



Subject:	Houses in Multiple Occupation (HMO) Update
Date:	14 October 2020
Reporting Officer:	Kevin Bloomfield, NIHMO Manager, 07584 270820
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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 type="checkbox"/> No <input checked="" type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	Members will be aware that responsibility for HMO's was transferred to local district councils in April 2019 with the enactment of the Houses in Multiple Occupation Act (Northern Ireland) 2016 "2016 Act".
1.2	Members expressed concern at the September's licensing committee meeting about the ongoing issues in the Holylands and other areas associated with HMOs, particularly around ASB. It was agreed that officers would bring back a report to this meeting outlining what potential action could be taken under HMO legislation to address that and other more medium term priorities, for example amendments to the HMO legislation.
1.3	This paper provides Members with information regarding the action being taken by the NIHMO Unit to address ASB in HMO accommodation and details of the proposed review of the Houses in Multiple Occupation (HMO) Licensing Scheme.

2.0	Recommendations
2.1	The Committee is asked to note the additional measures which have been put in place to allow the NIHMO Unit to address ASB issues and the proposed review of the HMO Licensing Scheme.
3.0	Main report
	<p><u>Key Issues</u></p> <p><u>Background</u></p> <p>3.1 On the 20 February 2019 this committee approved the Standard Licensing Conditions for Houses in Multiple Occupation (HMOs) in Northern Ireland attached in Appendix 1. The conditions imposed within that document 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>3.2 Section 9 of the Standard Licensing Conditions require the licensee to have in place a policy / plan (approved in writing by the council) to deal with any anti-social behaviour linked to licensed premises, either directly or indirectly which is caused by or effects their tenants.</p> <p>3.3 To assist owners and managing agents in the preparing of their anti-social behaviour plans Members on the 20 February 2019 approved the guidance document ‘Tackling Anti-Social Behaviour in HMO Properties, A Guide for Owners and Managing Agents’ which is attached in Appendix 2.</p> <p>3.4 Only those properties licensed since the 1 April 2019 have the Standard Licensing Conditions and the requirement to have an ASB plan applied to them, this equates to 22% of licensed HMOs in Belfast. The remaining 78% of licensed HMOs retain the condition in place when they transferred from Statutory Registrations (granted by the NIHE) and became Licences pursuant to the provisions of The Houses in Multiple Occupation (Commencement and Transitional Provisions) Order (Northern Ireland) 2019.</p> <p>3.5 Section 10(6) of the Houses in Multiple Occupation Act (Northern Ireland) 2016 sets out certain matters which the Council must have regard to in deciding whether an owner or managing agent is a fit and proper person. It also allows councils to take into account any other matter which it considers to be relevant. This cannot however include over provision or breach of planning control where the application is for renewal.</p> <p>3.6 Amongst those mandatory considerations, the council must have regard to any anti-social behaviour engaged in by the owner/ manager the occupants and any anti-social behaviour which may affect their tenants. Officers are of the opinion that the Standard Licensing Conditions including the requirement for an anti-social behaviour (‘ASB’) Plan allows much more decisive action on the part of the Council and landlords alike when coupled with the progress that has been made on a number of issues recently which are discussed below.</p> <p><u>Information Sharing Protocol</u></p> <p>3.7 For a number of months Officers have been working on putting processes in place to ensure the proactive and managed sharing of internal data so as to effectively deal with complaints regarding HMO properties in the Belfast area. These arrangements were just recently formalised through an Information Sharing Protocol between the NIHMO Unit,</p>

Environmental Protection Unit (EPU), Public Health and Housing Unit (PHHU) and Cleansing Enforcement (CE).

