csoie/releasespublications/documents/silc/2007/silchousing2007.pdf>

<sup>67</sup> <http://www.cso.ie/en/media/csoie/releasespublications/documents/silc/2007/silchousing2007.pdf>

<sup>68</sup> <http://www.lgcsb.ie/en/publications>

<sup>69</sup> <http://www.limerick.ie/council/limerick-regeneration-framework-implementation-plan>

## **V.5 ALLEGATION THAT THE HEALTH AND WELL-BEING OF TENANTS IN LOCAL AUTHORITY HOUSING IS BEING AFFECTED BY POOR HOUSING CONDITIONS**

91. As set out above, housing law sets down clear requirements of fitness for habitation of local authority housing and standards for rented accommodation, including local authority housing. These provisions, along with specific actions of both central and local government to improve local authority housing (as set out in this Response), satisfy the requirement under Article 11 of the Charter to take appropriate measures to remove, in the context of local authority housing, causes of ill-health.

92. Section B.4 of the complaint refers to the effects of the presence of dampness on the health of local authority tenants in a number of social housing sites, primarily in Dublin City. The issue of mould has already been address in Section V.1 of this Response.

93. With regard to the specific local housing estates mentioned in the complaint, the following might be noted:

### **(i) Case Study 1: Dolphin House**

94. The Department of the Environment, Community and Local Government has been supporting Dublin City Council in advancing proposals for the regeneration of Dolphin House in Dublin, originally earmarked for inclusion under the Public Private Partnership process which collapsed in 2008 against a backdrop of economic crisis. The priority of Dublin City Council is now to maintain the community in Dolphin House, as a very good community spirit exists and the majority of residents have expressed their desire to remain housed within this complex. Phase 1 of this scheme comprises the de-tenanting and demolition of 2 blocks, the refurbishment of 63 units and the construction of 37 new units (total 100 units). Subsequent phases will be subject to detailed design development at a later stage.

95. In order to address issues relating to insulation, condensation and wastewater drainage, thereby improving existing living conditions, the Department provided capital funding to support an interim programme of remedial and improvement works to flats, including

mechanical ventilation to address condensation issues. This resulted in improvements to 46 units in 2012 and 31 units in 2013.

96. Financial support has also been provided by the Department for social inclusion measures, including a regeneration support worker.

**(ii) Case Study 2: St Teresa's Gardens (also included as one of the 8 flat complexes in Case Study 3).**

97. The regeneration of the St Teresa's Gardens complex is one of the main regeneration projects currently being undertaken by Dublin City Council. This scheme comprises the de-tenanting and demolition of 14 of the existing 16 housing blocks, and the provision of 50 new homes, comprising 16 apartments and 34 terraced houses. Two of the existing blocks are being retained in the medium term to provide temporary accommodation pending completion of the new build. The units contained in these two blocks are being consolidated / refurbished and will provide approximately 57 units of temporary accommodation.

**(iii) Case Study 3: Liberty House (re-named Peadar Kearney House)**

98. This is one of the eight Dublin City Centre Local Authority Flat Complexes included in Case Study 3 in the complaint. There have been two phases of remedial and construction works in this development. The first remedial phase, involving Blocks A, B and C, was completed a number of years ago at a cost of €11.4m. This involved internal and external upgrading of the complexes; the amalgamation of some units; works to internal and external walls; flooring; re-roofing; general works to stairs and circulation areas; the provision of fire doors to create stair lobbies; chimney repairs and facade treatment, together with site development and landscaping works. This first phase of works provided 86 refurbished units.

99. The second phase involved the construction of 56 new apartments, an underground car park and a community facility. Capital funding from the Department for the latest phase was over €13 million and was delivered under the 'Remedial Works Programme'. The works were completed in September 2014 and the re-named facility was officially opened by the Minister for the Environment, Community and Local Government in April 2015.

