



Subject:	Update on Transfer of Houses in Multiple Occupation
Date:	20 February 2019
Reporting Officer:	Nigel Grimshaw, Strategic Director of City & Neighbourhood Services
Contact Officer:	Siobhan Toland, Director of City Services Stephen Leonard, Neighbourhood Services Manager, CNS Department

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

Call-in	
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) Act NI 2016 received Royal Assent on 12 th May 2016 and is due to be commenced on 1 st April 2019. The Department of Communities (DfC) will also be laying some subordinate Regulations at the same time.
1.2	This paper provides Members with information regarding the Standard Conditions and the approach to managing Anti-Social Behaviour.
2.0	Recommendations
2.1	The Committee is asked to endorse: <ul style="list-style-type: none">• the proposed Standard Conditions;• the proposed approach to tackling Anti-Social Behaviour.

3.0	Main report
	<p data-bbox="272 259 421 293"><u>Key Issues</u></p> <p data-bbox="165 327 1430 456">3.1 Members are reminded that The Houses in Multiple Occupation (HMO) Act NI 2016 received Royal Assent on 12th May 2016 and is due to be commenced on 1st April 2019. This will transfer responsibility for regulating HMOs from the Northern Ireland Housing Executive (NIHE) to local district councils.</p> <p data-bbox="272 495 560 528"><u>Standard conditions</u></p> <p data-bbox="165 562 1430 725">3.2 The proposed standard conditions are attached in Appendix 1. The conditions imposed within this document will apply to all houses in multiple occupation (HMOs) in Northern Ireland, and will be attached to all licences as they are issued. They are imposed for the purpose of regulating both the management, use and occupation of the HMO, and its condition and contents.</p> <p data-bbox="165 763 1449 860">3.3 The Council may include further conditions in the licence in addition to the conditions contained in this document. Such conditions, if imposed, shall be appended to the licence certificate.</p> <p data-bbox="165 898 1461 1128">3.4 It is noted that if effectively implemented and sufficiently resourced, a new HMO regulatory framework for HMOs in Northern Ireland has the potential to have a positive impact on the lives of those living in HMOs, the owners of HMOs, and the residents of the communities in which HMOs are located. It is acknowledged that responsible HMO landlords want to be good neighbours, take the behaviour of their tenants seriously and already endeavour to resolve any alleged anti-social behaviour linked to their properties. Councils will continue to support landlords in doing so.</p> <p data-bbox="272 1167 707 1200"><u>Tackling Anti-social Behaviour</u></p> <p data-bbox="165 1234 1453 1361">3.5 The proposed 'Tackling Anti-Social Behaviour in HMO Properties, A Guide for Owners and Managing Agents' is attached in Appendix 2. This will apply to all houses in multiple occupation (HMOs) in Northern Ireland, and will be attached to all licences as they are issued.</p> <p data-bbox="165 1400 1465 1496">3.6 Section 10(6) of the Houses in Multiple Occupation Act (Northern Ireland) 2016 sets out the matters which are relevant for deciding whether an owner or managing agent is a fit and proper person for the purposes of the act.</p> <p data-bbox="165 1534 1430 1662">3.7 It is acknowledged that legal action, and in particular issuing court proceedings, is a remedy of last resort in most cases and should only be considered where informal action has failed and the problem persists or where the problems are considered sufficiently serious so as to warrant legal action.</p> <p data-bbox="165 1700 1465 1827">3.8 In instances where breach of conditions problems persist, the use of Fixed Penalty Notices and consequently prosecution are available to councils. Ultimately, councils have an ability to revoke a licence, where a successful prosecution undermines the ability of an owner or managing agent to fulfil the requirements of being a fit and proper person.</p> <p data-bbox="165 1865 1401 1993">3.9 The Licensing Committee has assumed responsibility for determining 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.</p>

3.10	Amongst other considerations, the council must have regard to any anti-social behaviour engaged in by the owner or manager, and the owner or manager's conduct as regards any anti-social behaviour engaged in by the occupants of any relevant living accommodation whilst in the accommodation, or adversely affecting the occupants of any such accommodation.
3.11	For the purpose of Section 10(6) "anti-social behaviour" means acting or threatening to act in a manner causing or likely to cause a nuisance or annoyance to a person residing in, visiting or otherwise engaging in a lawful activity in residential premises or in the locality of such premises, or using or threatening to use residential premises for illegal purposes.
3.12	The guide has been prepared to assist landlords to comply with this new statutory obligation. It provides guidance to landlords on the remedies and preventative measures that can be taken to manage anti-social behaviour, how to best demonstrate compliance via record keeping and intervention, and the development of an anti-social behaviour plan.
	<u>Financial and Resource Implications</u>
3.13	The cost of administering the new licensing regime has been included in the draft estimates for 2019/20.
	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>
3.14	There are no equality, good relations or rural needs implications associated with this report.
4.0	Appendices
	Appendix 1: Standard Conditions. Appendix 2: Tackling Anti-Social Behaviour.