

Licensing Committee

Wednesday, 11th December, 2024

HYBRID MEETING OF THE LICENSING COMMITTEE

- Members present: Alderman Rodgers (Chairperson);
Alderman McCullough;
Councillors Abernethy, Anglin, Bradley,
T. Brooks, M. Collins, M. Donnelly, P. Donnelly,
Doran, D. Douglas, Kelly, F. McAteer, McCann,
McKay, McKeown, Ó Néill and Smyth.
- In attendance: Ms. N. Largey, City Solicitor;
Mr. K. Bloomfield, HMO Manager;
Mr. S. Hewitt, Building Control Manager;
Mr. J. Cunningham, Senior Licensing Officer;
Mr. K. McDonnell, Solicitor (Regulatory and Planning); and
Mrs. L. McLornan, Committee Services Officer.

Apologies

No apologies were reported.

Minutes

The minutes of the meeting of 11th November, 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 2nd December, 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 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 which had been issued under the Scheme of Delegation.

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

The Committee noted the applications which had been issued under the Scheme of Delegation during November 2024.

Non-Delegated Matters

HMO Applications - Supporting Documentation

The Committee considered the undernoted report:

“1.0 Purpose of Report or Summary of main Issues

1.1 To consider a request to include additional supporting documentation confirming ownership and confirmation that mortgage or other loan holder’s consent before an HMO licence application is considered valid.

2.0 Recommendations

2.1 To approve the inclusion pursuant to Section 87(1) General notices of the Houses in Multiple Occupation Act (Northern Ireland) 2016 ‘2016 Act’ that the following additional documents is required under paragraph 1(1) or (1)(2)(h) of Schedule 2 of the 2016 Act before any HMO licence application form received after 1 April 2025 is considered valid -

- a) Confirmation of ownership of the HMO including the date such ownership commenced from a solicitor or other legally qualified person.
- b) Confirmation from any party holding a mortgage, charge or lien against the property that they have no objection to the granting of the HMO licence.

3.0 Main report

Background

3.1 Schedule 2, paragraph 12 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 ‘2016 Act’ requires the Council to decide whether to grant or refuse an application for an HMO licence before the end of the period of 3 months beginning with the date on which the council received it.

3.2 The Department of Communities ‘DfC’ Guide to the licensing of Houses in Multiple Occupation in Northern Ireland – Guidance for Local Government April 2019 states ‘the application is only

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valid if the form is completed correctly, full payment is made, and the required supporting documents are included’.

3.3 From the introduction of the HMO licensing scheme in April 2019 pursuant to Section 87(1) General notices of the 2016 Act the following documents as listed in points 1 – 12 below are required under paragraph 1(1) or (1)(2)(h) of Schedule 2 of the 2016 Act before an application is considered valid:

- 1. Electrical Installation Condition Report**
- 2. Fire detection and Alarm Systems**
- 3. Emergency Lighting (if applicable)**
- 4. Current Portable Appliance Test (PAT) certificate**
- 5. Energy Performance Certificate (EPC)**
- 6. Gas Safety Certificate (if applicable)**
- 7. Chimneys and Flues (if applicable)**
- 8. Expiry/useful date on CO detector (if applicable)**
- 9. Current Fire Risk Assessment**
- 10. Personal Emergency Evacuation Plans (if applicable)**
- 11. Proof of suitable funding arrangements**
- 12. An anti-social behaviour plan**

a) Confirmation of ownership.

3.4 Section 8 of the 2016 Act outlines that applications for an HMO licence must be made by the owner of the HMO.

3.5 For all new licence applications relating to the sale / transfer of a licensed HMO officers require confirmation from the solicitor acting on behalf of the purchaser details of the new owner(s) name whether an individual or a company and the date the transfer took place to ensure compliance with section 28 ‘Change of ownership: effect on licence’ of the 2016 Act.

3.6 Currently no such confirmation is sought in relation to renewal applications, however the HMO Unit currently undertake a percentage check of HMO licence applications via Land Registry and since the introduction of the Houses in Multiple Occupation Act (Northern Ireland) 2016 on the 1 April 2019 have credited our Landweb account to the sum of £15,500.