### **Case Study 3: St. Mary’s Mansions; Ballybough House; Matt Talbot Court**

100. These three complexes are currently being considered for inclusion in a deep retro-fitting programme of some 2,000 older apartments/flats to be co-funded under the EU Structural and Investment Funds 2014-2020<sup>70</sup>. The Department has submitted a proposal costing €100 million under the South and East Operational Programme 2014-2020. It is proposed that 50% of the cost would be met by way of loan finance from the European Investment Bank to a number of Approved Housing Bodies (AHB’s) who would undertake the retrofitting works and then manage and maintain the properties on behalf of the local authority. The balance of the funding is to be met by way of a 25% capital contribution by the Exchequer and a 25% grant from the European Regional Development Fund (the “ERDF”).

#### **(iv) Case Study 4: Balgaddy development**

101. The Balgaddy estate was constructed in three phases and some defects (relating to doors, windows and roofs) were noted following the original construction. However, defects may be found in newly constructed properties, regardless of whether they are for social housing or private purchase. For that reason, South Dublin County Council has a 12 month defect liability period in all contracts, during which time final payment for the contract is withheld. This allows the Council to ensure that all construction-related defects are remedied.

102. Following a number of complaints in relation to leaks in some apartments in the development, the Council carried out a full survey of the entire development, also taking into account the results of two other surveys which were carried out in the area by the Local Partnership Company (NGO/not-for-profit) and a Voluntary Housing Body. As a result of these surveys, a dedicated team including a Clerk of Works was allocated to remedy each identified fault and respond to every request for maintenance. The Council notes that, at this stage all identified defects have been remedied. Following this work the number of maintenance requests in the Balgaddy area has dropped below the average for an area of that size. With regard to the statement in the

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<sup>70</sup> Investment in energy efficiency and renewable energy use in public infrastructure, including social housing, through the thematic objective of supporting the shift towards a low-carbon economy, is among the eligible measures for ERDF co-funding under the Regional Operational Programmes 2014-2020.

complaint that *“This case study represents the increasing evidence emerging from new build homes in local authority estates where poor quality materials and the presence of pyrite are resulting in unsafe buildings”*, the Council states that there is no pyrite in the Balgaddy development.

103. Recently, a number of complaints have been received in relation to dampness and mould in specific apartments. While this may be due in part to tenant behaviour (blocking of vents; insufficient airing of properties etc), the Council is considering re-examining the apartments and undertaking any required remedial works. This approach has yet to be agreed and approved by Council members.

**(v) Case Study 5: Limerick**

104. The Limerick Regeneration initiative was set up in June 2007 to address the serious problems of social exclusion, crime and social disorder in Moyross and other disadvantaged estates in Limerick City. The Initiative followed from the proposals outlined in the Fitzgerald Report (2007) to the Cabinet Sub-Committee on Social Inclusion. In June 2007, the Northside and Southside Regeneration Agencies were set up under Ministerial Order, with a remit to run up to June 2012. “Vision” Plans for the Northside and Southside regeneration areas were developed within six months and by October 2008, a Masterplan for the regeneration of the most disadvantaged local authority housing estates in the city on the northside (Moyross, St. Mary’s Park) and the southside (Southill and parts of Ballinacurra Weston) was prepared and submitted to government.

105. Since 2008, conditions changed enormously, linked to the impact of the recession and the public funding/public debt crisis. The severity of the economic recession, including large job losses in Limerick and the Mid-West Region as well as deterioration in the public finances, created much more difficult conditions for regeneration. It became evident that the extensive regeneration and the timescale originally envisaged under the Masterplan were no longer feasible. The consolidation of the Regeneration Agencies in 2012 and the establishment of the Office of Regeneration within the Local Government Framework brought a new impetus to the project with the main priority being the delivery a solid and viable implementation plan. The 2008 Masterplan envisaged extensive demolition of both private and public

housing and their replacement with new housing. However, the changed economic climate necessitated a review of this approach and a prioritisation of the refurbishment options, which shifts the focus away from demolitions. It is now envisaged that in excess of 1,000 houses will be retained including a significant number of private houses.

