



<b>Subject:</b>	<b>Amendment of the Scheme of Delegation to delegate authority to determine some renewal applications with objections</b>
<b>Date:</b>	9 <sup>th</sup> December 2020
<b>Reporting Officer:</b>	Nora Largey, Divisional Solicitor, Ext. 6049
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<b>Is this report restricted?</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>Is the decision eligible for Call-in?</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
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).
<b>2.0</b>	<b>Recommendations</b>
2.1	Taking into account the information presented Committee is asked to consider whether it wishes to amend the Scheme of Delegation to 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.
2.2	Amendment of the Scheme of Delegation does not fall within the scope of the delegated authority for Committee and must therefore be ratified by Council.
<b>3.0</b>	<b>Main report</b>
	<b><u>Key Issues</u></b>
3.1	Members will recall that a report was brought to Committee at its last meeting seeking authority to amend the Scheme of Delegation to allow officers to grant renewal applications where a valid objection has been received but the objection relates to over provision.

3.2	Members are reminded that Section 20 of the Houses in Multiple Occupation Act (NI) 2016 states that councils cannot refuse a renewal application on the grounds of overprovision or breach of planning control.
3.3	Authority was also sought to delegate authority to officers to grant renewal applications where the objections which were raised were general in nature and not specific to the property in question. A copy of that report and the minutes are appended to this report as Appendix 1 and 2 respectively.
3.4	Members expressed some concerns about the proposed amendments to the Scheme of Delegation and it was agreed to defer making a decision until Committee's next meeting.
3.5	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.
3.6	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.
3.7	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. However in light of concerns raised at the last meeting officers are only seeking delegated authority to determine renewal applications where there is an objection on the grounds of overprovision.
3.8	At the last Committee meeting a member suggested that officers should consider whether delegated authority should be granted in respect of all renewal applications where an objection has been received if Legal Services advise that refusal would not be sustainable.
3.9	This has been considered by officers and there is no legal impediment to such an approach. However officers recognise that the issues associated with HMO are controversial and as the licensing scheme remains relatively new it may be more appropriate for Committee to retain a higher level of decision making at this stage. There are also potentially reputational issues for the Committee in delegated such powers to the Council's Legal Services without Committee having heard the objectors.
	<b><u>Financial and Resource Implications</u></b>
4.0	None.
	<b><u>Equality and Good Relations Implications</u></b>
4.1	There are no equality or good relations issues associated with this report.
4.0	<b>Appendices:</b>  <b>Appendix One – Previous Committee report</b> <b>Appendix Two – Minutes of the Committee meeting on 18<sup>th</sup> November 2020</b>

