

Licensing Committee

Wednesday, 16th March, 2022

MEETING OF THE LICENSING COMMITTEE HELD REMOTELY VIA MICROSOFT TEAMS

Members present: Councillor Donnelly (Chairperson);
Aldermen Rodgers and Sandford; and
Councillors Bunting, Howard,
Hutchinson, M. Kelly, T. Kelly, Magee,
McAteer, McCabe, McCann, McCullough and McKeown.

In attendance: Ms. K. Bentley, Director of Planning and Building Control;
Mr. S. Hewitt, Building Control Manager;
Mr. K. Bloomfield, HMO Unit Manager;
Ms. N. Largey, Divisional Solicitor; and
Ms. C. Donnelly, Democratic Services Officer.

Apologies

Apologies for inability to attend were reported for Councillors Bradley, Michael Collins and Smyth.

Minutes

The minutes of the meeting of 16th February 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 March, 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 licences and Road Closure Orders which had, since its last meeting, been approved under the Council's Scheme of Delegation.

Objections received outside the 28-day statutory period to an application for the Renewal of a 14-Day Occasional Outdoor Entertainments Licence

The Building Control Manager informed the Committee that an objection had been received, outside the 28-day statutory period, to an application for the renewal of a 14-day Occasional Outdoor Entertainments Licence for Boucher Road Playing Fields.

He pointed out that the applicant was the Director of Neighbourhood services, who had applied on behalf of the Council, on 10th August, 2021 and that no objections had been received within the statutory period. He advised the Committee that the objection related to noise nuisance caused by outdoor concerts at the venue.

He informed the Committee that, upon receipt of the objection, a letter had been issued to the objector to request him to outline the reasons why the objection had been received outside the 28-day statutory period. The objector had responded stating that it had been because he was busy and had professional commitments.

The Committee agreed to exercise its discretion and determined that the objection against the application for the renewal of a licence for Boucher Road Playing Fields, which had been received outside the 28-day statutory period, would be considered.

Houses of Multiple Occupation (HMO) Licences issued under Delegated Authority

The Committee noted a list of licences for Houses in Multiple Occupation which had, since its last meeting, been issued under the Council's Scheme of Delegation.

Application for a Renewal Licence to operate a House of Multiple Occupation for 179 Stranmillis Road

The HMO Unit Manager provided the Committee with an overview of the undernoted report:

“1.0 Purpose of Report or Summary of main Issues

1.1 To consider an application for a Licence permitting the use of premises as a House in Multiple Occupation (HMO).

Premises	Application No.	Applicant(s)	Managing Agents
179 Stranmillis Road Belfast BT9 5AJ	8937	Mrs Maeve Fee	Fetherston Clements Estate Agents

1.2 Members are reminded that licences are issued for a 5-year period with standard conditions. Where it is considered necessary to do so, the Committee can also impose special conditions.

Background

- 1.3 The property had the benefit of an HMO licence which expired on the 07 December 2021.
- 1.4 An application for the renewal of the HMO licence was received from the applicant on 06 December 2021.
- 1.5 Following the publication of this application, an objection was received in relation to the application. This objection raises the following concerns: -
- Neglect of the property and environs
 - Invasion of privacy
 - Personal abuse / low level intimidation ASB
 - Inconsiderate and unreasonable behaviour
 - Parties at night with large gatherings and loud music
 - Leaving property unsecured
 - Leaving floodlights on all night which disturbs other neighbours
 - Devaluation of property due to designation and neglect
 - Parking across driveway
 - Overgrown leylandii trees to the front of the property
- 1.6 As a valid objection has been received, the application must be considered by Committee which must, after hearing from the objector and the applicant, decide whether to grant the renewal application.

2.0 Recommendations

- 2.1 Taking into account the information presented Committee is asked to hear from the Applicant and make a decision to either:
- (i) Grant the renewal application, with or without any special conditions; or
 - (ii) Refuse the application.
- 2.2 If the application is refused, the Applicants have a right of appeal to the County Court. Such an appeal must be lodged within 28 days of formal notification of the decision.

3.0 Main Report

Key Issues

3.1 Pursuant to the Houses in Multiple Occupation Act (Northern Ireland) 2016 (“the 2016 Act”), the Council may only grant a licence if it is satisfied that:

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

3.2 Section 20 of the 2016 Act states where the holder of an HMO licence makes an application for renewal, the council must apply the above provisions except for (a) and (d); namely whether the use is a breach of planning control or would result in overprovision.

