



Subject:	BCC Response to Houses In Multiple Occupation Bill
Date:	13 th October 2015
Reporting Officer:	Siobhan Toland, Head of Environmental Health / Lead Operations Officer HESD
Contact Officer:	Stephen Leonard, Environmental Health Manager

Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	The Houses in Multiple Occupation (HMO) Bill was formally introduced to the Northern Ireland Assembly on 7 September 2015. In order to assist it with its scrutiny of the Bill, the Department for Social Development Committee has written to the Council inviting their views.
1.2	The deadline for comments was 6 th October 2015. The Council wrote to the DSD Committee requesting an extension to this time period to allow Council to consider a draft response. Due to time constraints they were unable to grant this request. This officer response has already been issued with the caveat that it may be subject to change following scrutiny by Members.
1.3	The officer response has also, subject to Member approval, stated that the Council would like to make an oral submission to the DSD Committee. This will allow Members the opportunity to raise issues not included in the original officer response.
2.0	Recommendations
2.1	The Committee is invited to consider and endorse the draft response and to agree to the Council making an oral submission to a future meeting of the DSD Committee.

3.0	Key Issues
3.1	<p>The Regulation of this sector is due to transfer from Northern Ireland Housing Executive to local Councils. Further consideration will need to be given to resource and capacity implications due to the enhanced scheme proposed by the Department.</p>
3.2	<p>Over 60% of HMOs in Northern Ireland are located in Belfast with the majority being in south Belfast. The consequences of such a high concentration of HMOs in the Holylands and wider university area are well known and have been widely documented.</p>
3.3	<p>The New City Centre Regeneration & Investment Strategy identifies increasing the residential population of the city centre as one of its core principles. Central to our aspirations for the city centre, and with relevance to the provision of HMOs across the city, is the aim of growing the city centre population through the development of balanced communities with an appropriate mix of housing types and tenures.</p>
3.4	<p>In 2014 Council developed a Framework for Student Housing and Purpose Built Managed Student Accommodation as part of a response to the ongoing pressures on the HMO market in Belfast and in response to an increasing amount of planning applications for purpose built student accommodation in the city.</p>
3.5	<p>In March 2012 we published the 'Belfast: A Learning City - Holyland and Wider University Area Strategic Study'. This report highlighted the need for Belfast to promote itself as a 'learning city' and outlined recommendations to make Belfast a destination of choice for students. These included improving the provision of fit for purpose quality student accommodation and to reduce the extent of the impact of large concentrations of HMO's.</p>
3.6	<p>The draft response welcomes the requirement for all HMOs to be licensed. The 2004 Housing Act introduced mandatory licensing for HMO's that are three or more storeys high and are occupied by five or more people forming at least 2 households. This would have resulted in a very small proportion of dwellings in Belfast that would have required licensing. Many smaller HMO's which are poorly managed would have escaped licensing. In our experience this type of dwelling can be particularly problematic and for this reason we support the inclusion of all HMO's in the mandatory licensing scheme.</p>
3.7	<p>The draft response supports the introduction of accreditation schemes for this type of</p>

	<p>accommodation but not the exemption from any licensing fee. It also requests that any future proposals for accreditation schemes should apply to all Purpose Built student accommodation and not just PBSA managed by a Educational establishment or linked to an educational establishment via a nominations agreement.</p>
3.8	<p>The Council would also request that any future regulations consider an accreditation scheme and/or a code(s) of standards for student housing that supports all private sector landlords to adopt a proactive approach to managing tenant behavior and improving the quality of housing in this sector.</p>
3.9	<p>In addition the draft response welcomes the following new powers</p> <ul style="list-style-type: none"> ▪ Sections 8 and 12 requiring the Council not to grant a licence that will result in the over-provision of HMOs in the locality in which the living accommodation is situated. The Council agrees that it should be up to councils to decide these localities within its districts. ▪ the inclusion in the Bill of a ‘Fit & Proper Person test’ that Councils must have regard to when deciding if an applicant or and applicant’s agent are fit and proper to hold a licence and operate an HMO. However there is concern regarding the language used where some-one has committed an offence rather than having been convicted of committing an offence. Further clarity should be provided around jurisdictions, spent convictions, putting the onus on the applicant to provide any necessary information specified. ▪ the inclusion of conditions (as set out in Clause 14) attached to any licence. In particular the proposal to include conditions requiring the taking of reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting HMOs. ▪ the provisions in the Bill that will allow for the opening of statutory information gateways with a number of government and non-government organisations and bodies. These gateways will provide a robust method for relevant information to be obtained to assist in the identification and regulation of HMOs. ▪ the ability to discharge various offences by means of fixed penalties. The Council is concerned however that the Courts are imposing fines significantly less than the fixed penalty charge, therefore rendering the fixed penalty worthless. This matter needs to be urgently addressed to assist Councils in their enforcement role.
3.10	<p>The draft response requests that the Bill and any future regulation/guidance allow for the Councils and NIFRS to agree local arrangements and protocols around the regulation and</p>

	<p>enforcement of Fire Safety in HMO's</p> <p><u>Financial & Resource Implications</u></p> <p>3.11 It is the intention of the Department to leave the fees in their current format and to consider the matter further with Councils as the operation of the new regime progresses. The draft response requests that a group consisting of the representatives from the Northern Ireland Housing Executive, the Department, Belfast City Council and other local councils is formed to oversee the transfer of HMO regulation to Councils. The draft response requests that one of the main functions of this group would be to consider the cost of administering the new regime</p> <p><u>Equality or Good Relations Implications</u></p> <p>3.12 There are no relevant equality considerations associated with the delivery of the strategy.</p>
4.0	Appendices – Documents Attached
4.1	<p>Appendix 1 - Draft cover response</p> <p>Appendix 2 - BCC Clause by clause response</p>