

Licensing Committee

Wednesday, 17th February, 2021

MEETING OF LICENSING COMMITTEE HELD REMOTELY VIA MICROSOFT TEAMS

Members present: Councillor Donnelly (Chairperson);
Aldermen Copeland and Sandford; and
Councillors Bradley, Bunting, Hussey,
Hutchinson, M. Kelly, T. Kelly, Magee,
Magennis, McAteer, McCabe, McCullough,
McKeown, Nicholl and Smyth.

Also attended: Councillor Gormley.

In attendance: Mr. S. Hewitt, Building Control Manager;
Mr. K. Bloomfield, HMO Unit Manager;
Ms. V. Donnelly, City Protection Manager;
Ms. N. Largey, Divisional Solicitor; and
Mr. H. Downey, Democratic Services Officer.

Apologies

An apology was reported on behalf of Councillor Howard.

Minutes

The minutes of the meeting of 20th January were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 1st February, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

No declarations of interest were reported.

Delegated Matters

THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE OF THE POWERS DELEGATED TO IT UNDER STANDING ORDER 37(d)

Licences Issued Under Delegated Authority

The Committee noted a list of licences and permits which had been issued under the Council's Scheme of Delegation.

HMO Licences Issued Under Delegated Authority

The Committee noted a list of licences for Houses in Multiple Occupation which had been issued under the Council's Scheme of Delegation.

Non-Delegated Matters

Department for Communities Online Survey - Review of Houses in Multiple Occupation Licensing Scheme

The Committee was reminded that the Houses in Multiple Occupation Act (Northern Ireland) 2016 had come into effect on 1st April, 2019, following the transfer of the Houses in Multiple Occupation registration scheme from the Northern Ireland Housing Executive to councils, under a new licensing regime.

The City Protection Manager reported that the Department for Communities had, as part of the transfer arrangements, undertaken to review the licensing regime within two years of its implementation. The Department had on 22nd December, written to the Council seeking its views via an online questionnaire and had acceded to a request from officers to extend the deadline for the submission of a response from 5th till 19th February. Accordingly, she submitted for the Committee's approval a draft response to the nine questions posed within the questionnaire.

Councillor Gormley thanked the Committee for the opportunity to comment upon the draft response. He referred to the Department for Communities' assertion within the letter accompanying the questionnaire that the licensing regime sought to properly and effectively regulate Houses in Multiple Occupation in order to ensure the health, safety and wellbeing of occupants and to minimise any negative impacts upon the neighbourhood and surrounding area. In his view, the regime failed to achieve that aim.

He suggested that the response be amended/strengthened to reflect the views of occupants of Houses in Multiple Occupation and local residents when referring to any improvements on the previous licensing regime. The need for owners and agents to discharge their responsibilities more effectively and the wider costs associated with policing, council enforcement and cleansing in those areas with a high density of Houses in Multiple Occupation should also be mentioned. He stressed the need to remove the loophole allowing those in possession of a Certificate of Lawful Use to circumvent the limits placed on Houses in Multiple Occupation in certain areas and for the requirement to have an anti-social behaviour plan attached to the Standard Licensing Conditions to be extended to include those Houses in Multiple Occupation which had been licensed before 1st April, 2019. He endorsed the Department for Communities' plan to adopt a collaborative approach to the review and supported the proposal that a workshop be held to explore all issues surrounding the management, resourcing and operation of the new licensing regime.

Several Members emphasised the fact that the review of the licensing regime presented an ideal opportunity for the Council to raise longstanding and well-documented issues around Houses in Multiple Occupation. The point was made again that the Department for Communities' questionnaire did not afford those who were living in areas impacted by Houses in Multiple Occupation the opportunity to express their views. The issue of over-provision of Houses in Multiple Occupation, resulting in high density clusters, was raised and concern was expressed that the current licensing regime did not address such areas.

It was suggested that Members be afforded additional time to consider the questionnaire and the draft response in greater detail and it was accepted that that course of action would require Council officers to seek a further extension from the Department for Communities.

In contrast, it was pointed out that the draft response addressed the main issues referred to within the questionnaire and that it should be forwarded to the Department for Communities within the required timeframe, with provision being made for additional comments to be submitted thereafter.

After discussion, it was

Moved by Councillor McCabe,
Seconded by Councillor McAteer,

That the Committee agrees to defer consideration of the draft response until its monthly meeting in March to allow for Members to consider it in greater detail.

On a vote, fifteen Members voted for the proposal and one against and it was declared carried.

The Committee granted approval for Council officers to organise the aforementioned workshop and to make arrangements for the Department for Communities and other relevant statutory organisations to attend.

Chairperson