



Subject:	Houses in Multiple Occupation Licensing Scheme operational and monitoring arrangements
Date:	14 January 2020
Reporting Officer:	Nigel Grimshaw, Strategic Director of City & Neighbourhood Services Siobhan Toland, Director of City Services
Contact Officer:	Valerie Brown, City Services Manager

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"/>
Sometime 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
1.1	The Houses in Multiple Occupation (HMO) Act NI 2016 was commenced on 1 st April 2019. Staff from the Northern Ireland Housing Executive transferred to BCC on 01 April, and since then the HMO Unit has been administering and delivering the new HMO Licencing Scheme function for all councils in Northern Ireland.
1.2	In order to provide this service, a series of documents have been developed to formalise the working relationship with the Department for Communities and between councils.

1.3	These include three Service Level Agreements (for operational roles and responsibilities, legal services, and ICT provision), data processing agreements, and a Memorandum of Understanding between the councils and the Department.
1.4	This report provides further detail regarding these documents.
2.0	Recommendations
2.1	<p>The Committee is asked to;</p> <ul style="list-style-type: none"> • note the operational and monitoring agreements for administrating and implementing the Northern Ireland HMO Licensing Scheme.
3.0	Main report
3.1	<p><u>Key Issues</u></p> <p>Members are reminded that the Houses in Multiple Occupation (HMO) Act NI 2016 received Royal Assent on 12th May 2016 and was commenced on 1st April 2019. This transferred responsibility for regulating HMOs from the Northern Ireland Housing Executive (NIHE) to local district councils. The new scheme is a licensing scheme which assesses whether the applicant is a fit and proper person to hold a licence.</p>
3.2	<p>The Service Level Agreements (SLAs), the data processing agreement and the Memorandum of Understanding were developed to ensure effective working in partnership between the councils and with the Department in implementing and administering the new HMO licensing scheme for NI. They have been agreed by the Department and the Society of Local Authority Chief Executives (SOLACE).</p>
3.3	<p><u>Main SLA</u></p> <p>The main SLA, attached as appendix 1, clarifies the roles and responsibilities of the councils in satisfying the requirements of the HMO Act. The SLA is an essential document between the agreed lead delivery council (Belfast City Council), the sub-regional lead Councils that are part of the delivery model (Causeway Coast and Glens Borough Council and Derry City and Strabane District Council), and the other Northern Ireland councils. Key aspects of the SLA include the following:</p> <ul style="list-style-type: none"> • Provisions to assist the lead delivery Council and cluster lead councils to implement and administer the licensing scheme;

- Definition of the roles, responsibilities and obligations of those councils included and bound by the SLA;
- Provision to jointly review performance under the SLA on a regular basis with the SLA partners ensuring that necessary action agreed is taken to maintain a high level of service delivery; and
- Details relating to the funding, financial and other resource arrangements.

3.4 The SLA agreement ensures that the proper elements and commitments are in place to provide a consistent HMO Licencing Scheme, support and delivery between the signatories and the service providers, and to promote positive joint working.

Legal Services SLA

3.5 This Service Level Agreement sets out the range of legal services to be delivered by Belfast City Council, and the expected performance in delivery of these services, to the other councils.

3.6 BCC's Legal Services will provide a comprehensive and high quality level service in respect of both contentious and non-contentious matters, together with general legal advice to the other councils.

3.7 A solicitor has been recruited to provide the additional legal support. The costs associated with this are included in the licensing fee. The Legal Services SLA is attached as appendix 2.

ICT SLA

3.8 The Information and Communications Technology (ICT) SLA, developed by BCC's Digital Services, establishes a regional framework to assist the councils to work collaboratively to provide an ICT support system for the HMO Licensing Scheme, and to ensure that the proper elements and commitments are in place to provide consistent ICT Support by Digital Services for the HMO Licencing service. It provides a comprehensive and high quality ICT support service in respect of general support, liaison with the supplier, software upgrades, training and contract management. The ICT SLA is attached in appendix 3.

Data Processing Agreement

3.9 This agreement provides for BCC to develop and use an electronic information system for the licensing of HMO data, which permits the other Councils access to the HMO information relevant to their own council area.

3.10 BCC is the Data Controller for the processing of its own data and will act as a Data Processor for the data owned by the other 10 Northern Ireland councils. BCC will host all the information and personal data required for the licensing and associated enforcement action relating to the processing of data relating to HMOs under the provisions of the Houses in Multiple Occupation Act (NI) 2016. The Data Processing Agreement is attached as Appendix 4.

Memorandum of Understanding (MoU)

3.11 This document relates to the relationship between the Department for Communities (DfC) and the councils, regarding the operation of the new licensing scheme. It was developed by DfC in consultation with the councils, and sets out the key working arrangements and responsibilities for the operation of the new regulatory function. The MoU assists and provides clarity and accountability regarding the respective roles of councils and the DfC, and the procedures and activities involved in the regulation of this function.

3.12 As well as detailing the roles of both the Department and the councils, the MoU includes a number of key performance indicators that provide evidence of the successful delivery of the licensing function by councils, to the Department. As it is anticipated that the Department will undertake a review of the scheme in 2020/21, the MoU also establishes a monitoring programme to enable sufficient detail of the scheme's main activities and statistics to be captured. This requires the councils to report on their main activities in a quarterly return to the Department. A monitoring group, currently chaired by BCC, has been established. The Memorandum of Understanding with the Department for Communities is attached in Appendix 5.

3.13 Decisions regarding the issue of HMO licenses in Belfast are made under the governance of the Council's Licensing Committee.

Financial and Resource Implications

3.14 The HMO licence fee was calculated based on the anticipated ongoing costs of administering and implementing the scheme.

3.15	<u>Equality or Good Relations Implications/Rural Needs Assessment</u> There are no equality, good relations or rural needs implications associated with this report.
4.0	Appendices – Documents Attached
	Appendix 1: Main SLA Appendix 2: Legal Services SLA Appendix 3: ICT SLA Appendix 4: Data Processing Agreement Appendix 5: Memorandum of Understanding