

Our ref: 3558467
20 November 2018

rupert wallace
???

Account reference:xxxxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxxx.xxx

Freedom of Information Act 2000

Dear Rupert Wallace,

I can confirm that the information requested is held by Birmingham City Council. I have detailed below the information that is being released to you.

Request

Dear Birmingham City Council,

"I searched on your website and couldn't find a copy of your 2018 HMO Licence Register as prescribed under the Housing Act 2004 s.232 (1) and the information that is required to be maintained within the register is described in the The Licensing and Management of Houses in Multiple occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.

The latter is extracted here for convenience:

Registers of Licences

11. '(1) The following particulars are prescribed for each entry in a register established and maintained under section 232(1)(a) of the Act in respect of a licence granted under Part 2 (HMOs) or 3 (selective licensing) of the Act which is in force'

- (a) HMO Property Address**
- (b) HMO Licence Holder(s) Full Name**
- (c) HMO Licence Holders Correspondence Address**
- (d) HMO Managers Name**
- (e) HMO Managers Address**
- (f) A short description of the licensed HMO or house;**

Performance & Support Services

Place Directorate
PO Box 2122
3rd Floor, Council House Extension
6 Margaret Street
Birmingham
B3 3BU

Tel: 0121 675 2336 – 675 7508

Email: xxxxx.xxx@xxxxxxxxxxx.xxx.xx

Web: www.birmingham.gov.uk/foi_disclosure

- (g) A summary of the conditions of the licence;
- (h) Date of Licence Commencement
- (l) Date of Licence Expiry
- (j) Duration of Licence
- (k) Licence Number
- (l) Number of Households
- (m) Maximum Number of Occupants
- (n) Number of Units/Bedrooms
- (o) Number of Self Contained Units
- (p) Number of Non Self Contained Units
- (q) Number of Storeys
- (r) Number of Kitchens
- (s) Number of Reception
- (t) Number of Bathrooms
- (u) Number of Separate WCs

A reply using Excel format would be very helpful.

Thanks very much in advance."

Yours faithfully,

Mr wallace...

Response

Please see website links below.

<http://www.birmingham.gov.uk/hmo-register>.

https://www.birmingham.gov.uk/info/20175/private_housing/913/public_register_of_hmo_licences

Birmingham City Council have been advised by the Information Commissioner that they should not publish the landlord's (or manager's) details on the above web-site.

Correspondence from the Information Commissioner states that:-

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“...the Housing Act 2004 states that the authority must ensure that the contents of the register are available at the authority’s head office for inspection by members of the public at all reasonable times.

Publishing the register online means that this register, and its contents, are available to the whole world at any time and this is likely to go beyond the duty within the Housing Act.

As the register contains personal information then the authority also needs to be confident that it is compliant with the Data Protection Act 2018. Publishing the full register online is likely to be considered excessive under principle 3 of the DPA and therefore runs the risk of breaching the DPA.”

A full version of the register is available to view at our Head Office, 1 Lancaster Circus, Birmingham, B4 7DJ. In order to access the full Register of House in Multiple Occupation licences, the Council requires proof of identity of the requester and a signed acceptance form that the **data shall be used only for personal, educational or non-commercial purposes**. Use for commercial purposes is not permitted.

You will need to make an appointment to view the register by contacting Mr Roy Haselden, HMO Licensing Team Leader on 0121 303 1470. A copy of the access request form is attached.

If you wish to request an electronic copy of the full Register please complete the Access Request Form attached and send it to Mr Roy Haselden at xxx.xxxxxxxx@xxxxxxxxxxx.xxx.xx.

Please quote the reference number 3558467 in any future communications.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within 40 working days from the date this authority issued its initial response to your original letter and should be addressed to:

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Corporate Information Governance Team
PO Box 16366
Birmingham
B2 2YY
Email: xxxxxxxxxxxxxx@xxxxxxxxxx.xxx.xx

If you are still dissatisfied with the Council's response after the internal review you have a right of appeal to the Information Commissioner at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF.
Telephone: 01625 545 700
Website: www.ico.gov.uk

I will now close your request as of this date.

Yours faithfully

Place FOI.

Re Use of Public Sector Information

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