



Subject:	Houses in Multiple Occupation (HMO) Licenses – Enforcement Policy & the issue of Fixed penalty Notices
Date:	18 September 2019
Reporting Officer:	Nigel Grimshaw, Strategic Director of City & Neighbourhood Services
Contact Officers:	Valerie Brown, City Services Manager, tel. 9027 0668 Kevin Bloomfield, NIHMO Manager, ext. 5910

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	<p>The Houses in Multiple Occupation (HMO) Act NI 2016 received Royal Assent on 12th May 2016 and became operational on 1st April 2019 when the council took over operational responsibility for HMO licensing and enforcement.</p> <p>This paper provides Members with information regarding the approach to enforcement of HMO legislation and the service of fixed penalty notices.</p>
2.0	Recommendations
2.1	<p>The Committee is asked to:</p> <ul style="list-style-type: none">• Endorse the HMO Enforcement Policy Guidelines

	<ul style="list-style-type: none"> Note the information in relation to the service of fixed penalty notices (FPNs) 																														
3.0	Main report																														
	<p><u>Key Issues</u></p> <p>3.1 The purpose of the Houses in Multiple Occupation Act (Northern Ireland) 2016 is to enable better regulation of Houses in Multiple Occupation (HMO), by introducing a system of licensing and new provisions about standards of housing.</p> <p>3.2 The NIHMO Unit based in Belfast City Council acts on behalf of each of the 11 Northern Irelands councils to ensure an efficient and effective approach to all regulatory and enforcement activities carried out under the Act and the associated sub-ordinate legislation.</p> <p><u>HMO Enforcement Guidelines</u></p> <p>3.3 The proposed HMO Enforcement Guidelines are attached in Appendix 1. The document sets out the principles which will enable the NIHMO Unit to provide an effective and fair service, and to ensure consistent and open enforcement.</p> <p>3.4 The guidelines are written as a guide for officers, HMO owners and managers and the general public, outlining the general principles as to how the NIHMO Unit will carry out its enforcement duties.</p> <p>3.5 This document aims to support the objectives of the legislation to improve the life of HMO occupants and local residents by making HMO accommodation and the communities they are based in better places to live.</p> <p><u>Fixed Penalty Notices (FPNs)</u></p> <p>3.6 The Houses in Multiple Occupation (HMO) Act NI 2016 provides a wide variety of enforcement options, including the ability to serve Fixed Penalty Notices (FPN).</p> <p>3.7 Section 64-66 of the 2016 Act gives councils the power to issue fixed penalty notices.</p> <p>3.8 A fixed penalty notice (“FPN”) is a notice giving the recipient the opportunity of discharging any liability to conviction for an offence, by paying a fixed sum of money within a particular period.</p> <p>3.9 Members should note the issuing of a notice is an alternative to prosecuting the offender, in instances where an authorised officer, following an investigation, has reason to believe that a person has committed an offence under any of the relevant provisions, and there are grounds for instituting proceedings for an offence.</p> <p>3.10 To date 5 fixed penalty notices have been issued as follows</p> <table border="1"> <thead> <tr> <th>Section</th> <th>Offence</th> <th>Offence date</th> <th>FPN Amount</th> <th>Paid</th> </tr> </thead> <tbody> <tr> <td>31(1)</td> <td>Exceeding licensed occupancy - owner</td> <td>1 July 2019</td> <td>£5000</td> <td>No</td> </tr> <tr> <td>31(1)</td> <td>Exceeding licensed occupancy - owner</td> <td>1 July 2019</td> <td>£5000</td> <td>Yes</td> </tr> <tr> <td>30(1)</td> <td>Unlicensed HMO - Owner</td> <td>9 July 2019</td> <td>£5000</td> <td>Yes</td> </tr> <tr> <td>30(2)</td> <td>Unlicensed HMO – Agent</td> <td>9 July 2019</td> <td>£5000</td> <td>Yes</td> </tr> <tr> <td>30(1)</td> <td>Unlicensed HMO - Owner</td> <td>6 August 2019</td> <td>£5000</td> <td>Yes</td> </tr> </tbody> </table>	Section	Offence	Offence date	FPN Amount	Paid	31(1)	Exceeding licensed occupancy - owner	1 July 2019	£5000	No	31(1)	Exceeding licensed occupancy - owner	1 July 2019	£5000	Yes	30(1)	Unlicensed HMO - Owner	9 July 2019	£5000	Yes	30(2)	Unlicensed HMO – Agent	9 July 2019	£5000	Yes	30(1)	Unlicensed HMO - Owner	6 August 2019	£5000	Yes
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3.11	Officers' note that in access of 100 properties in Belfast previously licensed as HMOs have not applied to renew their license.																										
3.12	Officers' intend to inspect those properties previously licensed at the commencement of the new academic year to determine if they are in HMO usage. Officers will assess the premises for any offences under the HMO Act during the inspection.																										
3.13	For offences (other than section 31(1) exceeding licensed occupancy for which there is no reasonable excuse provision) the NIHMO Unit will write to the owner and/or the managing agent asking them to detail any reasonable excuse they may have for any of the following offences.																										
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3.14	If no reasonable excuse is forthcoming an authorised officer will serve a fixed penalty notice on the owner and/or managing agent for any of the aforementioned offences as appropriate.																										
3.15	In accordance with section 8.5 the aforementioned HMO enforcement policy, failure to pay the fixed penalty notice will result in the council commencing legal proceeding of the alleged offence.																										
3.16	<u>Equality or Good Relations Implications/Rural Needs Assessment</u> There are no equality, good relations or rural needs implications associated with this report.																										
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