106. The Office of Regeneration has now delivered a robust, evidence-based, measurable Implementation Plan (Limerick Regeneration Framework Implementation Plan - LRFIP) to reflect this strategy and maintain the existing community. The estimated cost of the works envisaged in the plan is €293m, comprising of €253m physical and €40m economic and social. Included in the physical is €83m which will be proper to other Departments and areas which leaves a Housing investment of €170m. The Implementation plans are fundamental to the entire regeneration process and will build on the work to date. They will set the scene for the physical, social and economic regeneration of the area, focus the interventions, and will drive the regeneration project forward over the coming years.

## **V.6 ALLEGATION THAT LOCAL AUTHORITY TENANTS ARE DEPRIVED OF AN EFFECTIVE RIGHT TO PROTECTION AGAINST POVERTY AND SOCIAL EXCLUSION**

107. Section B5 of the complaint refers to the *'highly vulnerable lifestyle forced on families living in local authority housing in Ireland'* which results in them being deprived of an effective right to protection against poverty and social exclusion.

108. The complaint does not explain how it is suggested that living in local authority housing in Ireland results in a highly vulnerable lifestyle being forced on families. Nor does living in such housing have such a result. There are a number of factors which might be regarded as contributing to poverty and social exclusion. Many families living in local authority housing may be at a social disadvantage which is unrelated to their

living arrangements, as can be inferred from the data in the most recent statutory Assessment of Housing Need<sup>71</sup> undertaken in May 2013.

109. The National Action Plan for Social Inclusion 2007-2016<sup>72</sup> (p.20) proffers the following definition for poverty and social exclusion: *“People are living in poverty if their income and resources (material, cultural and social) are so inadequate as to preclude them from having a standard of living which is regarded as acceptable by Irish society generally. As a result of inadequate income and resources people may be excluded and marginalised from participating in activities which are considered the norm for other people in society.”*

110. The Plan sets out the commitment by the Department of the Environment, Community and Local Government and local authorities to deliver high-quality social housing in mixed community settings with the aim of supporting and building communities in which people can take pride (p.63). This plan was launched in 2007. As a result of the economic crisis, in the years that followed there was a period of severe economic depression and fiscal constraints which impeded achieving the Plan’s objectives. However, since the recent launch of the Social Housing Strategy 2020, the Government is re-focussing and investing in on-going provision of local authority housing.

111. Part of this investment is the Department of the Environment’s investment in regeneration which targets the country’s most disadvantaged communities; those defined by the most extreme social exclusion, unemployment and anti-social behaviour. The regeneration projects supported take a broad focus, beyond the remediation of the physical environment, delivering social and economic regeneration of the areas concerned. The programmes strive to rebuild communities from the ground up – making sure that they are places which people are proud to come from, places where people want to live and work in, rear and educate their children and to enjoy their later years in an inclusive and safe environment.

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<sup>71</sup> <http://www.housing.ie/Our-Services/Research-Services/Summary-of-Social-Housing-Assessments-2013.aspx>

<sup>72</sup> <https://www.welfare.ie/en/downloads/National-Action-Plan-for-Social-Inclusion-2007-2016.pdf>

112. A number of the specific local housing complexes mentioned in the complaint are currently undergoing regeneration. Dublin City Council has recently submitted social and economic regeneration proposals for 2015 which provide a flavour of the type of holistic approach taken:

- In keeping with the Council's stated aim of maintaining the community in Dolphin House, it has put forward a 2015 Dolphin House social regeneration programme which aims to encourage the engagement of residents in the regeneration process; develop physical and healthy activities for both young and old residents; support the development of a local Men's Shed project<sup>73</sup>; develop improved community solidarity amongst residents of all ages; help unemployed residents to access local training and employment opportunities and assess the need for a community based alcohol-focused programme. Funding for similar social initiatives was provided in 2012, 2013 and 2014.
- St Teresa's Gardens Regeneration Board received funding in mid-2014 to begin work on social, economic and cultural regeneration measures including employment, education and community health and well-being. This followed on from previous social initiative funding provided in 2012 and 2013. A 2015 social regeneration proposal has been submitted by the Board and is under consideration by the Department.

