

Licensing Committee

Wednesday, 21st August, 2024

MEETING OF THE LICENSING COMMITTEE

HELD IN THE LAVERY ROOM

Members present: Alderman Rodgers (Chairperson);
Alderman McCullough;
Councillors Abernethy, Anglin, Bradley,
T. Brooks, P. Donnelly, Doran, D. Douglas,
Kelly, F. McAteer, McCabe, McCann,
McDowell, McKay, McKeown, Ó Néill
and Smyth.

In attendance: Ms. N. Largey, City Solicitor/Director of Legal and
Civic Services;
Ms. K. Bentley, Director of Planning and Building Control;
Ms. L. Hillis, Principal Building Control Surveyor;
Mr. K. Bloomfield, HMO Manager; and
Ms. E. McGoldrick, Democratic Services and Governance
Coordinator.

Apologies

No apologies were reported.

Minutes

The minutes of the meeting of 19th June, 2024 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, 2024, 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 applications for licenses which had, since its last meeting, been approved under the Council's Scheme of Delegation.

**Houses in Multiple Occupation (HMO)
Licences Issued Under Delegated Authority**

The Committee noted a list of applications which had been approved under the Council's Scheme of Delegation during June and July 2024.

**Muriel's, The Spaniard and The Jeggy
Nettle - Entertainments Licence Variation**

The Committee considered an application from JK Pubs Limited, for the variation of their 7-Day Annual Entertainments Licences based on the Council's standard conditions, to provide music, singing, dancing or any other entertainment of a like kind, for the following three premises:

- Muriel's, 12-14 Church Lane, Belfast BT1 4QN;
- The Spaniard, 3 Skipper Street, Belfast, BT1 2DZ; and
- The Jeggy Nettle, 12 Stranmillis Road, Belfast, BT9 5AA

The Principal Building Control Surveyor outlined that the days and hours during which entertainment may be provided at the establishments, under the terms of its current Entertainments Licence, were:

Muriel's

- Monday – Saturday 11:30am to 1.00am the following morning
- Sunday 12:30pm to 1.00am the following morning.

The Spaniard

- Monday – Saturday 11:30am to 1.00am the following morning
- Sunday 12:30pm to 1.00am the following morning.

The Jeggy Nettle

- Monday – Saturday 11:30am to 1.00am the following morning
- Sunday 12:30pm to 12.00 midnight.

She explained that, at present, entertainment was provided in the form of DJs and live bands on the following nights:-

**Licensing Committee,
Wednesday, 21st August, 2024**

Muriels and The Spaniard

- Friday and Saturday nights.

The Jeggy Nettle

- Monday and Wednesday to Sunday nights inclusive.

The Committee was advised that the licensee had stated that they would like the variation to extend the permitted hours until 2.00am as the Licensee feels that the three premises are an integral part of Belfast's nightlife and that an increase in operating hours would allow them to compete within the sector, which was essential for the commercial success of the businesses.

Public notice of the application had been placed and no written representations were lodged as a result of the advertisement.

The Police Service of Northern Ireland and the Northern Ireland Fire and Rescue Service had both been consulted in relation to the application and they had both confirmed that they had no objection to the application.

The Members were advised that no noise complaints had been received by the Service in relation to the venue in the past 12 months.

The Chairperson welcomed the applicant to the meeting, Ms. J. Kane.

In response to a Member's question in relation to what sound mitigation measures had been implemented for residents near the Jeggy Nettle, Ms. Kane advised that policies and procedures were in place to manage noise and staff were experienced in the dispersal of customers in a timely manner. She pointed out that the Jeggy Nettle had a good track record in regard to the emergency services and highlighted that, if agreed, the variation would be utilised, when required, to compete with other businesses in the area.

During discussion, one Member suggested the requirement for an additional condition of engaging with the Stranmillis Residents' Association.

Accordingly, the Committee approved the applications for the variation of the 7-Day Annual Entertainments Licence to vary the hours during which entertainment may be provided as follows:

Muriel's

- Monday – Saturday 11:30am to 2.00am the following morning; and
- Sunday 12:30pm to 2.00am the following morning.

