

Public Document Pack

**Democratic Services Section
Legal and Civic Services Department
Belfast City Council
City Hall
Belfast
BT1 5GS**



**Belfast
City Council**

15th February, 2024

MEETING OF THE LICENSING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in Hybrid format on Wednesday, 21st February, 2024 at 5.15 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

AGENDA:

1. Routine Matters

- (a) Apologies
- (b) Minutes
- (c) Declarations of Interest

2. Delegated Matters

- (a) Licences Issued Under Delegated Authority (Pages 1 - 4)
- (b) Houses in Multiple Occupation (HMO) Licenses Issued Under Delegated Authority (Pages 5 - 8)
- (c) Application for a New Licence to operate a House of Multiple Occupation for 22 Penrose Street (Pages 9 - 28)
- (d) Application for a New Licence to operate a House of Multiple Occupation for 71 Eglantine Avenue (Pages 29 - 50)

3. Non-Delegated Matters

- (a) Pavement Cafe Licensing (Dfl in attendance for this item) (Pages 51 - 52)



Subject:	Licences Issued Under Delegated Authority
Date:	21st February, 2024
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	James Cunningham, Senior Licensing Officer, Ext. 3375

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
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	Under the Scheme of Delegation, the Director of Planning and Building Control is responsible for exercising all powers in relation to the issue, but not refusal, of Permits and Licences, excluding provisions relating to the issue of Licences where adverse representations have been made.
2.0	Recommendations
2.1	The Committee is requested to note the applications that have been issued under the Scheme of Delegation.

3.0	Main report																																																						
3.1	<p data-bbox="260 226 416 259"><u>Key Issues</u></p> <p data-bbox="260 293 1474 356">Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the following Entertainments Licences were issued since your last meeting.</p> <table border="1" data-bbox="292 389 1437 1951"> <thead> <tr> <th data-bbox="292 389 783 472">Premises and Location</th> <th data-bbox="783 389 995 472">Type of Application</th> <th data-bbox="995 389 1437 472">Applicant</th> </tr> </thead> <tbody> <tr> <td data-bbox="292 472 783 555">Allen Memorial Hall, 102-104 Cregagh Road, Belfast, BT6</td> <td data-bbox="783 472 995 555">Renewal</td> <td data-bbox="995 472 1437 555">Mr Jim McCurry</td> </tr> <tr> <td data-bbox="292 555 783 638">Ardoyne Working Mens Club, 9b Kerrera Street, Belfast, BT14 7FL.</td> <td data-bbox="783 555 995 638">Renewal</td> <td data-bbox="995 555 1437 638">Mr Brendan Mailey</td> </tr> <tr> <td data-bbox="292 638 783 721">Boucher Road Playing Fields, Boucher Road, Belfast, BT12 6E.</td> <td data-bbox="783 638 995 721">Renewal (Outdoor)</td> <td data-bbox="995 638 1437 721">Mr David Sales, Belfast City Council</td> </tr> <tr> <td data-bbox="292 721 783 804">Boucher Road Playing Fields, Boucher Road, Belfast, BT12 6E.</td> <td data-bbox="783 721 995 804">Renewal (Marquee)</td> <td data-bbox="995 721 1437 804">Mr David Sales, Belfast City Council</td> </tr> <tr> <td data-bbox="292 804 783 902">Casement Social Club, Casement Park, 88-100 Andersonstown Road, Belfast, BT11 9AN.</td> <td data-bbox="783 804 995 902">Renewal</td> <td data-bbox="995 804 1437 902">Ms Maria Toner</td> </tr> <tr> <td data-bbox="292 902 783 985">Crescent Arts Centre, 2-4 University Road, Belfast, BT7</td> <td data-bbox="783 902 995 985">Renewal</td> <td data-bbox="995 902 1437 985">Ms Sophie Hayles</td> </tr> <tr> <td data-bbox="292 985 783 1068">Cyprus Avenue, 228-230 Upper Newtownards Road, Belfast, BT4 3ET.</td> <td data-bbox="783 985 995 1068">Renewal</td> <td data-bbox="995 985 1437 1068">Mr Richard McCracken, Cyprus Avenue Ltd</td> </tr> <tr> <td data-bbox="292 1068 783 1151">Donegal Celtic Social Club, 32 Suffolk Road, Belfast, BT11 9RZ.</td> <td data-bbox="783 1068 995 1151">Renewal</td> <td data-bbox="995 1068 1437 1151">Mr Frank Campbell</td> </tr> <tr> <td data-bbox="292 1151 783 1234">Forthriver Bowling And Tennis Club, 104A Woodvale Road, Belfast, BT13 3BU.</td> <td data-bbox="783 1151 995 1234">Renewal</td> <td data-bbox="995 1151 1437 1234">Mr Thomas Taylor</td> </tr> <tr> <td data-bbox="292 1234 783 1339">Gallaher's Bar, Cityside Retail Park, 100-150 York Street, Belfast, BT15 1WA.</td> <td data-bbox="783 1234 995 1339">Renewal</td> <td data-bbox="995 1234 1437 1339">Mr Samuel Stranaghan, GILTA Ltd</td> </tr> <tr> <td data-bbox="292 1339 783 1422">Gilnahirk Presbyterian Church, Jack Britton Hall, 161 Gilnahirk Road, Belfast, BT5 7QP.</td> <td data-bbox="783 1339 995 1422">Renewal</td> <td data-bbox="995 1339 1437 1422">Ms Anne Milligan</td> </tr> <tr> <td data-bbox="292 1422 783 1505">Grand Central Hotel, 9-15 Bedford Street, Belfast, BT2 7EG.</td> <td data-bbox="783 1422 995 1505">Renewal</td> <td data-bbox="995 1422 1437 1505">Mr Peter Gibson, HHG No1 Ltd</td> </tr> <tr> <td data-bbox="292 1505 783 1588">Hatfield House, 128-130 Ormeau Road, Belfast, BT7 2EB.</td> <td data-bbox="783 1505 995 1588">Renewal</td> <td data-bbox="995 1505 1437 1588">Mr Kieran Cassidy, Cavanreagh Ltd</td> </tr> <tr> <td data-bbox="292 1588 783 1671">Knockbreda Parish Church Hall, Purdy's Lane, Newtownbreda, Belfast, BT8 7AR.</td> <td data-bbox="783 1588 995 1671">Renewal</td> <td data-bbox="995 1588 1437 1671">Mrs Wilma Chrusciak</td> </tr> <tr> <td data-bbox="292 1671 783 1753">Allen Memorial Hall, 102-104 Cregagh Road, Belfast, BT6 9ER.</td> <td data-bbox="783 1671 995 1753">Renewal</td> <td data-bbox="995 1671 1437 1753">Mr Jim McCurry</td> </tr> <tr> <td data-bbox="292 1753 783 1836">Malone Golf Club, 240 Upper Malone Road, Belfast, BT17 9LB.</td> <td data-bbox="783 1753 995 1836">Renewal</td> <td data-bbox="995 1753 1437 1836">Mr Patrick Dean</td> </tr> <tr> <td data-bbox="292 1836 783 1919">McGraths Bar, 78-82 Cliftonville Road, Belfast, BT14 6JZ.</td> <td data-bbox="783 1836 995 1919">Renewal</td> <td data-bbox="995 1836 1437 1919">Mr Peter McGrath</td> </tr> </tbody> </table>	Premises and Location	Type of Application	Applicant	Allen Memorial Hall, 102-104 Cregagh Road, Belfast, BT6	Renewal	Mr Jim McCurry	Ardoyne Working Mens Club, 9b Kerrera Street, Belfast, BT14 7FL.	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Mountainview Social Club, 8 Enfield Street, Belfast, BT13 3DH.	Renewal	Mr William McDonald
RAOB Headquarters Club & Institute, 17 Church Street, Belfast, BT1 1PG.	Renewal	Mr Robert Jameson
Shu Restaurant, 253-255 Lisburn Road, Belfast, BT9 7EN.	Renewal	Mr Alan Reid, Fine-Foods Ltd
St Finnian's Church Hall, 13-27 Cregagh Park, Belfast, BT6 9LF.	Renewal	Mr Jim Haughey
St Matthews Sports & Social Club, 25 Mountforde Road, Belfast, BT5	Renewal	Ms Frances Boyle
Stranmillis College Scholars Bar, Refectory Building, Stranmillis Road, Belfast, BT9 5DY.	Renewal	Mr Gerard Lamb, Stranmillis University College
The Black Box, 18-22 Hill Street, Belfast, BT1 2LA.	Renewal	Mr Neil Jacques, The Black Box Trust
The Malone, 54-64 Eglantine Avenue, Belfast, BT9 6DY.	Renewal	Miss Seanna Kerr
The SSE Arena, 2 Queens Quay, Belfast, BT3 9QQ.	Renewal	Mr Robert Fitzpatrick, OML Belfast Ltd
Town Square, 12-13 Lower Crescent, Belfast, BT7 1NR.	Renewal	Mr Ben Ringland, Victoria 1 Ltd
Whitecity Community Centre, Navarra Place, Belfast, BT36 7JX.	Grant	Ms Catherine Taggart, Belfast City Council
Woodvale Cricket Club, 19-21 Ballygomartin Road, Belfast, BT13 3LA.	Renewal	Mr Timothy Browne
Woodvale Park Bowling Pavilion, Woodvale Road, Belfast, BT13 3BW.	Renewal	Mr David Sales, Belfast City Council