Fitness

3.3 When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ 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 permits the Council to take into account any other matter which the council considers to be relevant.

3.4 The NIHMO Unit has consulted with the following units within the Council’s City and Neighbourhood Services Department –

- (a) Environmental Protection Unit (“EPU”) - who have confirmed that in relation to night-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,**

- (b) Environmental Protection Unit (“EPU”) - who have confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,
 - (c) Public Health and Housing Unit (“PHHU”) - who have confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,
 - (d) Enforcement Unit (“EU”) - who have confirmed that in relation to litter and waste, there has been no relevant enforcement action required in respect of the HMO in the last 5 years.
- 3.5 The Applicant and Managing Agent have confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.3 of this report.
- 3.6 The Applicant or Managing Agent have not been convicted of any HMO related offences by the Council. The EPU, PHHU and EU, solely in respect of their statutory functions, have confirmed that there are no relevant, previous convictions in respect of the Applicant, Managing Agent or occupants. Due to data protection issues which have arisen, PSNI have not been accepting or responding to notification of these applications.
- 3.7 The NIHMO Unit received 5 complaints regarding the subject premises, details of those complaints and the action undertaken by officers in response are included in Appendix 2.
- 3.8 Officers are not aware of any other issues relevant to the Applicant’s fitness.

Representations

- 3.9 In accordance with paragraph 4 of schedule 2 of the 2016 Act, a representation is only valid if it –
- (a) is made in writing,
 - (b) sets out the name and address of the person making the representation, and
 - (c) is made on or before the deadline for making written representations.
- 3.10 Following the publication of the notice of the application, a valid representation was received in relation to the renewal application. A copy of the representation and associated document bundle is appended to this report at Appendix 3.

Attendance

- 3.11 The applicant and/or their representatives will be available to discuss any matters relating to the licence application should they arise during your meeting. The objector will also be in attendance if members wish to hear from her.

Suitability of the premises

- 3.12 The accommodation was certified as complying with the physical standards for an HMO by a technical officer from the NIHMO service on the 07 February 2022.

Notice of proposed decision

- 3.13 On the 23 February 2022, pursuant to Paragraph 9 of Schedule 2 of the 2016 Act, Officers issued a Notice of Proposed Decision to the Applicant setting out the terms of the proposed licence. Appendix 4.
- 3.14 The Notice of Proposed Decision stated that the council proposed to grant the licence in the terms applied for.

Applicant's response to the notice of proposed decision

- 3.15 On the 9 March 2022 the applicant submitted a written response to the notice of proposed decision Appendix 5. The response deals with the representations and objections set out by the objector and provides commentary on each of main areas of concern.

Financial and Resource Implications

- 3.16 None. The cost of assessing the application and officer inspections are provided for within existing budgets.

Equality and Good Relations Implications

- 3.17 There are no equality or good relations issues associated with this report."

The Chairperson welcomed the objector to the application, to the meeting, and invited them to outline her reasons for objecting to the renewal of the licence.

She informed the Committee that the current management arrangements for the property were not satisfactory and that, over the previous five years, she had suffered continuous disruption to family life, and despite continuous complaints to the landlord, managing agent and numerous tenants, the problems remained ongoing.

She outlined situations, such as late-night parties, loud music, numerous individuals coming and going, disarray in the surrounds of the house and confrontations with various tenants. She described how living next door to the property had negatively impacted on her and her family's lives.

The Chairperson welcomed Ms. C. Greene, of Fetherson Clemments Estate Agents, the Property Agent for the Applicant, and Ms. M. Fee, the Owner and Applicant, to the meeting.

Ms. Greene explained that as the Property Management Agent for the property, she has had a good relationship with the owner and has always made time to discuss property matters and undertake required works for the maintenance of the property. She informed the Members that she felt the applicant surpassed the requirements to be classified as a fit and proper person.

She reported that the applicant had made significant and continual investment in the property and had worked with the Council to ensure that the property would meet the HMO requirements and that officers had been satisfied following their last inspection.

She stated that she had no evidence that the property had ever been sub-let or unsecured and that it was a well-maintained property, where the surrounding area had a healthy mix of abodes and was an area of high demand. She added that she had received no complaints from the other neighbouring property.

