



Subject:	Amendment of the Scheme of Delegation to delegate authority to determine some renewal applications with objections
Date:	18 th November 2020
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Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	To consider amendment of the Scheme of Delegation in respect of applications for renewal of a licence for the use of premises as a House in Multiple Occupation (HMO).
2.0	Recommendations
2.1	Taking into account the information presented Committee is asked to consider whether it wishes to amend the Scheme of Delegation to: (i) Allow officers to grant a renewal application for a HMO licence where a valid objection has been received but where the objection relates to overprovision, either directly or indirectly; and (ii) Allow officers to grant a renewal application for a HMO licence where a valid objection has been received but where the issues raised are general in nature and not specific to the relevant property, applicant or managing agent.
2.2	Amending the Scheme of Delegation does not fall within the delegated authority of Committee and must therefore be ratified by Council.

3.0	Main report
	<p data-bbox="256 226 416 255"><u>Key Issues</u></p> <p data-bbox="165 293 1471 389">3.1 Members will be aware that Section 20 of the Houses in Multiple Occupation Act (NI) 2016 states that the power to refuse an application on the grounds of overprovision or breach of planning control do not apply to renewal applications.</p> <p data-bbox="165 427 1471 555">3.2 Paragraph 3.6.27 of the Scheme of Delegation permits officers to exercising all powers in relation to the grant (but not refusal) of HMO licences, except in certain circumstances. One of those exceptions is where material objections are received. This means that where a material objection has been received the application must be referred to Committee.</p> <p data-bbox="165 593 1471 792">3.3 Council continues to receive objections in relation to renewal applications which raise general issues about overprovision or raise concerns about other issues in the general area which are not specific to either the property, owner or managing agent of the property. In accordance with the 2016 Act these objections are valid and whilst not dismissing the alleged issues, legal advice has consistently been that refusal of an application on the basis of such an objection would not be sustainable.</p> <p data-bbox="165 831 1471 927">3.4 It is considered that this process is unfair to the applicants and indeed to objectors. It also brings applications to Committee unnecessarily which increases work load for both Committee and officers.</p> <p data-bbox="165 965 1471 1061">3.5 Officers therefore believe it may be appropriate to amend the Scheme of Delegation to allow officers to grant renewal applications licences in circumstances where the nature of the objection relates to overprovision, either directly or indirectly.</p> <p data-bbox="165 1131 1471 1227">3.6 Members may also wish to consider whether to grant delegated authority to officers to grant a renewal application where valid objections have been received but where the issues raised in the objection are not specific to the property in question.</p> <p data-bbox="165 1265 1471 1464">3.7 It is acknowledged that this is less straightforward as issues may arise which should be considered by Committee. In this context however members are reminded that paragraph 1.13 of the Scheme of Delegation states that Chief Officers may refer any delegated matter to Committee in any case. Furthermore, any decision which would otherwise be delegated under the Scheme should be reported to Committee if it is politically contentious, sensitive, significant or if it is otherwise in the public interest to do so.</p> <p data-bbox="256 1534 772 1563"><u>Financial and Resource Implications</u></p> <p data-bbox="165 1601 341 1630">3.8 None.</p> <p data-bbox="256 1668 842 1697"><u>Equality and Good Relations Implications</u></p> <p data-bbox="165 1736 1214 1765">3.9 There are no equality or good relations issues associated with this report.</p>
4.0	Appendices – N/A