3.2 Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 the following Amusement Permits were issued since your last meeting.

Premises and Location	Type of Application	Applicant
Funtime Amusements, 91 Castle Street, Belfast, BT1 1GJ.	Renewal	Mr Patrick Quinn, P & F Group Ltd

3.3 Under the terms of the Cinemas (Northern Ireland) Order 1991 no Cinema Licences were issued since your last meeting.

3.4 Under the terms of the Petroleum Consolidation Act 1929 the following Petroleum Licences were issued since your last meeting.

	Premises and Location	Type of Application	Applicant
	Beechlawn Filling Station, 124-126 Kingsway, Dunmurry, Belfast, BT17 9NP.	Renewal	Mr Alan Pollock, Maxol Oil Ltd
	Cooleys Filling Station, 200 Andersonstown Road, Belfast, BT11 9EB.	Renewal	Mr Conor Cooley, Cooleys Ltd
3.5	Under the terms of the Street Trading Act (Northern Ireland) 2001 no Street Trading Licences were issued since your last meeting.		
3.6	Under the terms of the Road Traffic Regulation (Northern Ireland) Order 1997 no Road Closure Orders were made since your last meeting.		
3.7	Under the terms of the Licensing of Pavement Cafés Act (Northern Ireland) 2014 no Pavement Café Licences were issued since your last meeting.		
	<u>Financial & Resource Implications</u>		
3.8	None		
	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>		
3.9	There are no issues associated with this report.		



