



<b>Subject:</b>	Houses in Multiple Occupation Licensing - Memorandum of Understanding in relation to legacy prosecutions, complaints, Ombudsman investigations concerning the registration of houses in multiple occupation
<b>Date:</b>	12 <sup>th</sup> May 2020
<b>Reporting Officer:</b>	Nigel Grimshaw, Strategic Director of City & Neighbourhood Services Siobhan Toland, Director of City Services
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<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>Sometime 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 Houses in Multiple Occupation (HMO) Act NI 2016 was commenced on 1 <sup>st</sup> April 2019. Staff from the Northern Ireland Housing Executive transferred to BCC on 1st April 2019, 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	The Committee was advised in January 2020 that in order to provide this service, a series of documents including Memorandum of Understandings and SLAs have been developed to

	formalise the working relationships with the Department for Communities (DFC), 11 Councils, the Northern Ireland Housing Executive (NIHE) and other statutory agencies.
1.3	The purpose of this report is to update the Committee that another Memorandum of Understanding has been developed between the Council and the Northern Ireland Housing Executive in relation to legacy prosecutions, complaints and Ombudsman investigations concerning the registration of HMOs formerly administered by the NIHE.
1.4	This report provides further detail regarding this document.
<b>2.0</b>	<b>Recommendations</b>
2.1	The Committee is asked; <ul style="list-style-type: none"> <li>To note contents of this update report.</li> </ul>
<b>3.0</b>	<b>Main report</b>
	<u>Key Issues</u>
3.1	Members are reminded that the Houses in Multiple Occupation (HMO) Act NI 2016 received Royal Assent on 12 <sup>th</sup> May 2016 and was commenced on 1 <sup>st</sup> April 2019. This transferred responsibility for regulating HMOs from the Northern Ireland Housing Executive (NIHE) to local district councils. The purpose of the new HMO regime is to properly and effectively regulate HMOs to ensure the health, safety and wellbeing of the occupants and at the same time minimise any negative impact on the local surrounding area.
3.2	The Memorandum of Understanding (MoU) was developed to ensure that the Northern Ireland Housing Executive (NIHE) and the Council have a clear understanding and agreement concerning the management of legacy prosecutions, formal complaints and complaints to the Public Services Ombudsman for Northern Ireland arising from the actions taken by the NIHE prior to the transfer of the function to Councils on 1 <sup>st</sup> April 2019 when the House of Multiple Occupation Act 2016 commenced.
3.3	The MoU assists and provides clarity on the roles and responsibilities regarding the respective roles of the Councils and the NIHE in the following matters: <ul style="list-style-type: none"> <li>Arrangements for the handling of any complaints received by the Council relating to the registration scheme and the arrangements for accessing all documents and information relevant to the complaint.</li> <li>Arrangements for handling complaints received by the Ombudsman relating to how NIHE administered the Registration Scheme prior to 1 April 2019.</li> </ul>

3.4	<ul style="list-style-type: none"> <li>• Arrangements for handling judicial reviews which will be retained by the NIHE arising as a result of a decision taken by NIHE prior to 1 April 2019.</li> <li>• Arrangements for outstanding prosecution cases at the time of transfer on 1<sup>st</sup> April 2019; the Council's Legal Services will progress these cases and accept liability for the costs associated with the outstanding cases unless otherwise agreed by NIHE.</li> <li>• Arrangements for processing requests for access to personal data and information submitted under the General Data Protection Regulation / Data Protection Act 2018, Freedom of Information Act or Environmental Information Regulations 2004 as all data relating to the Registration Scheme previously held by NIHE, was transferred to the Council for the purposes of administering the 2016 Act.</li> </ul> <p><u>Financial and Resource Implications</u></p> <p>In accordance with the arrangements for the transfer of the HMO function from the NIHE to Councils, the deferred income transferred by agreement from the NIHE to the Council was included in the calculated costs to ensure that the Councils could support the overall operational costs of the new licensing scheme over the next four years. The HMO licence fee was calculated based on the anticipated ongoing costs of administering and implementing the scheme.</p> <p><u>Equality or Good Relations Implications /Rural Needs Assessments</u></p>
3.5	None.
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<b>Appendix 1 – Memorandum Of Understanding In Relation To Legacy Prosecutions, Complaints, Ombudsman Investigations Concerning The Registration Of Houses In Multiple Occupation</b>