

Licensing Committee

Wednesday, 18th August, 2021

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

Members present: Councillor Donnelly (Chairperson);
Aldermen Rodgers, and Sandford; and
Councillors Bunting, Michael Collins, Howard,
Hutchinson, M. Kelly, T. Kelly, Magee, McAteer,
McCabe, McCullough, McCusker, McKeown,
Mulholland and Smyth.

In attendance: Ms. K. Bentley, Director of Planning and Building Control;
Ms. N. Largey, Divisional Solicitor;
Mr. S. Hewitt, Building Control Manager;
Mr. K. Bloomfield, HMO Unit Manager;
Ms. C. Donnelly, Democratic Services Officer; and
Ms. K. McCrum, Democratic Services Officer.

Apologies

Apologies for inability to attend were reported from Alderman McCoubrey and Councillors Bradley and Magennis.

Minutes

The minutes of the meeting of 16th June 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 July, 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 recorded.

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

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

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

Update on an application for the Grant of a 14-Day Occasional Outdoor Entertainments Licence for Holy Cross Boy's School Pitch

The Members were reminded that in June the Committee had recommended that, subject to no representations being received and all technical requirements being met, the application for the grant of the 14-Day Occasional Outdoor Entertainments Licence, and for permission to provide entertainment after the hours of 11.00 p.m., be approved.

The Building Control Manager advised that, whilst a public notice of the application had been placed in the press, the date of the advertisement was such that the 28-day statutory period during which representations to the application could be made, would not expire until 23rd August which was after the dates that the events were scheduled to take place on. He added that, to date, no representations had been received in relation to the application.

He therefore asked the Members of the Committee to consider granting approval for the planned events only and issue a licence for the 20th and 21st August, as to issue the licence, from a regulatory and enforcement perspective, was preferable to an event proceeding unlicensed.

Having taken into account the information presented, the Members of the Committee recommended that, in accordance with the Council decision of 4th May 2021, the Chief Executive exercise her delegated authority, subject to all technical requirements being met, to approve the application for the grant of the Entertainments Licence for the dates specified.

Application for the Grant of a 14-Day Occasional Outdoor Entertainments Licence for Wedderburn Playing Fields

The Building Control Manager advised that, as for all licences associated with Council parks, the applicant was the Director of Neighbourhood Services.

He added that the additional part of the application from Finaghy Residents Association to provide outdoor entertainment on the playing fields for a community cultural festival beyond 11 p.m. on 27th and 28th August, had since been withdrawn. He confirmed that as a result, the application now related to the grant of the 14-Day Occasional Outdoor Entertainments Licence within standard days and hours.

It was also confirmed that, to date, no written representation had been received in relation to the application, however, the 28-day period had not yet expired, and a response from the PSNI was also still to be received.

The Building Control Manager advised that, when received, the service would provide any health and safety mitigations related to Covid-19 to the Council's Health and Safety Unit for their consideration. He added that staff would be on site in the build up to the event to ensure that all safety and management procedures were in place, and confirmed that the applicant had been requested to provide an acoustic report, which when received, would be provided to the Environmental Protection Unit (EPU) for evaluation.

Taking into account the information presented, the Members of the Committee recommended that, in accordance with the Council decision of 4th May 2021, the Chief Executive exercise her delegated authority, subject to no representations being received, a satisfactory response from statutory consultees and all technical requirements being met, to approve the application for the grant of the 14-Day Occasional Outdoor Entertainments Licence.

**Application for the Grant of a 7-Day Annual
Outdoor Entertainments Licence for Haymarket,
84 Royal Avenue**

The Members of the Committee were asked to consider an application to provide entertainment in the form of live music within an outdoor arcade running between the rear of properties located on Royal Avenue and Gresham Street from Monday to Sunday between 11.30 a.m. to 1.00 a.m. the following morning.

The Building Control Manager confirmed that the 28-day statutory period of the public notice had expired with no objections having been received, however, a response from the PSNI was still to be received.

With regards to health and safety, he advised that, when received, the service would provide any health and safety mitigations related to Covid-19 to the Council's Health and Safety Unit for their consideration, and that the applicant had been requested to provide an acoustic report, which when received, would be provided to the Environmental Protection Unit (EPU) for evaluation.

Taking into account the information presented, the Members of the Committee recommended that, in accordance with the Council decision of 4th May 2021, the Chief Executive exercise her delegated authority, subject to satisfactory responses from statutory consultees and all technical requirements being met, to approve the application for the grant of the 7-Day Annual Outdoor Entertainments Licence with the hours requested.

**Application for the Grant of a 7-Day Annual
Outdoor Entertainments Licence for Vault Artist's
Studios, 4-48 Tower Street**

The Members of the Committee were asked to consider an application to provide outdoor entertainment in the form of live music to the car parking enclosure to the main front entrance of Vault Artist's Studio in Tower Street.

The Building Control Manager advised that no written representation had been lodged as a result of the public notice of the application, however, a response from the PSNI was still to be received.

Taking into account the information presented, the Members of the Committee recommended that, in accordance with the Council decision of 4th May 2021, the Chief Executive exercise her delegated authority, subject to a satisfactory response from statutory consultees and all technical requirements being met, to approve the application for the grant of the 7-Day Annual Outdoor Entertainments Licence.

Graffiti Enforcement

A Member requested an update on the work of the Council in tackling graffiti on Houses of Multiple Occupation (HMO), including the number of properties contacted, the number of cases that were successfully resolved, and what, if any, enforcement had been taken forward.

The HMO Unit Manager confirmed that three exercises had been undertaken to date in the Holylands, Stranmillis and Upper Lisburn Road areas. He added that following the environmental audit of the Holylands area, including the Botanic and Rugby areas, 66 sites were identified as having significant graffiti, half of which were on HMO accommodation.

He explained that approximately 80-85% of landlords had complied with the requirement to remove the graffiti, and provided details of an ongoing case where graffiti had reappeared after numerous removals by the landlord. He added that letters had been issued to two properties which were subject to old NIHE licensing conditions informing them of the proposal to vary their licence conditions which would require them to remove the graffiti. He confirmed that one further landlord had been written to seeking reasons as to why they had not complied with the request, prior to any enforcement action being taken.

A number of the Members welcomed the proactive work being done to address the issue and commented that the Council's efforts should be promoted so as to demonstrate the work being undertaken to manage such properties and to tackle anti-social behaviour in these areas.

Update in Relation to Legal Proceedings

The Divisional Solicitor provided an update on recent legal proceedings in relation to a County Court Appeal regarding the Committee's decision to refuse an application for an HMO Licence at 17 Balfour Avenue.

She confirmed that the applicant had previously operated the premises as an unregistered and then unlicensed HMO for a period of some years. She explained that the Judge had overturned the Committee's decision, finding the appellant to be a fit and proper person, but criticised the fact that he did not have a licence for the premises and therefore issued the licence for a period of 1.5 years, rather than the maximum five year period.

She added that the Judge had found in favour of the Council's position that the three month deadline within which the Council must make a decision on an HMO application began when the application became valid, not when it was initially received.

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She advised that the Council was currently taking advice regarding a possible appeal of the decision, and that a full report would be brought to the next meeting of the Committee.

The Members noted the information which had been provided.

Chairperson