



Belfast City Council

Report to: Health and Environmental Services Committee
Subject: **Overcrowding in Housing Accommodation**
Date: 20th May, 2013
Reporting Officer: Siobhan Toland, Head of Environmental Health, Extension 3281
Contact Officer: Claire O'Neill, Principal Environmental Health Officer, Extension 3600

1	Relevant Background Information
1.1	The findings of the Holyland and Wider University Area Strategic Study were published in March 2012 and included a range of recommendations designed to help restore the Holyland area within the context of a whole city approach and with a focus on Belfast as a learning city.
1.2	One of the recommendations was to: <i>“Collectively target the Holyland for proactive enforcement to increase awareness of landlord responsibilities to improve housing and introduce requirements for landlords to manage the behaviour of tenants”</i>
1.3	In taking forward this recommendation, a working group was established comprised of officers from relevant enforcement agencies including the Housing Executive, the PSNI and Belfast City Council.
1.4	Through this group, joint protocols have been developed between Environmental Health, Cleansing Services and the Northern Ireland Housing Executive’s HMO Unit with regard to litter and rubbish and also between the Housing Executive and Environmental Health with regard to dealing with properties suspected of being overcrowded.
1.5	The regulation of standards in HMOs is primarily the responsibility of the Housing Executive, although this will change as part of Local Government Reform. Through their enforcement work, Housing Executive staff, and Council staff, are aware of certain properties, particularly in the Holyland, which appear to have large numbers of occupants but, as they are often all members of the same family, the houses fall outside the HMO definition.
1.6	The Council does have powers under the Clean Neighbourhood and Environment Act to deal with overcrowding where there is a public health nuisance, however, this would require some tangible evidence of ill health associated directly with the overcrowding, or perhaps antisocial behaviour associated with insufficient sanitary conveniences for the number of people living in the house.
1.7	In effect, there is little or no action that can be taken where dwellings are clearly overcrowded by members of the same family yet there are potential health and safety risks, as well as potential morality issues, associated with a large number of people living in a single dwelling.

1.8	There is however overcrowding legislation in England and Wales. Sections 324-326 of the Housing Act 1985 set out two alternative standards, the Room Standard (s 325) and the Space Standard (s 326).
1.9	Under the Room Standard, or what may be termed the “Morality Test”, a house is deemed to be overcrowded if two persons over ten years of age of opposite sexes, other than those living together as man and wife, must sleep in the same room.
1.10	Under the Space Standard a house is deemed to be overcrowded when the number of persons sleeping in a dwelling is in excess of a permitted number, having regard to the number and floor area of the rooms of the dwelling available as sleeping accommodation.
1.11	The Room Standard and the Space Standard are appended to this report.

2	Key Issues
2.1	Overcrowding appears to be a growing problem in parts of the privately rented sector. In the Holylands area of Belfast, in particular, both the Housing Executive and Council staff have encountered dwellings that appear overcrowded, however, there is little that can be done to address this as there are very limited enforcement options for dealing with overcrowding.
2.2	The problem has been identified by a joint enforcement group that was established to take forward a more targeted approach to enforcement. The group believes that this legislative gap could be addressed if the same overcrowding standards were applicable across the housing sector in Northern Ireland as exist in England and Wales.
2.3	This would provide the necessary protection where overcrowding has become a danger to occupants or impacts on the impropriety of young people of the opposite sex having to share sleeping accommodation.
2.4	The introduction of overcrowding standards into Northern Ireland housing legislation could include the adoption of the same standards currently contained in sections 315 and 316 of the Housing Act 1985.
2.5	The working group believes that this matter should be brought to the attention of the Minister for Social Development with a recommendation that Northern Ireland legislation be amended accordingly.

3	Resource Implications
3.1	There are no resource implications in relation to the recommendations however, if additional powers were given to district councils in relation to the enforcement of overcrowding standards in dwellings then there may be some additional resource requirements.

4	Equality and Good Relations Considerations
4.1	Any proposed subsequent legislative changes resulting from these recommendations would be subject to a full equality impact assessment.

5	Recommendation
5.1	The Committee is recommended to write to the Minister for Social Development informing him of its concerns regarding the legislative gap in Northern Ireland in relation to overcrowding in dwellings and recommends that he considers the introduction of statutory standards, in line with those applicable in England and Wales.

6	Key to Abbreviations
----------	-----------------------------

HMO – House in Multiple Occupation

7	Document Attached
----------	--------------------------

Sections 324 to 326 of the Housing Act 1985
