

Licensing Committee

Wednesday, 16th September, 2020

MEETING OF LICENSING COMMITTEE HELD REMOTELY VIA MICROSOFT TEAMS

Members present: Councillor Donnelly (Chairperson);
Alderman Sandford; and
Councillors Bradley, Bunting, Groves, Howard,
Hussey, T. Kelly, Magee, Magennis, McAteer,
McCullough, McKeown and Smyth.

In attendance: Mr. A. Thatcher, Director of Planning
and Building Control;
Mr. S. Hewitt, Building Control Manager;
Ms. N. Largey, Divisional Solicitor;
Mr. J. Cunningham, Regulatory Services Manager;
Mr. K. Bloomfield, HMO Unit Manager;
Mrs. S. Steele, Democratic Services Officer; and
Mr. J. Hanna, Senior Democratic Services Officer.

Apologies

An apology for inability to attend was received from Councillor M. Kelly.

Minutes

The minutes of the meeting of 19th August 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 September, 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 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 the applications that had been issued under the Scheme of Delegation.

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**Stationary Street Trading Licence
Application for Boucher Crescent site**

The Committee was advised that the Council has received a Stationary Street Trading Licence application from Mr. Chris Quinn to trade at the available designated site in Boucher Crescent. The application complied with the designating resolution for the site.

Mr. Quinn had applied to sell hot and cold food and non-alcoholic beverages. The proposed times of trading are Monday to Wednesday 9.00 am to 7.00 pm, Thursday to Friday 9.00 am to 9.00 pm, Saturday 9.00 am to 6.00 pm and Sunday 10.00 am to 7.00 pm. Mr. Quinn proposes to use a Citroen Luton van measuring 6m by 2.05m. Mr. Quinn had not previously held a Street Trading Licence with Belfast City Council.

As part of the application process, Mr Quinn was asked to submit an Access NI Basic Disclosure Certificate (criminal record check). The disclosure has identified two convictions, one conviction dated from 19th January 2015 and one conviction dated from 13th April 2017 and the Divisional Solicitor outlined the nature of the convictions.

Based on the submission presented and considering any amendments to the application, the Committee is requested to consider the application and decide whether to:

1. Grant and approve the Licence to Mr. Chris Quinn; or
2. Grant and approve the Licence to Mr. Chris Quinn with additional Conditions, or;
3. Refuse the Licence application, under the discretionary grounds as outlined below.

The Committee may attach any reasonable Conditions when granting a Street Trading Licence, including that it be granted on a one-year trial basis. When minded to refuse a Licence application, the applicant must be informed that they will be permitted to make representation regarding the refusal to the Council, with such representations to be made not less than 21 days from the date of notice.

As a consequence, the actual decision to refuse the Licence will be considered at a meeting on a later date. There is a right of appeal to the Magistrate's Court against any refusal on these grounds.

The Street Trading Act (Northern Ireland) 2001 (the Act) places a statutory obligation on a district council to grant an application for a Street Trading Licence unless there are sufficient grounds to refuse it. Section 8 of the Act sets out circumstances in which an application must be refused, however, there were no such grounds of refusal applicable to this licence application. Section 9 of the Act sets out discretionary grounds under which a district council might refuse to grant an application.

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- a. That –
- i. The location at which the applicant wishes to trade as a stationary trader is unsuitable;
 - ii. The space in the designated street in which the applicant wishes to trade as a stationary trader is inadequate for the applicant to do so without causing undue interference or inconvenience to persons or vehicles using the street;
 - iii. The area or areas of the district in which the applicant wishes to trade as a mobile trader are unsuitable for the applicant to do so without causing undue interference or inconvenience to persons or vehicles in the area or areas;
 - iv. There are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade;
 - v. The nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade;
- b. That the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;
- c. That the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence;
- d. That the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;
- e. That the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence;
- f. That the applicant has failed to provide the particulars required by the council to deal with the application;
- g. That the applicant has failed to provide or identify suitable or adequate arrangements for storing any articles, things or receptacles in or with which he proposes to trade.

