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‘Why did simple administrative issue end up with Ombudsman?’

– John Deasy

Mr. Michael Layde, housing division, Mr. Colm Lavery, local government division, Department of the Environment, Community and Local Government, appearing.

Deputy John Deasy: I have a question for Mr. Lavery on the household charge exemptions in unfinished estates. How did he put together that list?

Mr. Colm Lavery: In the context of bringing forward the legislation for the household charge, a separate exercise was ongoing to identify the list of unfinished housing estates and the four categories they fitted into, in the context of the national survey of unfinished housing estates. That survey, which was compiled by the local authorities and returned to the Department, was used in setting out in a statutory instrument the list of unfinished housing estates that would qualify for an exemption or waiver from the household charge.

Deputy John Deasy: Was it a complete list? Did the local authorities do their jobs properly in informing the Department of those unfinished estates?

Mr. Colm Lavery: The local authorities are on the ground in their administrative areas and are best positioned to gauge the state of the housing estates in their areas.

Deputy John Deasy: It was not a complete list. There have been problems since then.

Mr. Colm Lavery: I acknowledge there have been some problems in terms of the addresses provided for the lists and some estates that should have been on that list. The Office of the Ombudsman has raised concerns on a number of those.

Deputy John Deasy: The Office of the Ombudsman has been involved in this on a number of occasions. People have written to that office and gone to it after dealing with the Department. I cannot understand why the Department has allowed it to go to the Ombudsman in some cases. Surely the Department could have dealt with it. It is very simple stuff, if an address was left off and the Department agrees. Why do we in Government allow it to get to that point where the Ombudsman must deal with it? Why did the Department not deal with this simple administrative issue?

Mr. Colm Lavery: It depends on the persons living in these estates and where they went to first with their complaints about the list. A number of residents feel they are living in unfinished houses so we do not have that knowledge in the Department. The list as set out in the statutory instrument was the list in terms of administering the household charge and the list that was provided to the local government management agency.

Deputy John Deasy: Is the Department planning on issuing another statutory instrument to deal with this in the coming weeks?

Mr. Colm Lavery: Concerns have been made known to the Department about a number of estates. They are being considered in the Department and a decision will be made in the near future.

Deputy John Deasy: So the answer is "Yes". There is a bit of work to be done. Mr. Lavery has acknowledged there have been problems with the administration of this since the beginning.

Mr. Colm Lavery: Yes, the Office of the Ombudsman has raised issues with us.

Deputy John Deasy: So Mr. Lavery will deal with it in the Department and issue a statutory instrument, potentially.

Mr. Colm Lavery: Potentially. There will be an arrangement to deal with the issues that have come to light.

Mr. Michael Layde: The survey to which Deputy Deasy refers was designed and intended to quantify the extent of the problem of unfinished housing developments as opposed to collecting the household charge but it was the only database available to us while the household charge issue arose, so it was applied. It did not have the level of accuracy one would seek if one was basing it around the collection of the charge. By contrast, a more recent survey is being used as the basis for local property tax. With foresight, in this case, of the potential use of it - it will be used for other purposes as well - the level of

precision that was brought to bear in that instance was of a different order because it was for a different purpose.

Deputy John Deasy: That is fair enough and the Secretary General explained that this is a new landscape and when the Department got involved in this first it was something nobody had dealt with before. Such things will happen and that is fair enough. The Department can acknowledge that but when it was pointed out that estates were left off that list, the Department did not step in and say, "Fair enough". The Department allowed it to go to the Ombudsman. It is almost as if the Department has been forced to act on this by the Ombudsman and the litany of complaints. Two or three weeks from now we will have another statutory instrument to clear this up. We need to act a bit quicker when we acknowledge – as we are doing – that this is a new landscape regarding putting this together. The list was incomplete, the complaints came in, they were verified, the Department acknowledged this, but it did nothing. We have had to go to the Ombudsman and we are almost forced into dealing with it. Sometimes a quick decision in the Department to deal with matters might be better.