### Summary

113. For the Committee to find against the Respondent on the basis of the allegations presented in this Complaint would involve a significant departure from the envisaged parameters of the Charter's scope. The Respondent has a clear framework in place for the maintenance and indeed improvement of housing conditions.

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<sup>73</sup> <http://menssheds.ie/>



## VI. REGENERATION

### The Complaint

114. This part of the Complaint is particularly vague. The Complaint appears to be that Regeneration Programmes have failed to prevent rather than caused breaches of Article 16 of the Charter. In relation to Article 30, the allegation appears to be that the provision is not incorporated into the Regeneration Programmes.

115. The Respondent considers that the Complainant has failed to raise a stateable case in this regard. Without prejudice to the foregoing, the Respondent nevertheless sets out below a number of aspects of these Programmes.

### Explanation of Regeneration Programmes

#### *Introductory remarks*

116. The Regeneration Programmes target Ireland's most disadvantaged communities; those defined by the most extreme social exclusion, unemployment and anti-social behaviour. It is an ambitious programme of projects in Dublin City; Ballymun (in Dublin); Limerick; Dundalk (Co. Louth); Cork City; Sligo and Tralee (Co. Kerry). The programme seeks to address the causes of disadvantage in these areas through a holistic programme of physical, social and economic regeneration. In accordance with the *Department's Statement on Housing Policy, Delivering Homes, Sustaining Communities*<sup>74</sup>, there is a requirement for regeneration projects primarily to deliver an improvement in the housing standards of an area, and this is where the highest concentration of funding is allocated. Additionally, regeneration takes a broader approach and seeks to address the socio-economic and infrastructural deficits that contribute to the social exclusion of a community. The value placed on the regeneration programme is recognised in the *Programme for Government*<sup>75</sup>.

### VI.1 Housing Conditions

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<sup>74</sup> [www.environ.ie/en/Publications/DevelopmentandHousing/Housing/FileDownload,2091,en.pdf](http://www.environ.ie/en/Publications/DevelopmentandHousing/Housing/FileDownload,2091,en.pdf)

<sup>75</sup> [www.taoiseach.gov.ie/eng/Publications/Publications\\_2015/Programme\\_for\\_Government\\_Annual\\_Report\\_2015.pdf](http://www.taoiseach.gov.ie/eng/Publications/Publications_2015/Programme_for_Government_Annual_Report_2015.pdf)

117. The three recognised pillars of the regeneration process are physical, economic and social. The physical pillar of the regeneration process sets out to tackle all instances of poor quality housing conditions in the areas identified.
118. In relation to Sligo's Regeneration Programme, a long term masterplan is in the process of being developed. Housing Refurbishment works to date have focussed on addressing dereliction and returning empty housing units for re-letting, as well as improving energy efficiency and comfort levels in existing Sligo County Council housing stock. Interim measures such as window and door replacement and attic insulation have also been carried out. All housing units refurbished for re-letting since the regeneration process have begun have been refurbished to a high standard, with a particular focus on improving thermal performance. The Cranmore Regeneration project office is not aware of poor housing conditions within the regeneration area in any refurbished house where works have taken place.
119. Cork City Council reports that it is not aware of any poor housing conditions that remain following Regeneration intervention.
120. In Limerick, the adopted Limerick Regeneration Framework Implementation Plan<sup>76</sup> (LRFIP) targets 1,504 housing units to benefit from thermal upgrade to a Building Energy Rating (BER) of C (from an existing average rating of E) in line with the adopted LRFIP and Department of the Environment, Community and Local Government policy. The time frame for the completion of this Thermal Upgrade Programme is 2017/2018.
121. In some instances, additional works over and above thermal upgrading are undertaken to tackle poor quality housing situations. Extra work to houses outside of thermal upgrade scope might concern, for instance, dwellings with rising and penetrating damp, poor electrical wiring, poor internal finishes, poor condition of bathrooms and kitchens etc.
122. The impact of regeneration interventions is measured carefully. There is a commitment by the Office of Regeneration in Limerick that monitoring of the