Sharing Information with HMO Owners

- 3.8** The Information Sharing Protocol also regulates the arrangements for the sharing of data with HMO owners in circumstances where matters potentially affect their licence to operate the premises. This is an important development and a departure from our previous position which was based on GDPR concerns. The NIHMO unit will now share with HMO owners, where appropriate, the following information –
1. details of Warning Notices, Fixed Penalty Notices and Abatement Notices served in respect of HMO property concerning night time domestic/neighbourhood noise;
 2. details of Warning Letters or Abatement Notices served in respect of HMO property concerning day time domestic/neighbourhood noise;
 3. details of Abatement Notices served in respect of HMO property where a statutory nuisance has been established as a result of the accumulation of rubbish which may/has attract vermin;
 4. details of Litter Clearing Notices and Fixed Penalty Notices served in respect of HMO property concerning litter and waste; and
 5. details of Covid-2 Prohibition Notices which Council have been advised of by the PSNI in relation to your HMO property
- 3.9** On receipt of the aforementioned information, or on receipt of a complaint from any other source, the HMO owner must maintain a register of such complaints and advise the Council as to how the owner and/or the managing agent dealt with the problem. If a landlord fails to effectively deal with any reported ASB councils can consider varying or revoking the licence. All HMO landlords in Belfast have been advised of this development and that failure to deal with ASB may affect their licence regardless of whether there is a condition requiring an ASB Plan to be in place. See correspondence dated 8th September 2020 at Appendix 4.
- 3.10** A temporary resource (subject to further review) has been added to support the NIHMO unit to manage ASB complaints and communication with Landlords.
- ### **Varying HMO Licences**
- 3.11** Pursuant to Section 22 of the 2016 Act the council can during the terms of an HMO licence vary the licence to remove, add or vary any conditions included in the licence.
- 3.12** Officers are considering how best to commence the process of varying the licences of those properties which are still under the old registration scheme conditions. This process can only be done on an individual case by case basis. The statutory process for varying a licence is cumbersome and any variation is subject to appeal in the Magistrates Court. Whilst courts have started sitting again, contested hearings for non-urgent cases are not proceeding so it is likely to be some time until any contested appeals would be concluded. It is not therefore considered that this is an immediately effective tool to deal with ASB presently occurring in some areas.
- 3.13** Officers are continuing to explore with the DfC the possibility of amending The Houses in Multiple Occupation (Commencement and Transitional Provisions) Order (Northern Ireland) 2019 to apply the standard conditions around ASB to all deemed licences.

	<p><u>Review of the Houses in Multiple Occupation (HMO) Licensing Scheme.</u></p> <p>3.14 Officers have been liaising with officials from the Department for Communities (DfC) to finalise the terms of reference for the review of the HMO Licensing Scheme and the legislative framework underpinning the Scheme.</p> <p>3.15 The review will relate to the operation of the licensing of houses in multiple occupation in accordance with the Houses in Multiple Occupation Act (Northern Ireland) 2016 and the Houses in Multiple Occupation (Northern Ireland) Regulations 2019 which dictate how the licensing scheme should operate.</p> <p>3.16 Officers have put forward suggestions that the review should include a detailed assessment of the resources necessary to meet the demands and expectations of the Departments and relevant stakeholders. Officers have also suggested that the review should assess if there are any operational / legislative omissions, difficulties or teething issues experienced implementing HMO licensing which may require further development to enhance and improve the workings of the scheme.</p> <p>3.17 The Department has proposed a collaborate approach to the review with councils, tenants and LANI and any other stakeholders identified.</p> <p>3.18 The vast majority of public representations received in respect of licence applications relate to general concerns about ASB, over provision and breach of planning control rather than specific properties. Officers recognise that these have also been a cause of concern for Members, as was particularly highlighted at the September meeting. ASB has been addressed above and Members will be aware the legislation specifically precludes councils from having regard to these issues in respect of renewal applications. Representations have also been received in relation to the ability to apply for Certificates of Lawful Use and how that circumvents the limits placed on the number of HMO's in certain areas.</p> <p>3.19 Officers would welcome the views of Committee as to issues it would like to see addressed in this Review and would ask that Committee agrees to hold a workshop to explore those issues.</p> <p><u>Financial & Resource Implications</u></p> <p>3.20 None</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>3.21 There are no issues associated with this report.</p>
	<p>Appendices – Documents Attached</p>
	<ul style="list-style-type: none"> • Appendix 1 – Standard Licensing Conditions for Houses in Multiple Occupation (HMOs) in Northern Ireland • Appendix 2 – Tackling Anti-Social Behaviour in HMO Properties, A Guide for Owners and Managing Agents. • Appendix 3 – Information Sharing Protocol • Appendix 4 – Letter to HMO owners dated 28 September 2020