She advised the Members that there had been an antisocial behaviour plan in place which included pre-tenancy checks, signing all tenants onto a tenancy agreement, interventions if incidents did occur and prevention of future incidents.

She informed the Committee that the current, young professional tenants had previously lived in another property managed by the Agent and that there had been no complaints and they had been highly recommended by their previous landlord. She added that the current tenants had complained of feeling harassed by the complaints and felt that the noise coming from the property had not been excessive. However, she acknowledged that the Council's Noise Team had attended a recent incident where the early morning noise had been audible and that the tenants had been provided with a warning.

Ms. Greene stated that the current tenants had been informed that their tenancy would not be renewed after their tenancy agreement had ended.

Several of the Members commended the objector for her submission of a comprehensive and compelling case and expressed sympathy with her and her family, due to the impact of the antisocial behaviour that had been endured whilst the property had operated as a House in Multiple Occupation. A Member objected to the inference that the current tenants of the property felt aggrieved that complaints, some of which had been validated by the Council's Noise Team, had been made.

One Member referred to the lack of intervention from multiple agencies in response to the continual complaints and referred to Schedule 2(b) of the HMO Act (Northern Ireland) 2016, *'the proposed management arrangements for the living accommodation are satisfactory'*, stating that, she felt in light of the case presented by the Objector, this condition had not been complied with and that a responsibility lay with the Committee to act in its role as the licensor.

Following further discussion, the Committee agreed to refuse the application and delegated authority to the Director of City Services to finalise the reasons for refusal.

Application for a New Licence to operate a House of Multiple Occupation for 5 Riverview Street

The Committee considered the undernoted report:

“1.0 Purpose of Report or Summary of main Issues

1.1 To consider an application for a Licence permitting the use of premises as a House in Multiple Occupation (HMO).

Premises	Application No.	Applicant(s)	Managing Agents
5 Riverview Street Belfast BT9 5FD	8908	Mr Che Gill	Hampton Estate Agency Limited T/A Hampton Estates

1.2 Members are reminded that licences are issued for a 5-year period with standard conditions. Where it is considered necessary to do so, the Committee can also impose special conditions.

Background

1.3 The property had the benefit of an HMO licence granted by the Northern Ireland Housing Executive (“NIHE”) which expired on the 16 March 2021 for 4 persons.

1.4 A reminder letter was sent to the owner on the 28 January 2021 informing him that his licence would be expiring on the 16 March 2021 and informing him that, “if you do not submit the application before the existing licence expires any future application will be treated as a New Application and the council may only grant the licence if it is satisfied that the occupation of the accommodation as an HMO would not constitute a breach of planning control or would result in overprovision of HMOs in the locality.” (Appendix 3)

1.5 The owner applied for a temporary exemption notice “TEN” on the 14 May 2021 and specified the following steps with a view to securing that the HMO ceases to be an HMO - “We intend to serve a 12 week notice to quit to the tenants at the property in line with the current Covid-19 regulations informing the tenants

that the house cannot be occupied as an HMO whilst the licence has expired". The TEN was granted on the 17 May 2021.

- 1.6 On the 14 May 2021 an HMO licence application was received from the owner of the accommodation. The NIHMO Unit subsequently rejected the application on the 1 June 2021 as the granting of the new licence would constitute a breach of planning control.
- 1.7 On the 17 November 2021 an HMO licence application was received from the owner of the accommodation.

2.0 Recommendations

- 2.1 Taking into account the information presented Committee is asked to hear from the Applicant and make a decision to either:
- (i) Grant the application, with or without any special conditions; or
 - (ii) Refuse the application.
- 2.2 If the application is refused, the Applicants have a right of appeal to the County Court. Such an appeal must be lodged within 28 days of formal notification of the decision.

3.0 Main Report

Key Issues

- 3.1 Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that:
- a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control;
 - b) the owner, and any managing agent of it, are fit and proper persons;
 - c) the proposed management arrangements are satisfactory);
 - d) the granting of the licence will not result in overprovision of HMOs in the locality;
 - e) the living accommodation is fit for human habitation and—
 - (i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or
 - (ii) can be made so suitable by including conditions in the licence.

Planning

- 3.2 As this is a new application the NIHMO Unit consulted with the Council's Planning Service who on the 19 November 2021 confirmed that a Certificate of Lawful Existing Use or Development ("CLEUD") was granted with the planning reference LA04/2021/1905/LDE.