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<sup>76</sup> <http://www.limerick.ie/council/limerick-regeneration-framework-implementation-plan>

programme is carried out on an annual basis. One year on from the formal adoption of the LRFIP, a Monitoring Report on physical improvements<sup>77</sup> is being prepared on the activities over the past year and is due for publication. The main aim of the Limerick Regeneration Programme is to narrow the gap in housing conditions between the four designated regeneration areas and the rest of the city and country. To date in Limerick, 445 homes have been or are in the process of being thermally upgraded to a BER rating of C1 or better, resulting in a huge improvement in the thermal performance of the homes and reducing the cost to fuel heating systems – a critical intervention in an area that experiences fuel poverty among some of its residents.

## VI.2 Participation

123. Regeneration is implemented as a consultative process, with the tenants of the areas in question at the centre of the planning and implementation of the programmes. The following are examples from each of the Regeneration areas of how this operates.

124. Dublin City Council, through a system of regeneration boards comprising local residents (including social housing tenants), NGOs and political representatives, actively engages with the community where regeneration is being undertaken (or proposed). Regeneration boards have been established and supported by the Council. The Housing Strategic Policy Committee<sup>78</sup> established terms of reference for Regeneration Boards which have been accepted by all existing regeneration projects. In addition Dublin City Council has approved and funded the appointment of independent community development workers and regeneration support workers to ensure that those tenants and other residents are confident of their role in regeneration. This system of actively supporting and working with regeneration boards allows proactive forms of engagement which include meetings, workshops, presentations and

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<sup>77</sup> The Monitoring Report is a means of publicising the achievements and progress of the LRFIP. This report is of importance to anyone who has an interest in planning and regeneration in Limerick city. The local community can use the Monitoring Report to see how the LRFIP is performing and how it will improve its performance in the future. The report can help communities to understand the impact of their own engagement in the process, and can also be a useful tool to communities to engage in future policy making and helping them understand where plans sit in the whole context of a particular area. The Monitoring Report can assist local elected members in their oversight function and provides them with an overall view of the performance of the service. The wider City and County Council can also use this Monitoring Report to help inform their strategic plans.

<sup>78</sup><http://www.dublincity.ie/main-menu-your-council-strategic-policy-committee-corporate-policy-group/housing-committee>

research which is funded by DCC. In many cases Dublin City Council also works with technical advisors which the regeneration boards select to provide them with independent advice as part of a review of proposals for improvements. Prior to making submissions for planning it is a part of the accepted procedure that the regeneration board agrees to the submission.

125. In Sligo (Cranmore Estate), Sligo County Council and DECLG are currently in the regeneration masterplanning process. Engagement with local residents to date has included and continues to include public and resident meetings, exhibitions, workshops, newsletters, website updates, and circulation of reports to resident associations in order to ensure that the community are fully informed. A Regeneration Office is established within the regeneration area with an open door policy for people to call in to the office to report their concerns. These initiatives are aimed at both the local authority and the private residents within the Regeneration area<sup>79</sup>.

126. Cranmore Regeneration employs two Community Wardens who provide another informal point of contact and support for promoting engagement by the community and the various local resident associations. The regeneration initiative also supports the work of the Cranmore Community Co-Operative<sup>80</sup> which works to promote the regeneration process on behalf of the local community. An independent Community Liaison Officer (ICLO) employed by the Housing Agency<sup>81</sup> (on behalf of the DECLG) monitors the engagement process with the local community. Reports on each stage of the masterplan process to date have been prepared by the ICLO<sup>82</sup>. The project office team liaise with the ICLO to develop and vet communication strategies before engaging with the community. All aspects of the planned consultation process with the community are considered to ensure that the consultation process is suitable, fair, transparent and inclusive.

