Derry City & Strabane
District Council
Comhairle
Chathair Dhoire &
Cheantar an tSratha Báin
Derry Cittie & Stràbane
Destrick Cooncil

Ref: EIR / 6470

24th July 2026

Environmental Information Regulations Request - HMO Enforcement and Compliance

I refer to your email dated 11th June 2026. As your information request relates to environmental information it has been dealt with under the Environmental Information Regulations 2004, as below.

The FOI response (FOI/5937) indicated that only one HMO breach was formally recorded across 2023–2024, with no prosecutions and a single Fixed Penalty Notice.

1. **How should this be reconciled with the enforcement activity figures you have provided (inspections, investigations, etc.)?**

   NIHMO advise that this should be reconciled with the fact that the other properties investigated were not in HMO usage at the time of the inspection and/or were required to be licensed.

2. **Of the planning and licensing enforcement cases recorded, how many result in:**

   - **a formally recorded breach**

     NIHMO advise that the reply is 1 case.

   - **formal enforcement action (e.g. notice, prosecution, or penalty)**

     NIHMO advise that 1FPN was issued in the period.

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- **informal resolution without formal breach recording**

  NIHMO advise that there was one case in the period.

From a planning perspective regarding your request in respect of the first and second bullet points, none of the planning enforcement cases recorded resulted in a formally recorded breach or formal enforcement action (e.g. notice, prosecution, or penalty).

Regarding the third bullet point, Council does not hold this information.

Understanding this distinction is key to determining whether enforcement activity is translating into meaningful and recorded outcomes.

3. **You note that inspections and investigations are ongoing, but it remains unclear whether current data:**

   - **accurately reflects the true level of unauthorised HMO use, or**

   - **primarily reflects cases that are formally progressed to enforcement stage**

   NIHMO advise that all alleged breaches result in a site visit to the accommodation to establish if the property is being used as an HMO

4. **Can you clarify whether there are recognised limitations in how breaches are identified, recorded, or progressed that may explain the low number of formally recorded breaches?**

   NIHMO advise that all alleged breaches result in a site visit to the accommodation to establish if the property is being used as a HMO.

5. **Your response indicates that members of the public are encouraged to report suspected unauthorised HMOs.**

   - **To what extent is enforcement complaint-led, and what proportion of cases arise from proactive identification?**

     NIHMO advise that NIHMO inspections are all based on referrals

   - **Are there targeted or systematic approaches in place to identify unauthorised HMOs in areas known to be under pressure, or is detection largely reactive?**

     Not by NIHMO

While I note the encouragement for members of the public to report suspected unauthorised HMOs, there is a widely recognised reluctance among residents to do so in some cases, including concerns about potential repercussions or neighbour disputes.

In that context, reliance on complaint-led enforcement may not provide a comprehensive or reliable mechanism for identifying non-compliance.

Clarification on the extent to which proactive identification measures are used alongside public reporting would therefore be welcome.

I note the reference to the CLEUD information paper. However, my concern relates specifically to the interaction between CLEUDs and enforcement outcomes.

6. **Given that CLEUDs can regularise unauthorised use after a period of time:**

   - **Has the Council assessed whether the current system risks incentivising non-compliance, where unauthorised use can subsequently be regularised?**

     Planning have already been in touch regarding this matter.

- **How does the Council ensure that enforcement action is timely and effective enough to prevent unlawful use from reaching the point where a CLEUD application becomes viable?**

  Planning have already been in touch regarding this matter.

7. **You indicate that the Council considers teams to be appropriately resourced. However, the effectiveness of enforcement is not clear from the data provided.**

   - **Does the Council consider the current enforcement regime to be an effective deterrent to operating an unlicensed or unauthorised HMO?**

     Yes, from the NIHMO point of view

   - **If so, on what basis is that assessment made?**

     The NIHMO services undertake a 10% monitoring inspection of licensed HMO thereby proactively ensuring licensed HMO are maintained to the required standard as well as undertaking referral lead inspections.

Thank you for confirming the legislative background. While I understand this is a matter for DfI, I would still welcome the Council's operational perspective:

- **In practice, does the 5-year timeframe present challenges for enforcement of unauthorised HMOs?**

  Not for NIHMO

- **Does it limit the ability of the Council to intervene effectively in cases of suspected long-term unlawful use?**

  Not for NIHMO

While I appreciate the distinction between planning enforcement, licensing functions, and the roles of NIHMO and DfI, from a public perspective these distinctions are not always visible or meaningful.

Ultimately, the effectiveness of the system is judged on whether unauthorised HMOs are identified and addressed in practice. Clarification on how these different functions operate together to deliver consistent and measurable enforcement outcomes would therefore be helpful.

I would appreciate as much detail as possible on the above, as these points are central to understanding whether the current framework is operating as intended, and whether it supports the objectives of the Local Development Plan and proposed HMO concentration controls.

If you are dissatisfied with our response, you have rights of review and appeal; these rights consist of two review processes.

Firstly, our internal review procedure is available by contacting:

John Kelpie
Chief Executive
Derry City and Strabane District Council
98 Strand Road
Derry BT48 7NN
Tel: 028 71253253 or email: john.kelpie@derrystrabane.com

Secondly, you can appeal directly by contacting the Information Commissioner at:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
CHESHIRE SK9 5AF
Tel: 0303 123 1113 (local rate) or email: casework@ico.org.uk

I would however advise that the Information Commissioner has indicated that a review will not be undertaken unless the Council has first had an opportunity to re-consider its decision.

Yours sincerely