Subject:	Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority
Date:	21st February, 2024
Reporting Officer:	Kevin Bloomfield, NIHMO Manager
Contact Officers:	Kevin Bloomfield, NIHMO Manager Helen Morrissey, City Protection Manager

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	Under the Scheme of Delegation, the Director of City & Neighbourhood Services Department is responsible for exercising all powers in relation to the issue and variation, but not refusal, of HMO Licences, excluding provisions relating to the issue of HMO Licences where adverse representations have been made. Those applications which were dealt with under the Scheme are listed below.
2.0	Recommendations
2.1	The Committee is requested to note the applications that have been issued under the Scheme of Delegation during January 2024.

3.0	Main report		
	<u>Key Issues</u>		
3.1	Under the terms of the Houses in Multiple Occupation Act (Northern Ireland) 2016 the following HMO Licences were issued during January 2024.		
	Premise Name	Licensee	Ward
			Housing Management Areas (HMAs)
	59 Balfour Avenue	Mr John McGrade	CENTRAL
	Flat 2, 6 Lawrence Street	Mrs Clare Ruddy	CENTRAL
	27 Melrose Street	Ms Paula Sands	WINDSOR
	7 Ridgeway Street	MLM PROPERTIES LTD	STRANMILLIS
	Flat 2, 92 Wellesley Avenue	Mrs June Henrietta Hodge	WINDSOR
	Flat 2, 32 Malone Avenue	Mr Adrian Keegan	WINDSOR
	73 Rugby Avenue	Mr Peter Donnelly	CENTRAL
	143a Stranmillis Road	Piney Developments Co. Ltd	STRANMILLIS
	12 Osborne Drive	Mr John Convery	MALONE
	9 Fitzwilliam Square	Mrs Jacqueline Lewis	CENTRAL
	314 Beersbridge Road	Mr Timothy Howe	BEERSBRIDGE
	131 Northbrook Street	Mr Gareth Cochrane	WINDSOR
	57 Palestine Street	Mr Colm McCandless	CENTRAL
	27 Burmah Street	Mr Richard Smyth	ORMEAU
	22 Fitzroy Avenue	Kilmore Property Ltd	CENTRAL
	76 Farnham Street	Mr James Foy	CENTRAL
	230 Duncairn Gardens	Yentac Ltd	NEW LODGE
	7 Malone Avenue	Mrs Patricia Mary Rice	WINDSOR
	47 Malone Avenue	Mr Michael Joseph Rice	WINDSOR
	Flat 3, 124 Malone Avenue	JMC Rentals Limited	WINDSOR
	Flat 2, 124 Malone Avenue	JMC Rentals Limited	WINDSOR
	Flat 2, 5 Magdala Street	Mr Gang Li	CENTRAL
	12 Ulsterville Gardens	House of Zen (Belfast) Ltd.	WINDSOR
	7 Magdala Street	Mr William Robert Gott	CENTRAL
	61 Wellesley Avenue	Ms Tara Cunningham	WINDSOR
			LOWER ORMEAU HMO 2/13
			HOLYLAND HMO 2/22
			EDINBURGH ST HMO 2/08
			STRANMILLIS HMO 2/19
			EGLANTINE HMO 2/09
			EGLANTINE HMO 2/09
			HOLYLAND HMO 2/22
			SANDYMOUNT HMO 2/17
			NONE
			HOLYLAND HMO 2/22
			NONE
			MEADOWBANK HMO 2/15
			HOLYLAND HMO 2/22
			BALLYNAFEIGH HMO 2/03
			HOLYLAND HMO 2/22
			LOWER ORMEAU HMO 2/13
			NONE
			EGLANTINE HMO 2/09
			EGLANTINE HMO 2/09
			EGLANTINE HMO 2/09
			EGLANTINE HMO 2/09
			HOLYLAND HMO 2/22
			ULSTERVILLE HMO 2/21
			HOLYLAND HMO 2/22
			EGLANTINE HMO 2/09

36 Surrey Street	Mr Patrick Anderson	WINDSOR	MEADOWBANK HMO 2/15
80 Cromwell Road	Mrs Kathleen Clarke	CENTRAL	HOLYLAND HMO 2/22
28 Sandymount Street	Glenburn Estates Ltd	STRANMILLIS	SANDYMOUNT HMO 2/17
Flat 2, 54 Sandymount Street	Glenburn Estates Ltd	STRANMILLIS	SANDYMOUNT HMO 2/17
13 Hatfield Street	Mrs Marie Cassidy	CENTRAL	LOWER ORMEAU HMO 2/13
Flat 2, 57 Eglantine Avenue Belfast Antrim BT9 6EW	Mr Patrick Morris	WINDSOR	EGLANTINE HMO 2/09
28 Belgravia Avenue	Mr John Connolly	WINDSOR	ULSTERVILLE HMO 2/21
15 Castlereagh Place	Mr John O'Callaghan	BEERSBRIDGE	NONE
15 Jerusalem Street	Mr John Flood	CENTRAL	HOLYLAND HMO 2/22
Flat 1, 57 Eglantine Avenue Belfast Antrim BT9 6EW	Mr Patrick Morris	WINDSOR	EGLANTINE HMO 2/09
3 Lisburn Avenue	Mr Hugh Annett	WINDSOR	ADELAIDE HMO 2/01
20 Burmah Street	Mrs Joan McCoy	ORMEAU	BALLYNAFEIGH HMO 2/03
55 Jerusalem Street	Mr Peter McCoy	CENTRAL	HOLYLAND HMO 2/22
63 Damascus Street	DIRNAN PROPERTIES LTD	CENTRAL	HOLYLAND HMO 2/22
31 Ponsonby Avenue	CMMC Developments Ltd	DUNCAIRN	NONE
142 Dunluce Avenue	Mrs Caroline O'Brien	WINDSOR	ULSTERVILLE HMO 2/21
55 Northbrook Street	Mrs Alison Stevenson	WINDSOR	EDINBURGH ST HMO 2/08

