

Licensing Committee

Wednesday, 19th May, 2021

MEETING OF THE MEMBERS OF THE LICENSING COMMITTEE HELD REMOTELY VIA MICROSOFT TEAMS

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

Also attended: Councillors Gormley and Groogan.

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

Apologies

An apology for inability to attend was received for Councillor Nicholl.

Minutes

The minutes of the meeting of 21st April were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 4th May, 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 MEMBERS OF THE LICENSING COMMITTEE CONSIDERED THE FOLLOWING ITEMS IN ORDER TO MAKE RECOMMENDATIONS TO THE CHIEF EXECUTIVE IN PURSUANCE OF THE POWERS DELEGATED TO HER BY THE COUNCIL ON 4TH MAY, 2021

Licences Issued Under Delegated Authority

The Members of the Committee recommended that, in accordance with the Council decision of 4th May 2021, the Chief Executive exercise her delegated authority to note the applications that have been issued under the Scheme of Delegation.

Houses in Multiple Occupation (HMO)
Licenses Issued Under Delegated Authority

The Members of the Committee recommended that, in accordance with the Council decision of 4th May 2021, the Chief Executive exercise her delegated authority to note the applications that have been issued under the Scheme of Delegation.

Non-Delegated Matters

Update by the Department for Communities (DfC)
on the Review of the Houses in Multiple Occupation
Licensing Scheme

The Chairperson welcomed Mr. D. Polley, Mr. K. Devlin, Mr. C. Murphy, Ms. I. McKinney and Ms. E. O'Neill from the Department for Communities (DfC) to the meeting.

The HMO Unit Manager reminded the Members that DfC had wrote to Belfast City Council on 22nd December 2020 to indicate that it wished to seek views in relation to the review of The Houses in Multiple Occupation Act (Northern Ireland) 2016 which was the enabling legislation for the HMO licensing scheme and that, at its meeting on 10th March 2021, the Licensing Committee agreed the Council's proposed response to the on-line questionnaire issued by DfC in respect of their review of the HMO licensing scheme.

He pointed out that the Licensing Committee had further agreed to an additional submission to DfC to be considered as part of their review highlighting legislative anomalies and omissions with suggested amendments to improve the delivery and administration of the HMO licensing scheme.

Mr. Polley thanked the Committee for inviting representation from DfC to discuss the review of the HMO Licensing Scheme and highlighted that the Houses in Multiple Occupation Act (NI) 2016 had come into effect on 1 April 2019 and that the Department for Communities had agreed to undertake a review of the implementation and operation of the licensing scheme when it had been operational for one year. The Terms of Reference for the review were agreed in October 2020 and an online survey for responses opened on 22 December 2020 and closed on 5 March 2021

He reported that HMO licensing was a new regulatory scheme for Northern Ireland and new program of work for Councils. He added that at the point of transfer the scheme had been essentially a registration scheme.

He stated that the Review would look at the impact of the regulatory scheme on councils in terms of resources, guidance and legislation, with a view to identifying any changes necessary to ensure the legislation achieves its policy intent.

Mr. Polley outlined the terms of reference for the review and gave an overview of the 227 survey responses which had been received, he added that the majority of responses had been from landlords and managing agents.

He referred to some of the emerging themes from the survey which included:

- Operational Delivery, including IT system, guidance, fees, communication, landlord training;
- Standards, including bedroom size, confusion around conflicting advice;
- Overprovision, planning permission process being applied when renewing license or on sale or transfer of property;
- Many responses were positive about fire safety standards and Energy Performance Certificates;
- Tenants unaware of how to check if property is HMO licensed and the standards expected;
- Residents still have concerns regarding refuse collection/littering and anti-social behaviour; and
- Some concerns expressed around apparent lack of enforcement on unlicensed HMOs.

He reported that DfC would undertake further detailed analysis of the responses and that a first stage report would be produced and shared with stakeholders and that further engagement would take place regarding the issues that had been raised and that a final report would be produced highlighting any necessary actions required and the timescales for implementation.

Following further discussion with Members of the Committee, the Chairperson thanked the representatives from DfC for their attendance at the meeting.

The Members of the Committee recommended that, in accordance with the Council decision of 4th May 2021, the Chief Executive exercise her delegated authority to note the content of the report.

Chairperson