

Licensing Committee

Wednesday, 22nd January, 2025

HYBRID MEETING OF THE LICENSING COMMITTEE

- Members present: Alderman Rodgers (Chairperson);
Alderman McCullough;
Councillors Abernethy, Anglin, Bradley,
T. Brooks, Collins, M. Donnelly, P. Donnelly,
Doran, D. Douglas, Kelly, McCann, McDowell,
McKay, McKeown and O Néill.
- In attendance: Mr. K. Bloomfield, HMO Manager;
Mr. S. Hewitt, Building Control Manager;
Mr. K. McDonnell, Solicitor (Regulatory and Planning); and
Mrs. L. McLornan, Committee Services Officer.

Apologies

Apologies for inability to attend were reported from Councillors McAteer and Smyth.

Minutes

The minutes of the meeting of 11th December, 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 9th January, 2025, 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.

Non-Delegated Matters

Issue raised in advance by a Member – “Know your rights” information campaign for HMOs – Councillor McKay to raise

Councillor McKay requested that officers would seek to provide students who were attending universities and regional colleges with information on their rights in relation to leasing a House in Multiple Occupation (HMO).

After some discussion, during which the HMO Manager explained that it might also be helpful to provide information to both students and to landlords of their rights and responsibilities in regards to HMOs, the Committee agreed that officers would:

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1. engage with Corporate Communications in order to update the Council's website with additional and specific guidance for students and landlords in respect of their rights and responsibilities regarding Houses in Multiple Occupation;
2. post links to that information through a social media campaign, linking in with the universities, regional colleges and Students' Unions;
3. provide guidance, with a QR code linking to the information online, highlighting the rights and responsibilities, to be circulated to landlords for them to provide to their new tenants;
4. consider the budget requirement for an enhanced information campaign from financial year 2025/26 onwards; and
5. seek to provide information on HMOs across Northern Ireland, rather than just for the City of Belfast.

Delegated Matters

**THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN
PURSUANCE OF THE POWERS DELEGATED TO IT UNDER
STANDING ORDER 37(d)**

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

The Committee noted a list of applications which had been approved under the Council's Scheme of Delegation during December 2024.

Licences Issued Under Delegated Authority

The Committee noted a list of applications for licences which had, since its last meeting, been approved under the Council's Scheme of Delegation.

**Application for a Licence to operate a House
of Multiple Occupation for 15 Agincourt Street**

The Committee was reminded that, at its meeting on 20th November, 2024, it had heard the details of the application from Mr. Macauley to operate a House in Multiple Occupation at 15 Agincourt Street. At that meeting, the Committee had agreed to defer consideration of the application to enable officers to explore some of the issues which had been raised in relation to the application, particularly relating to property ownership and the previous licence application, and to present the information at a future meeting.

The HMO Manager explained that the property had had the benefit of an HMO Registration issued by the Housing Executive with a commencement date of 2nd June, 2014, in the name of Mr. John Macauley with an expiry date of 2nd June, 2019.

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Registrations issued by the NIHE became licences on 1st April, 2019, by virtue of the Transitional Provisions Order 2019.

On 19th April, 2019, an application was received from Ms. Mary Macauley which was subsequently granted in her name with an expiry date of 2nd June, 2024. In discussions prior to the introduction of the Houses in Multiple Occupation Act (Northern Ireland) 2016 ("2016 Act"), the Department for Social Development (now the Department for Communities) had expressed the view that regulation that was disproportionate and unduly onerous could impact costs, increased rents, and ultimately deter some HMO owners from applying for HMO licenses, putting occupiers at risk. It was therefore decided at that time that for renewal applications, proof of ownership from a solicitor or financial institution would not be required and would be based on a self-declaration in the application form. The Committee was advised that the NIHMO Unit carried out a 10% random check of HMO ownership.

The HMO licence had been granted to Ms. Macauley based on the self-declaration contained in the application form.

The Committee was advised that on 8th May, 2024, an application was received from Mr. John Macauley, and confirmation was received from his solicitor that Mrs. Macauley never owned the accommodation and ownership had been in the sole name of Mr. Macauley since 29th July, 2005.

Mr. Macauley submitted that, having regard to the specific circumstances of his application, the Council should exercise discretion and treat his application as a renewal. Senior Counsel's advice was sought and, having considered same, legal services had advised that, while it was not a straightforward area of interpretation, given the particular circumstances of the application, and in order to give effect to the proper legislative intent of the 2016 Act, as well as the need to avoid the Council being left vulnerable to Judicial Review challenge, the application should be considered a renewal of the existing licence.

The HMO Manager emphasised that the outcome was therefore not to exercise a discretion but to give effect to the true meaning of section 20 of the 2016 Act, given the particular circumstances of the case.

He outlined, therefore, that he was recommending that the Committee grant the application, as a renewal, in the terms applied for.

In response to a Member's question, the HMO Manager confirmed to the Committee that, from 1st April 2025, proof of title would be required with all HMO licence applications.

The Committee, having considered the legal advice provided in respect of the specific circumstances of the application, and noting that it should be treated as a renewal and not a new application, agreed to grant the licence to Mr. Macauley to operate a House of Multiple Occupation for 15 Agincourt Street.

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**Application for the Variation of 7-Day Annual
Entertainments Licence for Revolucion de Cuba**

The Committee noted that the application had been withdrawn by the applicant prior to the meeting.

Chairperson