Fitness

- 3.3 When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ 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 permits the Council to take into account any other matter which the council considers to be relevant.
- 3.4 The NIHMO Unit has consulted with the following units within the Council's City and Neighbourhood Services Department –
- (a) Environmental Protection Unit ("EPU") - who have confirmed that in relation to night-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,
 - (b) Environmental Protection Unit ("EPU") - who have confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,
 - (c) Public Health and Housing Unit ("PHHU") - who have confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,
 - (d) Enforcement Unit ("EU") - who have confirmed that in relation to litter and waste, there has been no relevant enforcement action required in respect of the HMO in the last 5 years.
- 3.5 The Applicants and Managing Agent have confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.3 of this report.
- 3.6 The Applicant or Managing Agent have not been convicted of any HMO related offences by the Council. The EPU, PHHU and EU, solely in respect of their statutory functions, have confirmed that there are no relevant, previous convictions in respect of the

Applicant, Managing Agent or occupants. Due to data protection issues which have recently arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue.

- 3.7 Officers are not aware of any other issues relevant to the Applicant's fitness.

Overprovision

- 3.8 For the purpose of determining whether or not the granting of a licence would result in an overprovision of HMOs in the locality of the accommodation, and in order to ensure consistency as both a planning and licensing authority the locality was defined as being HMO Policy Area "HMO 2/19 Stranmillis" as defined in the document "Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015.
- 3.9 Legal Services has advised that there is a clear requirement in Section 8 of the 2016 Act upon the Council to be satisfied that the granting of a licence will not result in overprovision.
- 3.10 On the date of assessment, 17 January 2022 there were a total of 342 licensed HMOs in HMO policy area "HMO 2/19 Stranmillis" which equates to 45% of the total dwelling units, which in turn exceeds the 30% development limit as set out at Policy HMO 1. The 342 licensed HMOs have a capacity of 1466 persons.
- 3.11 The total number of dwelling units in a Policy Area is measured by Ordnance Survey's Pointer database.
- 3.12 The Council must also consider the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need.
- 3.13 The council recognises that there is a need for intensive forms of housing and to meet this demand, Houses in Multiple Occupation (HMOs) are an important component of this housing provision. HMOs, alongside other accommodation options within the private rented sector, play an important role in meeting the housing needs of people who are single, who have temporary employment, students, low-income households and, more recently, migrant workers.
- 3.14 In September 2017 The Housing Executive published the document "Housing Market Analysis Update – Belfast City Council Area" which states "HMOs form an important element of the PRS, particularly for younger people on low incomes and for single people, under the age of 35, affected by the limitation of housing benefit to the shared room rate. Anecdotal evidence also indicates that this has been a popular sector with migrant workers."

- 3.15 On the 21 January 2022 there were 5 licensed HMOs advertised for let on the website Property News in BT9, *from the information provided on the website this represented 16 bed spaces, although not all of these may have been available for immediate occupancy.*
- 3.16 *A survey of 45 properties undertaken on 21 January 2022 determined there was accommodation available in 5 licensed HMOs advertised on the website Property News in BT9. From the information provided on the website this represented 16 bed spaces, although not all of these may have been available for immediate occupancy.*
- 3.17 Anecdotal evidence from conversations with HMO managing agents suggest that that there is currently a lack of HMO accommodation available in the locality. It is too early to tell whether this is a temporary problem or evidence of an emerging long-term supply issue.
- 3.18 The fact the use of the property as an HMO is permitted for planning purposes is a relevant consideration in determining whether the grant of this licence will result in overprovision. There is an argument that it may not do so as the premises are already being used as an HMO.
- 3.19 However, it should be borne in mind that planning permission was granted on the basis that the use had been established for 5 or more years and was therefore immune to enforcement. No assessment of overprovision was made at that time. Given the level of licensed HMO properties in this locality as set out above it would be highly unlikely that a planning application for a new HMO in the area would be successful as the thresholds in the 2015 Plan have been significantly exceeded.

Objections

- 3.20 No objections have been received in relation to this application.

Attendance

- 3.21 The applicant and/or their representatives will be available to discuss any matters relating to the licence application should they arise during your meeting.