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<sup>79</sup> The Regeneration masterplan engagement process to date has been documented at <http://www.sligococo.ie/Services/CranmoreRegeneration/Masterplan/>.

<sup>80</sup> [www.cranmore.ie](http://www.cranmore.ie)

<sup>81</sup> The Housing Agency supports Local Authorities and Regeneration Agencies in undertaking regeneration programmes.

<sup>82</sup> ICLO Reports can be viewed at <https://sligoregeneration.wordpress.com/>

127. When the masterplan has been agreed by the Regeneration Steering Group<sup>83</sup>, a statutory formal process of consultation will be undertaken to include the masterplan within the Sligo and environs Development Plan. It is anticipated that this formal process will commence in 2016.
128. Since the outset of Regeneration in Limerick, tenant participation has been prioritised. Local Regeneration Offices were established where residents can access locally based staff at all times. Local Regeneration committees which are chaired by an independent chairperson were set up in the four main areas of disadvantage identified in the programme and they hold monthly meetings. Sitting on such committees are tenants, local authority staff, councillors and members of the police force. Five “Community Officers” are co-funded by Regeneration and Limerick City and County Council.
129. Section 2.2 of the Statement of Community Involvement indicates that it is an explicit aim of the statutory Limerick City Development Plan to “ensure public participation through the statutory process governing its preparation”.
130. In relation to planning applications for housing schemes, pre-planning consultation is undertaken with the communities. There is also a further opportunity for consultation under the statutory provisions of S.I. No. 600/2001 Planning and Development Regulations, 2001<sup>84</sup> in relation to certain planning applications once they are lodged to the Planning Authority. The application is placed on public display for six weeks and submissions and observations are invited from the general public for a further two weeks<sup>85</sup>.
131. In Dundalk (Co. Louth), Louth County Council (LCC) have over a period of several years engaged directly with local residents with a detailed public consultation process which formed a major part of the Regeneration Phase II works plan. LCC have also engaged with third parties to carry out public consultation and community involvement in the design process of the Regeneration Scheme. Currently LCC are

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<sup>83</sup> Committee charged with the oversight of Regeneration of Cranmore Estate (Sligo). Group membership includes Sligo County Council Director of Housing, Staff from the Cranmore Regeneration Office and DECLG Officials.

<sup>84</sup> <http://www.irishstatutebook.ie/2001/en/si/0600.html>

<sup>85</sup> Details of Part 8 Planning Process [www.irishstatutebook.ie/2001/en/si/0600.html#part8](http://www.irishstatutebook.ie/2001/en/si/0600.html#part8)

funding a Community Volunteer programme within the Regeneration Area to improve local involvement in the process now and for future benefit of the local residents.

132. In Cork (City Northwest) Regeneration<sup>86</sup>, public consultation is carried out in preparation of regeneration schemes. This consultation informs the preparation of the Masterplan<sup>87</sup>, through community meetings, and is also on-going as part of the design process and general review process as projects progress. This process also involves engagement with local community groups, who are also represented (along with residents) on steering panels and focus groups, which inform the design code and public realm strategy and also the social, economic and environmental plan for the regeneration area. Project Liaison Officers are in place to deal with the public on a one-to-one basis with families, before, during and after projects and decantation.