Financial & Resource Implications

3.2 None

Equality or Good Relations Implications/Rural Needs Assessment

3.3 There are no issues associated with this report.

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Subject:	Application for a New Licence to operate a House of Multiple Occupation for 22 Penrose Street, Belfast, BT7 1QX
Date:	21st February, 2024
Reporting Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910
Contact Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, City Solicitor, Ext. 6049

Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

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). <table border="1" style="width: 100%; margin-top: 10px; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">Premises</th> <th style="width: 25%;">Application No.</th> <th style="width: 25%;">Applicant(s)</th> <th style="width: 25%;">Managing Agents</th> </tr> </thead> <tbody> <tr> <td>22 Penrose Street, Belfast, BT7 1QX</td> <td>10568</td> <td>Mr Matthew Doyle</td> <td>None</td> </tr> </tbody> </table>	Premises	Application No.	Applicant(s)	Managing Agents	22 Penrose Street, Belfast, BT7 1QX	10568	Mr Matthew Doyle	None
Premises	Application No.	Applicant(s)	Managing Agents						
22 Penrose Street, Belfast, BT7 1QX	10568	Mr Matthew Doyle	None						
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.								
2.0	Recommendations								
2.1	Taking into account the information presented Committee is asked to hear from the Applicants and make a decision to either: <ul style="list-style-type: none"> (i) Grant the application, with or without any special conditions; or (ii) Refuse the application. <p><u>Notice of proposed decision</u></p>								
2.2	On the 17 January 2024, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 (“the 2016 Act”), officers issued a Notice of Proposed Decision. Appendix 2								

<p>2.3</p> <p>2.4</p> <p>2.5</p>	<p>The Notice of Proposed Decision stated that the council proposed to refuse the licence on the grounds of overprovision. A statement of reasons for the proposal was included in the Notice of Proposed Decision.</p> <p>If the application is refused, the Applicant has a right of appeal to the County Court. An appeal must be lodged within 28 days of formal notification of the Council’s decision.</p> <p>This decision is not subject to call-in, as the call-in period would exceed the time limit for determining the application pursuant to Sch. 2 para. 2 of the 2016 Act</p>
<p>3.0</p>	<p>Main report</p>
<p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p> <p>3.5</p> <p>3.6</p>	<p><u>Background</u></p> <p>The property had the benefit of an HMO licence issued by the Housing Executive in the name of the applicant which expired on the 19 August 2023. Due to an administrative oversight a reminder letter was not sent to the applicants informing them that their licence was about to expire.</p> <p>On the 24 September 2023 an HMO licence application was received from the owner of the accommodation.</p> <p><u>Key Issues</u></p> <p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that:</p> <ul style="list-style-type: none"> 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— <ul style="list-style-type: none"> (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. <p><u>Planning</u></p> <p>As this is a new application the Council’s Planning Service was consulted. It confirmed that full planning permission for use as an HMO was granted on 25 February 2008 with the planning reference Z/2008/0003/F.</p> <p><u>Fitness</u></p> <p>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.</p> <p>The NIHMO Unit has consulted with the following units within the Council’s City and Neighbourhood Services Department –</p>