There is a right of appeal to the Magistrate's Court against any refusal on these grounds.

The PSNI and DfI Roads Service were consulted regarding the site. As the site had not been used for some time and they have no objections to its use. DfI Roads

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highlighted that the trader must ensure that there was no 'build-up' of people on the footway that might lead to an obstruction.

The Committee was advised that Mr. Quinn was in attendance - on-line - to address the Committee. However, due to a technical issue with his audio, he was unable to do so. In light of a proposal that the licence be granted on a one-year trial basis he did, however, indicate that he was content to accept such a condition of licence.

Accordingly, it was

Resolved – That the Committee agrees to approve the grant of the Licence to Mr. Quinn to trade at the designated site at Boucher Road, subject to review after a period of one year.

**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.

**Application for the renewal of a Licence to
operate a House of Multiple Occupation for
17 Colenso Parade**

The HMO Unit Manager provided an overview of the application and explained that, as a valid objection had been received, the application must be considered by the Committee, pursuant to the 2016 Act and 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 17 Colenso Parade.

**Application for the renewal of a Licence to
operate a House of Multiple Occupation for
8 Landseer Street**

The HMO Unit Manager provided an overview of the application and explained that, as a valid objection had been received, the application must be considered by the Committee, pursuant to the 2016 Act and 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 8 Landseer Street.

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**Application for the renewal of a Licence to
operate a House of Multiple Occupation for
3 Stranmillis Gardens, Belfast, BT9 5AS**

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

He advised that two noise complaints had been received in relation to the property but that no enforcement action had been taken.

The Committee approved the application for the Grant of the renewal of a Licence to Operate a House of Multiple Occupation for 3 Stranmillis Gardens, subject to the imposing of the additional condition that Landlord/Agent contact details be provided to the Council 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.

**Application for the renewal of a Licence to
operate a House of Multiple Occupation for
20 Elaine Street**

The HMO Unit Manager provided an overview of the application and explained that, as a valid objection had been received, the application must be considered by the Committee, pursuant to the 2016 Act and 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 20 Elaine Street.

**Application for the renewal of a Licence to
operate a House of Multiple Occupation for
27 Ridgeway Street**

The HMO Unit Manager provided an overview of the application and explained that, as a valid objection had been received, the application must be considered by the Committee, pursuant to the 2016 Act and 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 27 Ridgeway Street.

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**Application for the renewal of a Licence to
operate a House of Multiple Occupation for
21 Ridgeway Street**

The HMO Unit Manager provided an overview of the application and explained that as a valid objection had been received, the application must be considered by the Committee, pursuant to the 2016 Act and 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 21 Ridgeway Street.

**Application for the renewal of a Licence to
operate a House of Multiple Occupation for
19 Ridgeway Street**

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

He advised that a noise complaint had been received in relation to the property, however, following investigation by Council officers, no action was required.

The Committee approved the application for the Grant of the renewal of a Licence to Operate a House of Multiple Occupation for 19 Ridgeway Street.

**Application for the renewal of a Licence to
operate a House of Multiple Occupation for
19 Haypark Avenue**

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

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

He pointed out that The Houses in Multiple Occupation (Living Accommodation Standard) Regulations (Northern Ireland) 2019 (“the Regulations”) set out the minimum standards which must be met in order for accommodation to be regarded as suitable for occupation by a prescribed number of persons.

The Applicant had applied for a permitted occupancy of six persons, however, Council officers, following inspection of the property, deemed the accommodation only to be suitable for occupation by five persons, in view of the requirements set out in the Regulations.

The Committee approved the application for the Grant of the renewal of a Licence to Operate a House of Multiple Occupation for 19 Ridgeway Street, subject to the maximum permitted occupancy being five persons.

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Report on HMO Legislation

During discussion on the HMO applications, Members expressed concern about the ongoing issues in the Holylands and other areas associated with HMOs, particularly around anti-social behaviour, and officers undertook to bring a report to next month's meeting outlining what potential action could be taken under HMO legislation to address that and other more medium term priorities, for example amendments to the HMO legislation.

Chairperson