### **VI.3 Funding**

133. The Social Inclusion and Community Activation Programme<sup>88</sup> (SICAP) is a recent initiative, funded by the Department, which will bolster efforts to tackle poverty, social exclusion and long-term unemployment through local engagement and partnership between disadvantaged individuals, community organisations and public sector agencies. SICAP was rolled out on 1 April 2015 with a programme budget from April to December 2015 of €28 million. SICAP will run until December 2017. It is the successor programme to the outgoing Local and Community Development Programme.<sup>89</sup>

134. Additionally, Regeneration funds a range of Social and Economic interventions which are focused on improving the lives of Regeneration area tenants. Applications and approvals can be grouped under the themes of Community, Education and

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<sup>86</sup> see [www.corkcity.ie](http://www.corkcity.ie)

<sup>87</sup> Residents can access the Masterplan at any time in local libraries.  
[www.corkcitylibraries.ie/hollyhill/communityinformation/](http://www.corkcitylibraries.ie/hollyhill/communityinformation/)

<sup>88</sup> <https://www.pobal.ie/FundingProgrammes/>

<sup>89</sup> <https://www.pobal.ie/FundingProgrammes/LocalCommunityDevelopmentProgramme/Pages/LCDP-Information.aspx>

Learning, Health and Well-being, Ageing Well, Families and Youth at Risk and Employability and Work.

#### VI.4 Framework

135. The Irish Government's *National Action Plan for Social Inclusion (2007-2016)*<sup>90</sup> together with social inclusion elements of the *National Development Plan (2007-2013)*<sup>91</sup> and, the latest social partnership agreement, *Towards 2016*, are the key policy documents detailing government's strategy and targets to support social inclusion for groups who are most vulnerable in society.
136. The goals of the *National Plan for Social Inclusion* are presented in terms of reaching specific poverty reduction targets by 2012 (interim target) and 2016. Specific high level goals and corresponding targets are set for each stage of the life-cycle. High level goals and targets for poverty reduction are also set in relation to communities (housing, health and integration of migrants).
137. Taking into account the severity of the economic crisis and that a new phase of strategic planning and programming is in development at EU level, new priorities and targets are set for 2014 to 2020. These are adopted within the broader framework of the *Europe 2020 Strategy*<sup>92</sup>. With the onset of the economic crisis, Government has prioritised the following<sup>93</sup>: *protecting the most vulnerable from the worst impact of the crisis; reforming income supports for children and people of working age; and strengthening activation policy to support people back into work.*
138. The *National Reform Programme for Ireland*<sup>94</sup> (updated in 2012) has identified targets for the Respondent with reference to the Europe 2020 Strategy – in relation to poverty reduction, revising those set originally in 2007. In 2012, Government set sub-targets for reducing poverty in jobless households, as part of the national social target for poverty reduction (National Social Target for Poverty Reduction, October 2012,

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<sup>90</sup> <http://www.socialinclusion.ie/nationalactionplan2007.html>

<sup>91</sup> <http://www.csfinfo.com/>

<sup>92</sup> [http://ec.europa.eu/europe2020/europe-2020-in-a-nutshell/index\\_en.htm](http://ec.europa.eu/europe2020/europe-2020-in-a-nutshell/index_en.htm)

<sup>93</sup> National Reform Programme, Department of An Taoiseach, 2012

<sup>94</sup> [http://ec.europa.eu/europe2020/pdf/nd/nrp2012\\_ireland\\_en.pdf](http://ec.europa.eu/europe2020/pdf/nd/nrp2012_ireland_en.pdf)

Department of Social Protection). The national level indicators are aligned with those set at EU level, as all EU Member States are required to set their own poverty target as part of Europe 2020 Strategy. The *National Social Target for Poverty Reduction*<sup>95</sup> in Ireland seeks to reduce consistent poverty to 4% by 2016 (interim target) and to 2% or less by 2020.

139. In terms of policy responses to meet these targets relevant to the Area Regeneration Plans, the employment priority and targets are addressed in the Government's *Action Plan for Jobs 2012/2013*<sup>96</sup> and *Supporting Economic Recovery and Jobs Locally*<sup>97</sup> and the Department of Social Protection's *Pathways to Work 2012*<sup>98</sup> initiative. In relation to early drop-out from education, the key measures are contained in The Department of Education's DEIS<sup>99</sup> (Delivery of Equality of Opportunity in Schools) and other recent initiatives including the *National Strategy to Improve Literacy and Numeracy amongst Children and Young People*<sup>100</sup> (2011). In terms of poverty and social exclusion, policy responses to the crisis of unemployment are particularly relevant (e.g. the priority given to long-term unemployed persons).