3.7 Officers are of the opinion that the percentage check is not sufficiently robust, as we continue to get applications from persons other than the owner. Examples include –

- a) applications from individuals when the property is owned by a company of which they are a director or vice versa,**

- b) applications from one limited company when the property is owned by another limited company which share the same directors,
- c) applications from an individual when the property is owned by their spouse or other family member.

3.8

b) Objections from mortgage or other loanees

Schedule 2, paragraph 1(2)(e) of the 2016 Act requires the HMO licence application to contain the name and address of any person (other than the owner) who has a relevant interest in the HMO. A relevant interest is defined as a freehold estate, a leasehold estate (unless the unexpired term is three years or less), a mortgage, charge or lien.

3.9 Officers are required to serve a copy of the notice of proposed decision on each relevant person in accordance with Schedule 2, paragraph 9(1) of the 2016 Act and must also serve a copy of the notice of determination (whether that be the licence certificate or notice of refusal) on those persons pursuant to Schedule 2, paragraph 13(1)(b).

3.10 A number of mortgage providers include terms in their loans which prohibit the use of the accommodation on which the loan is secured as an HMO and subsequently object to the granting of an HMO licence. Such objections are either received after the proposed decision is issued but before the licence is granted but more typically due to time delays on their part after the licence is granted.

3.11 If such an objection is received officers can no longer be satisfied that the management arrangements for the HMO are suitable. In such circumstances officers invite the owner to put new funding arrangements in place and provide proof of same and warn that the Council would consider revoking the licence in accordance with section 23 'Revocation of licences' if new arrangements are not adopted.

3.12 Administrative and other burdens

Both the issue of proof of ownership and funding are causing administrative burdens on the NIHMO Unit and equally as important causing worry and stress for HMO owners when issues are identified late in the process which may potentially lead to tenants losing their homes if revocation of the HMO licence becomes necessary.

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3.13 The provision of the requested documentation before an application is considered valid would allow officers to identify issues at an earlier stage and allow additional time if necessary for HMO owners to take corrective action before the issue becomes potentially critical.

3.14 Financial and Resource Implications

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

3.15 Equality and Good Relations Implications

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

The Committee adopted the recommendations.

Road Closures - Oral Update

The Senior Licensing Officer provided the Committee with a detailed overview of the process for closing a road for a special event, such as a sporting or social event or for entertainment or filming on a public road. The Members were advised that road closures for the purpose of public processions, motor road races and cycle races/trials were not handled by the Council and were dealt with under separate legislation.

The Members were advised that, for roads within the Harbour Estate, the Harbour Police were responsible and for events on special roads, such as motorways or the Westlink, or when events were to be held off the road (for example, Belsonic) he clarified that DfI Roads was responsible.

The Senior Licensing Officer outlined the application process for requesting the closure of a road, which included a 21 Day Public Notice advertisement in a local paper and placement on the Belfast City Council website, neighbourhood consultation and consultation with DfI Roads, the PSNI, the NI Fire and Rescue Service, the NI Ambulance Service and Translink. He highlighted that each road closure required the consent of DfI Roads.

Each application required a Traffic Management Plan and a proof of public liability insurance cover of £10million. Some closures might also require more detailed event management plans or details of structures or equipment, depending on the event.

He provided the Committee with the classification and costs associated with small and large events.

It was highlighted that the organiser was required to pay all associated costs for the erection, placement and removal of all required signage and barriers and that prompt removal was a requirement for any road closure. Further conditions under the Order

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might include maintaining pedestrian access to premises or accessible from the road(s) on which the special event was taking place and that access for all emergency vehicles was essential.

During discussion on any breach of road closures, it was highlighted that, while the Council did not have enforcement powers, the PSNI did.

The Senior Licensing Officer confirmed that it was costly to place newspaper advertisements for each event, as the local papers in the City, included the Belfast Telegraph, the Irish News and the Newsletter. He advised the Committee that the advertisement was rotated around those newspapers and that newspapers circulating in the local areas that were outside the city centre were used where possible. He added that the Committee would be asked to consider the fees associated with road closure requests in the new year.

In regard to neighbourhood consultation, he advised the Committee that, for smaller events, organisers were asked to carry out neighbourhood notification in the locality of the road closure but that that was not possible for larger scale events such as the marathon.

The Chairperson, on behalf of the Committee, thanked the officer for his comprehensive update.

Noted.

Chairperson