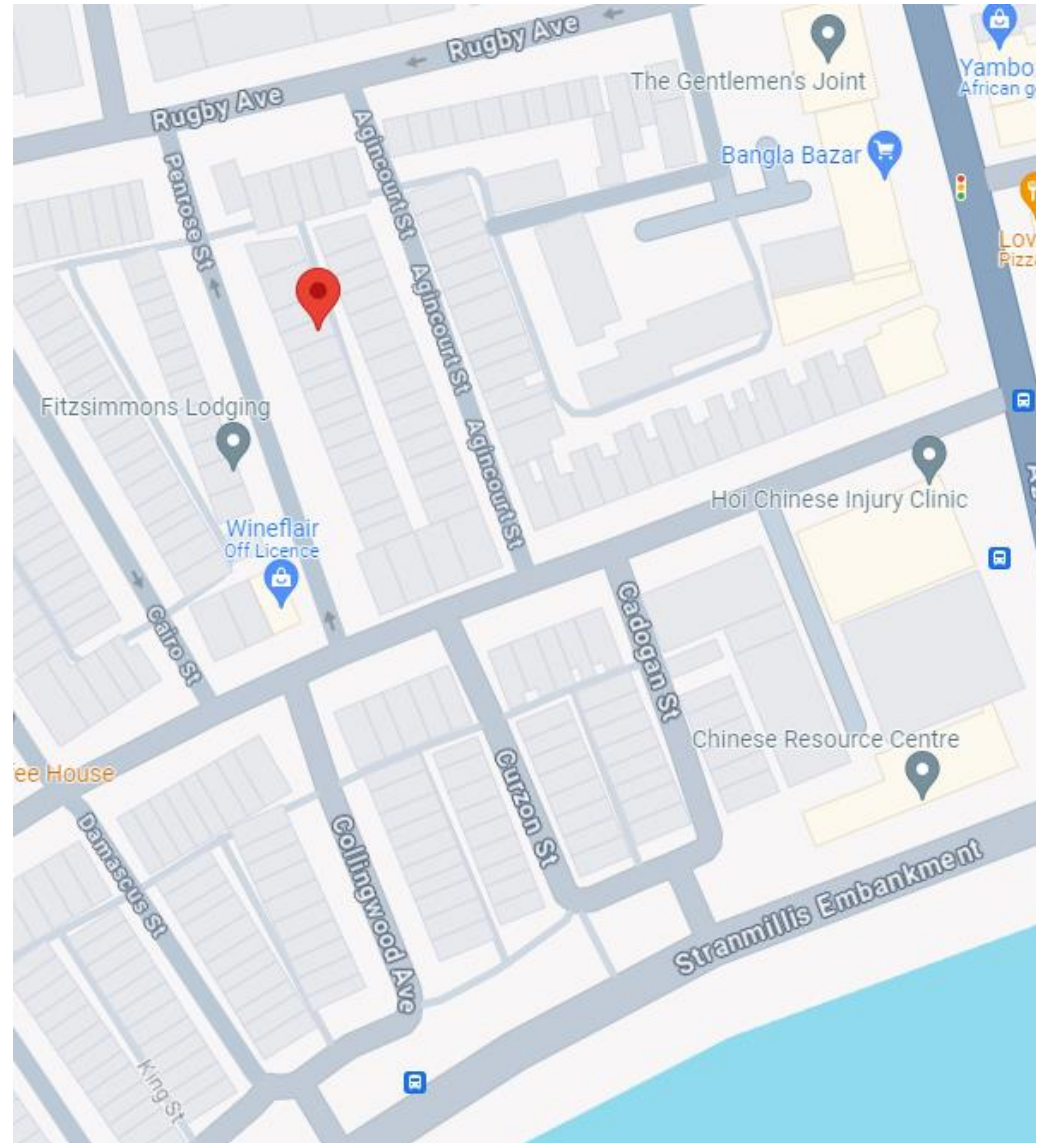
	<p>(a) Environmental Protection Unit (“EPU”) - who have confirmed that in relation to night-time noise that three noise warning notices were issued dated 30 August 2020, 16 August 2021 and 19 May 2022.</p> <p>(b) Environmental Protection Unit (“EPU”) - who have confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(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,</p> <p>(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,</p>
3.7	The applicant has confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.3 of this report.
3.8	The Applicant has 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.
3.9	Officers are not aware of any other issues relevant to the Applicant’s fitness.
	<u>Overprovision</u>
3.10	For the purpose of Section 12(2) of the 2016 Act. The Council has determined the locality of the accommodation, 6 Collingwood Avenue, Belfast, BT7 1QT as being Housing Management Areas (HMA) “HMA 2/22 Botanic, Holylands, Rugby” as defined in the document Belfast City Council’s Local Development Plan Strategy “2023 Strategy” which was formally adopted on the 2 May 2023.
3.11	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.
	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.
3.12	To inform the Council in its consideration of the above provisions, the Council has taken account of the 2023 Strategy given that <i>“Nurturing sustainable and balanced communities is a fundamental aim of the LDP’s housing policies.”</i>
3.13	In particular, the Council has considered Policy HOU10:-
	HOU10 states – <i>“Within designated HMAs, planning permission will only be granted for Houses in Multiple Occupation (HMOs) and/or flats/apartments where the total number of HMOs and flats/apartments combined would not as a result exceed 20% of all dwelling units within an HMA.”</i>

	<p>(a) The number and capacity of licensed HMOs in the locality</p>
3.14	<p>On the date of assessment, 17 January 2023, 90% of all dwelling units in policy area “HMA 2/22 Botanic, Holylands, Rugby” were made up of HMOs and flats/apartments, which in turn exceeds the 20% development limit as set out at Policy HOU10. There are 1095 (45%) licensed HMOs with a capacity of 4808 persons in HMA 2/22 Botanic, Holylands, Rugby.</p>
	<p>(b) The need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need.</p>
3.15	<p>The total number of dwelling units in a HMA is measured by Ordnance Survey’s Pointer database. There are a total of 2409 dwelling units HMA 2/22 Botanic, Holylands, Rugby.</p>
3.16	<p>On the 17 January 2024 out of 38 premises available for rent within the BT7 area on the website PropertyNews.com there were 11 licensed HMOs which from the information presented on the website represented 43 bed spaces. The HMO accommodation was available immediately to September 2024.</p>
3.17	<p>The fact that 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.</p>
3.18	<p>The Council recognises that there is a need for intensive forms of housing and to meet this demand, 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.</p>
3.19	<p>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.”</p>
3.20	<p>Anecdotal evidence from previous conversations with HMO managing agents suggest that that there is currently a lack of HMO accommodation available in this locality.</p>
	<p>Students moving out of HMO accommodation.</p>
3.21	<p>On the 7 December 2022 Ulster University Director of Campus Life told members of the Council’s City Growth and Regeneration Committee that there was an “increase in competition for HMO’s particularly from NIHE, Immigration Services and statutory agencies and there were increasing accommodation issues across the housing sector which required a holistic view and should include the consideration of international students, families and graduates looking for professional accommodation.”</p>
3.22	<p>However, QUB Director of Student Plus confirmed to members that the current trend indicated a significant move of students to purpose-built student accommodation blocks. She told members that there were 7,000 purpose built managed student accommodation (PBMSA) rooms in the city – the majority built since 2018 and approximately 5,000 in the city centre.</p>

