

Licensing Committee

Wednesday, 19th February, 2020

MEETING OF LICENSING COMMITTEE

Members present: Councillor S. Baker (Chairperson);
Aldermen Copeland and Sandford; and
Councillors Bunting, Donnelly, Ferguson,
Groves, Howard, Hussey, Hutchinson, M. Kelly,
T. Kelly, Magee, Magennis and McAteer.

In attendance: Ms N. Largey, Divisional Solicitor;
Mr. K. Bloomfield, HMO Unit Manager; and
Ms. E. McGoldrick, Democratic Services Officer.

Apologies

Apologies were reported on behalf of The Deputy Lord Mayor, Councillor McReynolds and Councillors Dorrian, Smyth and Whyte.

Minutes

The minutes of the meeting of 22nd 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 3rd 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 declaration 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)

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

The Committee noted the applications that had been issued under the Council's Scheme of Delegation.

Applications for the renewal of a Licence to operate a House of Multiple Occupation for 86 University Avenue

The Committee was reminded that responsibility for HMO's had been transferred to local district councils in April 2019 with the introduction of a new licensing regime. The HMO Unit Manager advised that any existing registrations under the old NIHE Registration Scheme were deemed to be licences at the point of transfer. He stated that

licences were issued for a 5 year period with standard conditions, however, where it was considered necessary to do so, the Committee could also impose special conditions.

The HMO Unit Manager advised that, as a valid objections had been received, the application must be considered by the Committee and highlighted that, pursuant to the 2016 Act, the Council may only grant a licence if it was satisfied of the following:

- a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control;
- b) the owner of the living accommodation, and any managing agent of it, were fit and proper persons;
- c) the proposed management arrangements for the living accommodation were satisfactory);
- d) the granting of the licence would not result in overprovision of HMOs in the locality in which the living accommodation was situated;
- e) the living accommodation was fit for human habitation and—
 - (i) was suitable for occupation as an HMO by the number of persons to be specified in the licence, or
 - (ii) could be made so suitable by including conditions in the licence.

He explained that the issues which could be taken into account when considering the fitness of an applicant were set out at Section 10 of the 2016 Act and included offences concerning fraud or dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permitted the Council to take into account any other matter which the council considered to be relevant. Section 20 of the 2016 Act stated where the holder of an HMO licence made an application for renewal, the council must apply the above provisions except for (a) and (d); namely whether the use was a breach of planning control or would result in overprovision.

He pointed out that Legal Counsel had advised that councils could not take into account the absence of planning permission through the prism of fitness. On the basis of that advice, Legal Services had confirmed that that also applied to issues around overprovision.

He advised that 2 noise complaints, in relation to 86 University Avenue, had been received in 2019 and suggested that, to alleviate further issues, a special condition could be applied to the License which would require the Landlord to provide contact details to the Council or neighbours so that noise complaints could be dealt with quickly.

The Committee received a representation from Mr. S. Boyle, on behalf of the applicant Mr. P. Boyle. Mr. Boyle advised that the property had joined the HMO scheme and welcomed the protection that it brought for Landlords. He stated that his father had invested in the property and it was maintained to a high standard. He suggested that they had not been made aware of the any noise complaints and questioned how they could be kept informed. He confirmed that he would be happy to provide contact details for any further noise complaints.

During discussion, the Divisional Solicitor highlighted that noise complaints would include personal data and confirmed that there was no current mechanism for the Council to share noise complaint data with Landlords or Managing Agents, however, this would be examined.

After discussion, the Committee approved the application for the Grant of the renewal of a Licence to Operate a House of Multiple Occupation for 86 University Avenue, subject to the imposing of the additional condition that the Landlord/Agent contact details be provided to the Council/neighbouring properties so that any noise complaints could be escalated and promptly dealt with, and delegated power to the Director of Planning and Building Control for the final wording of the condition.

Applications for the renewal of a Licence to operate a House of Multiple Occupation for 77 Haypark Avenue, Street

The HMO Unit Manager provided an overview of the application and explained that the as a valid objection had been received, the application must be considered by the Committee, pursuant to the 2016 Act and aforementioned legal advice.

He advised that 7 noise complaints had been received in relation to the property since March, 2017 and suggested that, to alleviate the issue, a special condition could be applied to the License which would require the Landlord to provide contact details to the Council or neighbours so that noise complaints could be dealt with quickly.

The Democratic Services Officer tabled correspondence from the applicant in response to issues raised by the objector as outlined in the report.

The Committee received a representation from the applicant, Dr. T. McIntyre. He confirmed that he had not been made aware of the aforementioned noise complaints but would be happy to provide contact details for any further noise complaints.

The Committee approved the application for the Grant of the renewal of a Licence to Operate a House of Multiple Occupation for 77 Haypark Avenue, subject to the imposing of the additional condition that Landlord/Agent contact details be provided to the Council/neighbouring properties so that any noise complaints could be escalated and promptly dealt with, and delegated power to the Director of Planning and Building Control for the final wording of the condition.

Applications for the renewal of a Licence to operate a House of Multiple Occupation for 5 Edinburgh Mews

The HMO Unit Manager provided an overview of the application and explained that the as a valid objection had been received, the application must be considered by the Committee, pursuant to the 2016 Act and aforementioned legal advice.

He advised that no noise complaints had been received in relation to the property.

The Committee approved the application for the Grant of the renewal of a Licence to Operate a House of Multiple Occupation for 5 Edinburgh Mews.

Non Delegated Matters

Additional Item – HMO Committee Workshop

The Divisional Solicitor advised that a Special People and Communities Committee had been scheduled for the 5th May which would encompass a HMO Workshop. She explained that this would consider the HMO licensing scheme in the context of planning controls, policy issues in terms of the draft Local Development Plan, and the impact of the operation of the scheme on local communities, particularly in areas where there were significant numbers of HMOs to which all Members would be invited to participate.

She informed the Committee that officers had also attended the Committee of the Department for Communities and had submitted a paper which responded to a range of queries from the Department on inspections, hazards, accommodation standards, development plans, approaches and data. She confirmed that a copy of the response had been emailed to the Licensing Committee.

During discussion, the Divisional Solicitor confirmed that officers would continue to liaise with the Department on the matter, with a view to engaging with the Minister for Communities after the HMO Workshop.

Noted.

Chairperson