The Spaniard

- Monday – Saturday 11:30am to 2.00am the following morning; and
- Sunday 12:30pm to 2.00am the following morning.

The Jeggy Nettle

- Monday – Saturday 11:30am to 2.00am the following morning;
- Sunday 12:30pm to 2.00am the following morning; and

**Licensing Committee,
Wednesday, 21st August, 2024**

- Subject to the condition that the applicant meets with Stranmillis Residents' Association. The Committee delegated authority to officers to finalise the wording of the condition.

Restricted Delegated Matter

The information contained in the report associated with the following item was restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

Resolved – That the Committee agrees to exclude the members of the press and public from the meeting during discussion of the following item as, due to the nature of the item, there would be a disclosure of exempt information as described in Section 42(4) and Schedule 6 of the Local Government Act (Northern Ireland) 2014.

Members were also reminded that the content of 'restricted' reports and any discussion which took place during closed session must be treated as 'confidential information' and that no such information should be disclosed to the public as per Paragraph 4.15 of the Code of Conduct.

Proposed Revocation of an HMO Licence

The Houses in Multiple Occupation (HMO) Manager presented the details of the report to consider the revocation of the HMO licence.

He advised that the applicant had been granted a HMO Licence by the Council in October, 2021. He informed the Committee that a complaint had been received in March, 2024 from the tenants residing in the accommodation and the HMO Unit had carried out an inspection of the accommodation in March, 2024.

He highlighted that the results of the investigation had found that a number of serious breaches of licence conditions which were set out in this report. He pointed out that the Committee were asked to consider the revocation of the HMO licence given these breaches.

The HMO Manager informed the Committee that the applicant was not in attendance, however, since the report had been published, correspondence had been received from the applicant and a response had been issued from the HMO Manager. He provided details of the correspondence for the Committee.

The Chairperson welcomed Mr. D. Corbett, Neighbourhood Engagement Officer, Queen's University, to the meeting. Mr. Corbett provided an overview of his attendance at the property and the tenants experience.

After discussion, the Committee agreed to revoke the HMO licence outlined in the report for the following reasons:

**Licensing Committee,
Wednesday, 21st August, 2024**

- i. the owner of the HMO was not a fit and proper person;
- ii. the owner of the HMO had committed a serious breach of a condition of the licence; and
- iii. there had been more than one breach of the conditions of the licence.

The Committee also noted that the City Solicitor would draft a communication statement to outline HMO accommodation standards for tenants.

Non-Delegated Matters

Airbnbs and Short Term Let Accommodation

The Committee considered the following report:

“1.0 Purpose of Report or Summary of main Issues

1.1 To consider the responses from the Department for the Economy (DfE), the Department for Infrastructure (DfI) and the Department for Communities (DfC) to recent correspondence from the Committee regarding the regulation of short term lets, such as Airbnbs, in Northern Ireland.

2.0 Recommendations

2.1 The Committee is asked to note the contents of the responses received from DfE, DfI and DfC.

3.0 Main report

3.1 At the Licensing Committee meeting on 20th March 2024, the Committee agreed to write to the NI Executive regarding the regulation of short term lets, such as Airbnbs, in Northern Ireland. (Copy letter at appendix 1)

3.2 The Committee thought it important that the Executive ensure that an appropriate model is in place for the management of short term lets, and the extent to which they exist in any city and beyond, given the direct impact that they are having on communities, not least in terms of the affordability of buying or renting property.

3.3 The Minister for the Economy responded on the 24 May 2024 (Appendix 2) recognising that this is a complex area to deliver change in, with policy and operational responsibilities spanning a number of Executive Departments, Councils and other agencies.