3.23	November 2023 monitoring information produced by the Council's Planning Services for PBMSA indicates that 2055 bedspaces are currently under construction with an operational date of 2024, 92 bedspaces approved but construction hasn't commenced and 1426 bedspaces going through the planning process.
3.24	With the continued expansion of the PBMSA sector and students transitioning from private rentals to PBMSAs, it is too early to tell whether the increased competition from non-students for HMOs is a temporary problem (which can be managed by the contraction in students residing in existing HMO accommodation within the locality) or evidence of an emerging long-term supply issue.
Section 8(2)(d) of the 2016 Act	
3.25	In assessing the number and capacity of licensed 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.
<u>Objections</u>	
3.26	No objections were received in relation to this application.
<u>Attendance</u>	
3.27	The applicant and/or their representatives will be available to discuss any matters relating to the licence application should they arise during your meeting.
<u>Suitability of the premises</u>	
3.29	The accommodation was certified as complying with the physical standards for an HMO for 3 persons by a technical officer from the NIHMO service, on the 23 November 2023.
<u>Notice of proposed decision</u>	
3.30	On the 17 January 2024, 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 2
3.31	The Notice of Proposed Decision stated that the council proposed to refuse the licence on the grounds of overprovision. A statement of reasons for the proposal was included in the Notice of Proposed Decision.
<u>Applicant's response to the notice of proposed decision</u>	
3.32	At the date of preparing this report the owner had not made any representations following the issue of the notice of proposed decision
<u>Financial and Resource Implications</u>	
3.33	None. The cost of assessing the application and officer inspections are provided for within existing budgets.
<u>Equality and Good Relations Implications</u>	
3.34	There are no equality or good relations issues associated with this report.

	Appendices – Documents Attached
	Appendix 1 – Location Map Appendix 2 – Notice of Proposed Decision.

Appendix 1 – External Photograph and Location Map – 22 Penrose Street, Belfast, BT7 1QX



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By virtue of paragraph(s) 3 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

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Subject:	Application for a New Licence to operate a House of Multiple Occupation for 71 Eglantine Avenue, Belfast, BT9 6EW
Date:	21 February 2024
Reporting Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910
Contact Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, City Solicitor, Ext. 6049

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 an application for a Licence permitting the use of premises as a House in Multiple Occupation (HMO). <table border="1" style="width: 100%; margin-top: 10px;"> <thead> <tr> <th style="width: 30%;">Premises</th> <th style="width: 20%;">Application No.</th> <th style="width: 30%;">Applicant(s)</th> <th style="width: 20%;">Managing Agents</th> </tr> </thead> <tbody> <tr> <td>71 Eglantine Avenue, Belfast, BT9 6EW</td> <td>10707</td> <td>S & B Properties (N.I.) Ltd</td> <td>Mr Brian Hallihan</td> </tr> </tbody> </table>	Premises	Application No.	Applicant(s)	Managing Agents	71 Eglantine Avenue, Belfast, BT9 6EW	10707	S & B Properties (N.I.) Ltd	Mr Brian Hallihan
Premises	Application No.	Applicant(s)	Managing Agents						
71 Eglantine Avenue, Belfast, BT9 6EW	10707	S & B Properties (N.I.) Ltd	Mr Brian Hallihan						
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.								
2.0	Recommendations								
2.1	Taking into account the information presented Committee is asked to hear from the Applicants and make a decision to either: <ul style="list-style-type: none"> (i) Grant the application, with or without any special conditions; or (ii) Refuse the application. <p><u>Notice of proposed decision</u></p>								
2.2	On the 1 February 2024, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 (“the 2016 Act”), Officers issued a Notice of								

	Proposed Decision. Appendix 2
2.3	The Notice of Proposed Decision stated that the council proposed to refuse the licence on the grounds of overprovision . A statement of reasons for the proposal was included in the Notice of Proposed Decision.
2.4	If the application is refused, the Applicant has a right of appeal to the County Court. An appeal must be lodged within 28 days of formal notification of the Council's decision.
3.0	Main report
	<u>Background</u>
3.1	The property had the benefit of an HMO licence issued by the Housing Executive in the name of the previous owner (who is a director of S & B Properties (N.I.) Ltd) and was scheduled to expire on 10 June 2023.
3.2	On the 2 October 2020, the applicant purchased the property and in accordance with section 28(2) of the Houses in Multiple Occupation Act (NI) 2016, the existing licence ceased to have effect on the date ownership transferred.
3.3	On the 24 April 2023, an application for a new HMO licence was received from S & B Properties (N.I.) Ltd which was subsequently rejected on 05 May 2023 as the Council could not be satisfied that the occupation of the living accommodation as an HMO would not constitute a breach of planning control.
3.4	As application for a temporary exemption notice was granted on the 30 August 2023 and subsequently extended until 1 March 2024
3.5	On the 14 November 2023, an HMO licence application was received from the owner of the accommodation. If the new owner had of applied for a licence before the change of ownership took place, the licence which was already in effect in respect of the HMO would have been treated as being held by the new owner until such time as their application had of been determined.
	<u>Key Issues</u>
3.6	Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that: <ul style="list-style-type: none"> 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— <ul style="list-style-type: none"> (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.
	<u>Planning</u>
3.7	As this is a new application the Council's Planning Service was consulted. It confirmed that a Certificate of Lawful Existing Use or Development ("CLEUD") was granted on 10 November 2023 with the planning reference LA04/2023/3222/CLUED

