



2016 CHAPTER 22

PART 2

Licensing of Houses in multiple occupation

Requirement for and issue of licences

Fit and proper persons

10.—(1) This section sets out the matters which are relevant for deciding whether an owner or managing agent is a fit and proper person for the purposes of this Act.

(2) A person who is subject to a disqualification order (see section 38) is not a fit and proper person.

(3) In deciding whether any other person (“P”) is a fit and proper person, the council must have regard to—

- (a) the matters mentioned in subsections (4) to (7), and
- (b) any other matter which the council considers to be relevant.

(4) The council must have regard to whether P has—

- (a) committed any offence involving—
 - (i) fraud or other dishonesty,
 - (ii) violence,
 - (iii) drugs,
 - (iv) human trafficking, or
 - (v) a firearm (within the meaning of Article 2(2) of the Firearms (Northern Ireland) Order 2004);

- (b) committed an offence listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements);
- (c) practised unlawful discrimination in, or in connection with, the carrying on of any business;
- (d) contravened any provision of the law relating to housing or of landlord and tenant law; or
- (e) acted otherwise than in accordance with a code of practice approved under section 63.

(5) The council must have regard to whether any associate or former associate of P has engaged in any of the conduct mentioned in paragraphs (a) to (e) of subsection (4), if it appears to the council that that conduct is relevant to whether P is a fit and proper person.

(6) The council must have regard to—

- (a) any anti-social behaviour engaged in by P, and
- (b) P's conduct as regards any anti-social behaviour—
 - (i) engaged in by the occupants of any relevant living accommodation whilst in the accommodation, or
 - (ii) adversely affecting the occupants of any such accommodation.

(7) In subsection (6)—

“anti-social behaviour” means—

- (i) acting or threatening to act in a manner causing or likely to cause a nuisance or annoyance to a person residing in, visiting or otherwise engaging in a lawful activity in residential premises or in the locality of such premises, or
- (ii) using or threatening to use residential premises for illegal purposes;

“relevant living accommodation” means living accommodation of which P is or was the owner or managing agent.

(8) If an owner or managing agent is a body (whether incorporated or not), the body is not a fit and proper person if any of the following is not a fit and proper person—

- (a) a director of the body,
- (b) a partner of it, or
- (c) any other person concerned in the management of the body.