Suitability of the premises

- 3.22 The accommodation was certified as complying with the physical standards for an HMO by a technical officer from the NIHMO service on the 14 January 2022.

Notice of proposed decision

- 3.23 On the 27 January 2022, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016, Officers issued a Notice of Proposed Decision to the Applicant setting out the terms of the proposed licence. Appendix 4

- 3.24 The Notice of Proposed Decision stated that the council proposed to refuse the licence as The Council is not satisfied that-

- (a) the granting of the licence will not result in overprovision of HMOs in the locality in which the living accommodation is situated.

A statement of reasons for the proposal was included in the Notice of Proposed Decision.

- 3.25 **The statement of reasons outlined the following as the Council's basis for refusal:-**

Overprovision

In accordance with Section 12 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 "2016 Act" the Council is satisfied that the granting of the HMO licence will result in overprovision of HMO accommodation in the locality of the accommodation for the purpose of section 8(2)(d) of the 2016 Act.

For the purpose of Section 12(2) of the 2016 Act. The Council has determined the locality of the accommodation as being HMO Policy Area "HMO 2/19 Stranmillis" as defined in the document "Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015 (the "2015 Plan")

In making this decision the Council has had regard to:

- (a) ***the number and capacity of licensed HMOs in the locality***
- (b) ***the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need***

To inform the Council in its consideration of the above provisions, the Council has taken account of the 2015 Plan and in particular, Policy HMO 1 and Policy HMO 2.

The total number of dwelling units in a Policy Area is measured by Ordnance Survey's Pointer database.

In regard to Section 12(2)(a) the number and capacity of licensed HMOs in the locality.

On the date of assessment, 17 January 2022 there were a total of 342 licensed HMOs in HMO policy area "HMO 2/19 Stranmillis" which equates to 45% of the total dwelling units, which in turn exceeds the 30% development limit as set out at Policy HMO 1. The 342 licensed HMOs have a capacity of 1466 persons.

In regard to Section 12(2)(b) the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need.

A survey of 45 properties undertaken on 21 January 2022 determined there was accommodation available in 5 licensed HMOs advertised on the website Property News in BT9. From the information provided on the website this represented 16 bed spaces, although not all of these may have been available for immediate occupancy.

Anecdotal evidence from conversations with HMO managing agents suggest that there is currently a lack of HMO accommodation available in the locality. It is too early to tell whether this is a temporary problem or evidence of an emerging long-term supply issue.

In assessing the number and capacity of licenced HMOs as well as the need for HMO accommodation in the locality. Officers cannot be satisfied that the granting of the HMO licence will not result in overprovision of HMO accommodation in the locality of the accommodation for the purpose of section 8(2)(d) of the 2016 Act.

Applicant's response to the notice of proposed decision

- 3.26 On the 3 February 2022 the applicant submitted a written response to the notice of proposed decision (Appendix 4).
- 3.27 The applicant suggests that his application would have been renewed if the deadline for renewal had not been missed which was caused by, and at the height of the coronavirus pandemic when inspections were unable to proceed due to government guidance.
- 3.28 The applicant goes on to suggest that the proposed decision is procedurally unfair and unreasonable given the circumstances that were presented at the time. He refers to a letter from the

HMO Unit in August 2020 which states, “Belfast City Council, Housing in Multiple Occupation (HMO) are operating a reduced service,” and that ..., Council officers are currently unable to undertake HMO inspections, in respect of applications submitted in view of Covid-19 government guidance.

- 3.29 The letter of August 2020 also states “You can make an application for a licence and payment only at this time. Existing licence holders should submit their renewal application online before the expiry of their existing licence (including the required payment). If the renewal application is received before the expiry date the existing licence will, pursuant to the provisions of Section 21 of the Houses in Multiple Occupations Act (Northern Ireland) 2016, continue to have effect until the application is determined.
- 3.30 The applicant refers in his response to the statement made to this committee in May 2021 by David Polley, the DfC Director of Housing Supply “The legislation is quite explicit that it was not intended to reduce the number of HMOs which were already there. The explanatory memorandum for Section 20 does say that an application to renew cannot be refused on the grounds of overprovision.”
- 3.31 As this application was submitted after the existing licence expired, this is a new licence application and Section 20 does not apply.

Financial and Resource Implications

- 3.32 None. The cost of assessing the application and officer inspections are provided for within existing budgets.