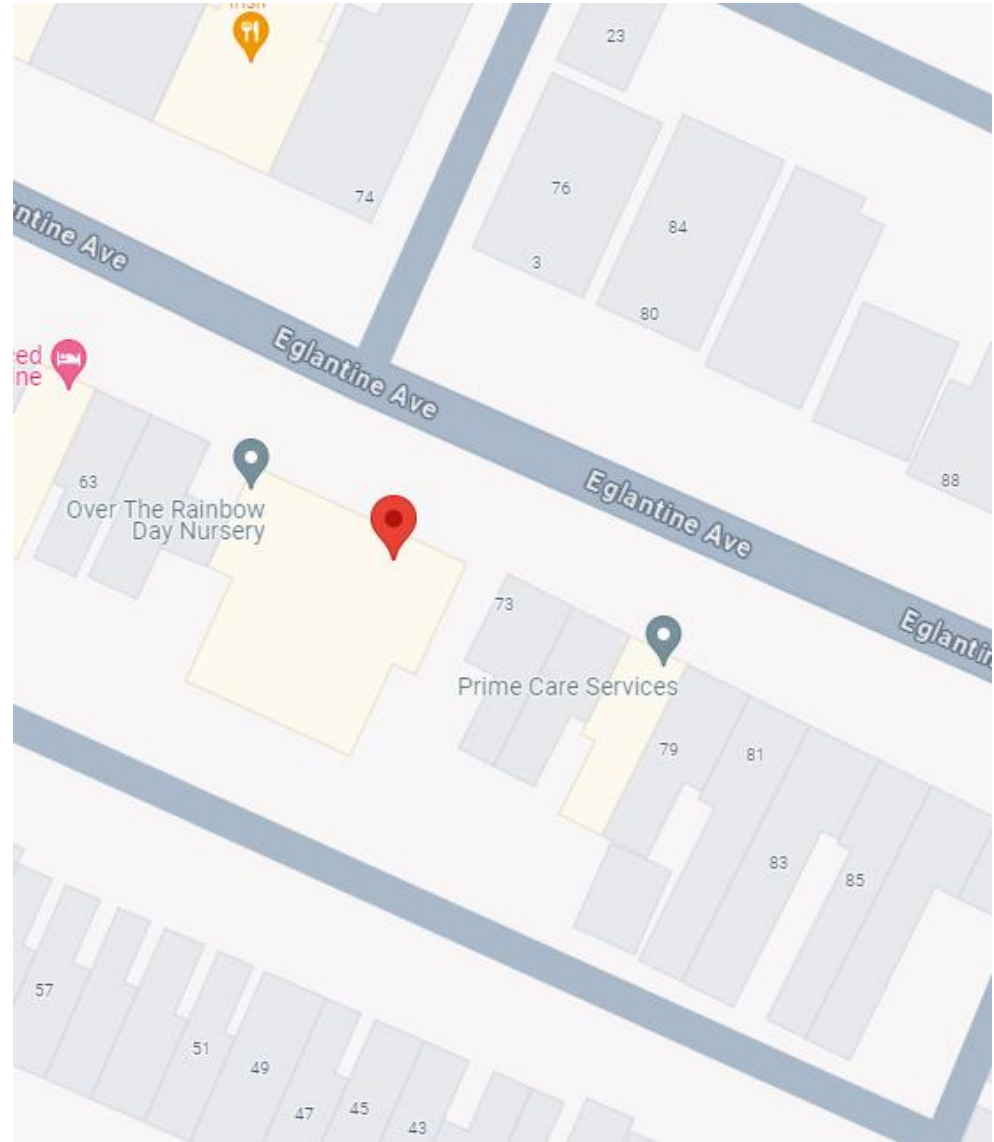
	<p><u>Fitness</u></p>
3.8	When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision 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.
3.9	The NIHMO Unit has consulted with the following units within the Council's City and Neighbourhood Services Department –
3.10	(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,
3.11	(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,
3.12	(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,
3.13	(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,
3.14	The directors of S & B Properties (N.I.) Ltd have confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.3 of this report.
3.15	S & B Properties (N.I.) Ltd or the directors thereof 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.
	<p><u>Overprovision</u></p>
3.16	For the purpose of section 12(2) of the 2016 Act. The Council has determined the locality of the accommodation, 71 Eglantine Avenue, Belfast, BT9 6EW as being Housing Management Areas (HMA) “HMA 2/09 Eglantine” as defined in the document Belfast City Council's Local Development Plan Strategy “2023 Strategy” which was formally adopted on the 2 May 2023.
3.17	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.
3.18	In making this decision the Council has had regard to: <ul style="list-style-type: none"> (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.
3.19	To inform the Council in its consideration of the above provisions, the Council has taken account of the 2023 Strategy given that <i>“Nurturing sustainable and balanced communities is</i>

	<i>a fundamental aim of the LDP's housing policies.”</i>
3.20	In particular, the Council has considered Policy HOU10:- HOU10 states – <i>“Within designated HMAs, planning permission will only be granted for Houses in Multiple Occupation (HMOs) and/or flats/apartments where the total number of HMOs and flats/apartments combined would not as a result exceed 20% of all dwelling units within an HMA.”</i>
	(a) The number and capacity of licensed HMOs in the locality
3.21	On the date of assessment, 1 February 2024, 95% of all dwelling units in policy area “HMA 2/09 Eglantine” were made up of HMOs and flats/apartments, which in turn exceeds the 20% development limit as set out at Policy HOU10.
3.22	There are 259 (22%) licensed HMOs with a capacity of 1297 persons in “HMA 2/09 Eglantine”.
	(b) The need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need.
3.23	The total number of dwelling units in a HMA is measured by Ordnance Survey’s Pointer database. There are a total of 1175 dwelling units “HMA 2/09 Eglantine”.
3.24	On the 1 February 2024 out of 69 premises available for rent within the BT9 area on the website PropertyNews.com there was 9 licensed HMOs which from the information presented on the website represented 40 bed spaces. The HMO accommodation was available immediately until September 2024
3.25	The fact that 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.
3.26	The Council recognises that there is a need for intensive forms of housing and to meet this demand, 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.
3.27	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.”
3.29	Anecdotal evidence from previous conversations with HMO managing agents suggest that that there is currently a lack of HMO accommodation available in this locality.
	Students moving out of HMO accommodation.
3.30	On the 7 December 2022 Ulster University Director of Campus Life told members of the Council’s City Growth and Regeneration Committee that there was an “increase in competition for HMO’s particularly from NIHE, Immigration Services and statutory agencies and there were increasing accommodation issues across the housing sector which required a holistic view and should include the consideration of international students, families and graduates looking for professional accommodation.”

