



<b>Subject:</b>	Licensing of Houses of Multiple Occupation - Role of the Licensing Committee
<b>Date:</b>	23 November 2018
<b>Reporting Officer:</b>	Nigel Grimshaw, Strategic Director of City & Neighbourhood Services Stephen Leonard, Neighbourhood Services Manager, City & Neighbourhood Services
<b>Contact Officer:</b>	Nora Largey, Divisional Solicitor, Legal Services

<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If Yes, when will the report become unrestricted?</b>	
<b>After Committee Decision</b>	<input type="checkbox"/>
<b>After Council Decision</b>	<input type="checkbox"/>
<b>Some time in the future</b>	<input type="checkbox"/>
<b>Never</b>	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	The Licensing Committee, at its meeting on 20th November will be considering a report on The Houses in Multiple Occupation (HMO) Act NI 2016, due to commence on 1st April 2019. This will transfer the responsibility for the Houses in Multiple Occupation ('HMO') registration scheme from Northern Ireland House Executive to local district councils. It also creates a new licensing system which requires landlords to demonstrate that they are a fit and proper person to be a HMO landlord.
1.2	The purpose of this report is to seek approval for the Strategic Policy and Resources Committee to approve proposed amendments to the Scheme of Delegation in relation to the role of the Director of City and Neighbourhood Services in the decision making process

	relating to the licensing of HMOs and to approve also an amendment to Standing Orders to reflect the remit of the Licensing Committee.
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>It is recommended, depending on the decision of the Licensing Committee, that the Strategic Policy and Resources Committee:</p> <ul style="list-style-type: none"> <li>• amend Standing Order 37 (d) Duties of Committees – Licensing Committee to give effect to the Licensing Committee having delegated authority as set out:</li> </ul> <p><b>37. Duties of Committees</b></p> <p><b>(d) Licensing Committee</b></p> <p>(vii) The Houses in Multiple Occupation (HMO) Act NI 2016</p> <p>The Licensing Committee assumes responsibility for determining those applications for a house in multiple occupation where adverse representations are received, where variation of a licence is required, in the determination of a fit and proper person check, and in the revocation of licences, except where in the public interest the Director, in consultation with the City Solicitor, considers that there are particular circumstances which make it necessary to suspend a licence immediately.<sup>6</sup> and</p> <ul style="list-style-type: none"> <li>• agrees to the amendment to the Scheme of Delegation, as follows:</li> </ul> <p>The Director of City and Neighbourhood Services is responsible for exercising all powers in relation to the issue, but not refusal, of HMO Licences, excluding provisions relating to:</p> <ul style="list-style-type: none"> <li>▪ applications for the grant, renewal, transfer or variation of licences where objections are received;</li> <li>▪ applications where officers believe there may be an issue in relation to the fitness of the applicant to hold a licence;</li> <li>▪ approving any guidance documents;</li> <li>▪ setting of licence fees;</li> <li>▪ revocation of licences, except where in the public interest the Director, in consultation with the City Solicitor, considers</li> </ul>

	that there are particular circumstances which make it necessary to suspend a licence immediately.
<b>3.0</b>	<b>Main report</b>
	<u>Key Issues</u>
3.1	The new legislative control, the Houses in Multiple Occupation (HMO) Act NI 2016 ('the 2016 Act') completed Final Stage on 15th March 2016 and received Royal Assent on 12th May 2016. On commencement of this Act, HMO regulation will transfer responsibility for the HMO registration scheme from Northern Ireland House Executive to councils. It also creates a new licensing system which requires landlords to demonstrate that they are a fit and proper person to be a HMO landlord. This will also be assessed by councils.
3.2	A copy of the 2016 Act can be found at: <a href="http://www.legislation.gov.uk/nia/2016/22/contents">http://www.legislation.gov.uk/nia/2016/22/contents</a> .
3.3	The Licensing Committee, at its meeting on 20th November, will be considering a report on proposed amendments to the Scheme of Delegation and Standing Orders in relation to the role of the Director of City and Neighbourhood Services in the decision making process relating to the licensing of HMOs and to approve also an amendment to Standing Orders to reflect the remit of the Licensing Committee. A copy of the report is attached at Appendix 1.
3.4	An oral update on the decision of the Licensing Committee will be provided to the Committee.
	<u>Financial and Resource Implications</u>
3.5	The cost of administering the new licensing regime has been included in the estimates for 2019/20.
	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>
3.6	There are no equality, good relations or rural needs implications associated with this report.
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	Appendix 1 – Report to the Licensing Committee 20th November, 2018