- 3.4 The DfE has responsibility for the implementation of the Tourism (NI) Order but the scope of the Order is tightly defined and limits Tourism NI to inspecting properties to ensure that they meet a minimum standard of safety, cleanliness, and the provision of facilities.
- 3.5 The response sets out that due to significant growth in the number of self-catering properties certified by Tourism NI they will shortly be carrying out a review of the role of the certification of visitor accommodation. This review will examine options for the future regulation of visitor accommodation. However, any changes which are considered following the review will require new and/or amended primary legislation to be debated and approved by the Assembly.
- 3.6 In a response from the Department for Infrastructure on 20th May 2024 (Appendix 3) they advise that rent regulation is a specific responsibility of DfC under the Private Tenancies Act (Northern Ireland) 2022, and that DfC also has overall responsibility for housing policy including the provision of decent, affordable and sustainable homes.
- 3.7 In addition, DfI maintains that councils have the important responsibility for setting a vision for the long-term future development of their areas through the preparation of Local Development Plans (LDPs). In doing so councils have the flexibility to bring forward bespoke approaches to dealing with any local issues which affect their communities. Information in relation to Belfast City Council's approach set out in our LDP is included in Appendix 5.
- 3.8 The response from DfC is included at Appendix 4. It sets out that policy responsibility for Airbnbs and short-term tourist accommodation lies with the Department for Economy and, its Arm's Length Body, Tourism NI. It therefore suggests that the Council write to the Department for Economy about the issues raised in the letter.
- 3.9 Members are advised whilst we are well aware of the Council's responsibilities and powers under the Planning Act (Northern Ireland) 2011, it is the view of Officers that the necessary regulation of short term lets would go beyond the assessment of acceptability of such uses in land use terms.

Financial and Resource Implications

- 3.10 There are currently no financial or resource implications as a result of this report.

**Equality or Good Relations Implications/
Rural Needs Assessment**

3.11 There are no issues associated with this report.”

During discussion, one Member expressed his disappointment in the responses and raised his concerns on the impact of Airbnbs such as Anti-Social behaviour experienced by residents, rises in property prices and rent costs. He suggested that the Council was limited in enforcement as it could only currently apply to individual properties and legislation was required to cap the numbers of short term lets in areas to sustain communities. He suggested that planned regulation of this accommodation was required to protect the integrity of neighbourhoods and well being of residents, visitors and legitimate operators.

During discussion, the Director of Planning and Building Control suggested that the Committee could write to the Department for the Economy and Tourism NI to reiterate the need for legislation and highlight the impact and concerns raised by the Committee, and request that the Council be involved in the review that had been outlined in the correspondence.

The Committee:

- Noted the contents of the responses received from the Department for the Economy, Department for Infrastructure and the Department for Communities; and
- Agreed to write to the Department for the Economy and Tourism NI to reiterate the need for legislation and highlight the impact and concerns raised by the Committee, and request that the Council was involved in the review that had been outlined in the correspondence.

Restricted Non-Delegated Matter

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**Licensing Committee,
Wednesday, 21st August, 2024**

**HMO Review of Licence Scheme Charges and
Proposed Increase in Licence Fee from 1 October 2024**

The HMO Unit Manager summarised the review of the Licence Scheme Charges and the proposed increase in Licence Fee from 1st October, 2024.

He advised that, since the report had been published, correspondence had been received from the Landlords Association of Northern Ireland requesting that the item should be open to the public and that LANI could contribute to the debate.

He informed the Committee of his response which outlined the reasons for the restriction and explained the Regulations the Houses of Multiple Occupation (Fees) Regulations (NI) 2019. He also informed the Committee that a joint meeting between the Department for Communities, LANI and the Council had been scheduled for the 25th September, 2024 and the increase in fees, if agreed, would be on the agenda.

After discussion, the Committee agreed to the increase of the HMO licence application fee to £45, the maximum permissible under the 2019 Regulations.

The Committee also agreed to increase the costs of varying an HMO licence as follows:

Licence variations	
Item	Cost
Addition of a new managing agent.	£225
Addition of a new occupant	£225 for each new occupant+ £100 inspection fee (per visit)

Chairperson