3.31	However, QUB Director of Student Plus confirmed to members that the current trend indicated a significant move of students to purpose-built student accommodation blocks. She told members that there were 7,000 purpose built managed student accommodation (PBMSA) rooms in the city – the majority built since 2018 and approximately 5,000 in the city centre.
3.32	November 2023 monitoring information produced by the Council's Planning Services for PBMSA indicates that 2055 bedspaces are currently under construction with an operational date of 2024, 92 bedspaces approved but construction hasn't commenced and 1426 bedspaces going through the planning process.
3.33	With the continued expansion of the PBMSA sector and students transitioning from private rentals to PBMSAs, it is too early to tell whether the increased competition from non-students for HMOs is a temporary problem (which can be managed by the contraction in students residing in existing HMO accommodation within the locality) or evidence of an emerging long-term supply issue.
Section 8(2)(d) of the 2016 Act	
3.34	In assessing the number and capacity of licensed 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.
<u>Objections</u>	
3.35	No objections were received in relation to this application.
<u>Attendance</u>	
3.36	The applicant and/or their representatives will be available to discuss any matters relating to the licence application should they arise during your meeting.
<u>Suitability of the premises</u>	
3.37	The accommodation was inspected by a technical officer from the NIHMO service on the 24 November 2023 and was broadly compliant, some minor works remained to be completed.
<u>Notice of proposed decision</u>	
3.38	On the 1 February 2024, 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 2
3.39	The Notice of Proposed Decision stated that the council proposed to refuse the licence on the grounds of overprovision. A statement of reasons for the proposal was included in the Notice of Proposed Decision.
<u>Applicant's response to the notice of proposed decision</u>	
3.40	The applicant provided a response to the notice of proposed decision on the 14 February 2024. Appendix 3

3.41	<p><u>Financial and Resource Implications</u></p> <p>None. The cost of assessing the application and officer inspections are provided for within existing budgets.</p>
3.42	<p><u>Equality and Good Relations Implications</u></p> <p>There are no equality or good relations issues associated with this report.</p>
	<p>Appendices – Documents Attached</p>
	<p>Appendix 1 – Location Map Appendix 2 – Notice of Proposed Decision. Appendix 3 – Applicants response to the notice of proposed decision.</p>

Appendix 1 – External Photograph and Location Map – 71 Eglantine Avenue, Belfast, BT9 6EW



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By virtue of paragraph(s) 3 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

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Subject:	Pavement Café Licensing
Date:	21 February 2024
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	James Cunningham, Senior Licensing Officer, ext. 3375

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
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	The Committee, at your meeting of 17 January 2024, agreed that the Department of Infrastructure – Roads be invited to a future meeting to discuss its forthcoming guidance in respect of Pavement Cafés.
2.0	Recommendations
2.1	The Committee is asked to note the update from DfI Roads on their Pavement Cafes Guidance.
3.0	Main report
3.1	Members will recall that you had invited representatives from the Inclusive Mobility and Transport Advisory Committee (Imtac), Guide Dogs NI and the Federation of Small Businesses (FSB) NI to your meeting in January.

<p>3.2</p> <p>3.3</p> <p>3.4</p> <p>3.5</p>	<p>Both Imtac and Guide Dogs NI had a variety of concerns over matters such as how Pavement Cafes would affect footway widths, the approach to tactile paving and how pavement cafes will be enclosed.</p> <p>At your meeting it was discussed that DFI Roads was currently engaging with Councils and representatives of disability groups on a Northern Ireland wide guidance document to assist DFI staff, Councils and stakeholders in assessing pavement café licence applications in relation to highway considerations.</p> <p>Council officers recently attended a consultation meeting convened by DfI Roads concerning their draft guidance and it is the intention that any finalised technical guidance document produced by DfI will be reflected in the Council’s technical guidance.</p> <p>At your meeting last month, the Committee agreed that DFI Roads be invited to a future meeting to discuss its forthcoming guidance in respect of Pavement Cafés and a representative from the Department is available to provide an update for Members.</p>
<p>4.0</p> <p>4.1</p>	<p><u>Financial and Resource Implications</u></p> <p>None associated with this report.</p>
<p>5.0</p> <p>5.1</p> <p>5.2</p>	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>In June 2020, Belfast City Council introduced a temporary process for considering pavement café applications to assist the hospitality sector during the recovery period following the Covid-19 pandemic lockdown. This temporary licensing scheme was subject to an equality screening exercise prior to its introduction and the screening process was reviewed again in 2021. In September 2023, Council agreed that the temporary scheme would expire on 31 December 2023 and a permanent scheme was to be introduced.</p> <p>Following this agreement and prior to the public consultation, a further equality screening process and rural needs assessment were undertaken for the transition to the permanent scheme and associated guidance. These draft documents were consulted on as part of the public consultation process, and issues raised through both the public consultation and targeted engagement sessions in the last quarter of 2023 and the ongoing further consultation process are being explored and will continue to be factored into the review of the scheme, guidance, and draft screening documents as appropriate.</p>