140. The challenge therefore is in translating the broad aims outlined above into the local Regeneration planning process. The City Northwest Quarter Regeneration, in Cork City, has developed a 10-year Social, Economic and Environmental Plan<sup>101</sup>. The plan includes a range of measures to address poverty and social exclusion. An annual programme of socio-economic and environmental measures is submitted to the Department of the Environment, Community and Local Government, and is dependent on the level of funding approved for socio-economic interventions.

141. Volume 3 of Limerick's LRFIP outlines the Implementation and Delivery structures for the social, economic and physical framework plans for the regeneration areas in an effort to narrow the gap between better-off and deprived communities. This includes the setting out of a multi-level structure of governance and implementation

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<sup>95</sup> <http://www.socialinclusion.ie/NPT.html>

<sup>96</sup> <http://www.actionplanforjobs.ie/>

<sup>97</sup> <http://www.environ.ie/en/Publications/LocalGovernment/Administration/FileDownload,31194,en.pdf>

<sup>98</sup> <http://www.welfare.ie/en/downloads/pathwaystowork.pdf>

<sup>99</sup> [http://www.education.ie/en/publications/policy-reports/deis\\_action\\_plan\\_on\\_educational\\_inclusion.pdf](http://www.education.ie/en/publications/policy-reports/deis_action_plan_on_educational_inclusion.pdf)

<sup>100</sup> <http://www.education.ie/en/Schools-Colleges/Information/Literacy-and-Numeracy/>

<sup>101</sup> <http://www.corkcity.ie/services/housingcommunity/corkcitynorthwestregeneration/Cork%20City%20Northwest%20Regeneration%20Adopted%20Plan.pdf>



arrangements at a national level, partnership-based structures at city level and at the level of the local regeneration communities as well as structures for community participation and involvement in the local communities.

142. A Monitoring Framework is also established in Section 1.3 of Volume 3 with key performance indicators highlighted, key agencies responsible for delivery indicated and target timeframes established. There is a commitment by the Office of Regeneration that monitoring of the programme is carried out on an annual basis with an overall area-wide evaluation study to commence in 2016.

143. Sligo County Council (Cranmore Regeneration) is developing a long term regeneration masterplan which looks at the complex elements of disadvantage, poverty and exclusion but is also, in the interim, supporting on-going social and economic initiatives such as the TAPPED programme which provides initial local training and engagement for unemployed young men through the Cranmore Co-Op, the Men's Group where a space is provided for local men to meet and develop their own projects, the Co-Op who provide space for a range of activities to be delivered locally such as local health clinics, therapeutic space for counselling, youth groups etc. The draft social and economic plans are based on a lifecycle approach enabling an integration of initiatives to address the cumulative and interlinked disadvantage experienced by the people of the regeneration area. The Draft Social Regeneration Plan sets out seven thematic interventions: Education and Learning, Unemployment, Training and the Social Economy, Health and Wellbeing, Family Support, Community Safety and Housing Management, Sport and Recreation and Income Adequacy<sup>102</sup>.

### Summary

144. The Complainant has failed to establish a stateable case with respect to the Regeneration Programmes. These programmes are highly consultative in nature and seek to address some of the most pertinent difficulties faced by the community such as social exclusion, poverty, high levels of unemployment and low levels of education.

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<sup>102</sup> Draft plan can be viewed at [http://www.sligococo.ie/media/CouncilDownloads/CranmoreRegeneration/Stage3ExhibitionofIdeas/Stage3\\_SocialPlan.pdf](http://www.sligococo.ie/media/CouncilDownloads/CranmoreRegeneration/Stage3ExhibitionofIdeas/Stage3_SocialPlan.pdf)

## **CONCLUSION**

145. For the reasons set out above, the Committee should declare that there has been no violation of the Charter.