Equality and Good Relations Implications

- 3.33 There are no equality or good relations issues associated with this report.”

The Chairperson welcomed the Applicant, Mr. C. Gill, to the meeting.

Mr. Gill informed the Committee that the reasons for his application having been submitted late were that, during the Covid-19 pandemic, he isolated with his vulnerable parents. He stated that upon receipt of letter in August 2020, to advise him that he must renew his HMO licence, he presumed that while restrictions were in place that he would not be able to renew his application with the HMO Unit.

He pointed out that, during the pandemic, he had issued rent reductions to his tenants as they had been employed by the NHS and had been subject to periods of isolation.

He further added that, in September 2020, he had travelled to France for business purposes and had intended to return, upon his family having been vaccinated, however, in January 2021, when he had been due to return to Belfast, his flight had been cancelled as a result of the pandemic. He highlighted that the house had been vacant for the previous seven months and stated that he had thought that some mitigations would have been in place surrounding the renewal process, given the impacts of the Covid-19 pandemic.

Following discussion with the Divisional Solicitor, the Applicant agreed that officers would apply to the Court for an extension of time and the Committee agreed to defer the decision, pending further legal advice.

Non-Delegated Matters

The Exhibition and Rating of "Foscadh" Irish Language Film

The Building Control Manager reported that, a request had been received on 21st February regarding the screening of an Irish Language film entitled "Foscadh" on the 11th March, as part of an Irish Film Festival, with screenings planned at the Omniplex cinema at the Kennedy Centre and the Odeon in the City Centre.

He informed the Committee that the film had been classified as a 16 rating by the IFCO (Irish Film Classification Office) and that it had not been given a rating by the British Board of Film Classification (BBFC).

He pointed out that approval to permit the film to be exhibited was usually considered and given by the Licensing Committee, however, the request had been received after the February Committee meeting and the screening had been proposed to take place before the March meeting of the Committee, on 11th March.

He reported that discussions had taken place with Legal Services with regard to the options available to the Council and that Legal Services had advised that the decision could be taken under the delegated authority of the Strategic Director of Place and Economy (in accordance with paragraph 2.3 of the Scheme of Delegation which dealt with emergencies and cases of urgency), subject to consulting the appropriate Chairperson and reporting the matter to the Licensing Committee at its subsequent meeting.

He informed the Members that, as the film had not been classified by the BBFC and there was no equivalent 16 rating, it had not been considered appropriate for officers to determine whether it should be shown with a BBFC rating of 15 or 18.

The Building Control Manager stated that the matter had been discussed with the Chairperson of the Licensing Committee and the appropriate course of action had been considered to be that the film would be allowed to be shown and advertised as having an IFCO classification of 16 only and that the Strategic Director of Place and Economy had exercised his powers of delegated authority and had approved the exhibition of "Foscadh" in cinemas in Belfast on the 11 March 2022 as part of an Irish Film Festival with an IFCO rating of 16.

The Committee noted the report.

Issues raised in advance by Members

**To reconsider the refusal of a Designating
Resolution for a Street Trading Site in King
Street - Councillor McCusker**

Councillor McKeown addressed the Committee on behalf of Councillor McCusker, and he informed the Members that Councillor McCusker had made a request to the Committee to reconsider the decision of the Licensing Committee, taken on 10th March 2021, to refuse to designate a new street trading site on King Street for the sale of hot and cold food and non-alcoholic beverages at night-time.

In response to a question from a Member, regarding the legal implications of designating a site where the applicant had indicated that he would use the services of a private security firm, the Building Control Manager stated that the Committee was being asked to permit reconsideration of the designation of the site. If agreed, this would entail undertaking further consultation with the PSNI and other relevant agencies along with public notification of the application, as part of the designation process, and this issue would be raised with the relevant parties.

Proposal

Moved by Councillor Magee,
Seconded by Councillor McAteer,

That the Committee reconsider the decision of its meeting of 10th March 2021, to refuse to designate a street trading site in King Street.

On a recorded vote, seven Members voted for the proposal and six against and it was declared carried.

<u>For 7</u>	<u>Against 6</u>
Councillor Donnelly (Chairperson); and Councillors M. Kelly, Magee, McAteer, McCabe, McCann and McKeown.	Aldermen Rodgers and Sandford; and Councillors Bunting, Howard, T. Kelly and McCullough.

Chairperson