



Subject:	Application for a New Licence to operate a House of Multiple Occupation for 49 Atlantic Avenue, Belfast, BT15 2HN
Date:	19 June 2024
Reporting Officer:	Kevin Bloomfield, HMO Unit Manager
Contact Officer:	Kevin Bloomfield, HMO Unit Manager Cormac McLaughlin, Solicitor,

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"><thead><tr><th>Premises</th><th>Application No.</th><th>Applicant(s)</th><th>Managing Agents</th></tr></thead><tbody><tr><td>49 Atlantic Avenue, Belfast, BT15 2HN</td><td>10792</td><td>Mrs Orla Carragher and Stephen Carragher</td><td>None</td></tr></tbody></table>	Premises	Application No.	Applicant(s)	Managing Agents	49 Atlantic Avenue, Belfast, BT15 2HN	10792	Mrs Orla Carragher and Stephen Carragher	None
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49 Atlantic Avenue, Belfast, BT15 2HN	10792	Mrs Orla Carragher and Stephen Carragher	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 Applicant and make a decision to either: (i) Grant the application, with or without any special conditions; or (ii) Refuse the application. <u>Notice of proposed decision</u>								
2.2	On the 29 May 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 which expired on the 13 June 2022. Reminder letters were sent to the licence holder on 19 January 2022 and 18 May 2022 informing them of the need to renew the HMO licence before the expiry of the existing licence.
3.2	On the 19 May 2022 an HMO licence application was received from the owner of the accommodation to renew the licence. The NIHMO Unit ceased to consider the application as the owner failed to comply with Regulation 2 of The Houses in Multiple Occupation (Notice of Application) Regulations (Northern Ireland) 2019 which requires them within seven days of submitting the application, the applicant must publish information of the application in one or more newspapers, circulating in the locality of the HMO and provide a copy to the NIHMO Unit. A reminder of the requirement to publish the notice was sent in advance of the service ceasing to consider the application.
3.3	On the 10 August 2022 an incomplete application for a Temporary Exemption Notice "TEN" was received and subsequently refused the same day. A further TEN application was received On the 22 August 2022 and approved the following day, an extension to the TEN was approved on the 25 October 2022 which expired on the 25 January 2023. No further extension to the TEN are permitted under the 2016 Act.
3.4	On the 5 December 2022 an HMO licence application was received from the owner of the accommodation which was rejected on 15 December 2022 for breach of planning control
3.5	A further licence application was received on the 12 December 2023
	<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 03 February 2023 with the planning reference LA04/2022/2148/CLEUD

Fitness

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.

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,

3.9 The applicant has confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.3 of this report.

3.10 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.

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

Overprovision

3.12 For the purpose of Section 12(2) of the 2016 Act. The Council has determined the locality of the accommodation, **49 Atlantic Avenue, Belfast, BT15 2HN** as being Housing Management Areas (HMA) "HMA 2/02 Atlantic" as defined in the document Belfast City Council's Local Development Plan Strategy "2023 Strategy" which was formally adoption on the 2 May 2023.

3.13 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.

3.14 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.

3.15	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>
3.16	<p>In particular, the Council has considered Policy HOU10:-</p> <p>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> <p>(a) The number and capacity of licensed HMOs in the locality</p>
3.17	<p>On the date of assessment, 28 May 2024, 60% of all dwelling units in policy area HMA 2/02 Atlantic were made up of HMOs and flats/apartments, which in turn exceeds the 20% development limit as set out at Policy HOU10. There are 2 (1%) licensed HMOs with a capacity of 10 persons in HMA 2/02 Atlantic.</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>
3.18	The total number of dwelling units in a HMA is measured by Ordnance Survey’s Pointer database. There are a total of 161 dwelling units in HMA 2/02 Atlantic
3.19	On the 28 May 2024 out of 11 premises available for rent within the BT15 area on the website PropertyNews.com there were 2 bedspaces available within licensed HMOs. The HMO accommodation was available immediately.
3.20	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.
3.21	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.
3.22	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.”
3.23	<p>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.</p> <p><u>Objections</u></p>
3.24	No objections were received in relation to this application.

	<p><u>Attendance</u></p> <p>3.25 The applicant and/or their representatives will be available to discuss any matters relating to the licence application should they arise during your meeting.</p> <p><u>Suitability of the premises</u></p> <p>3.26 The accommodation was inspected by an officer from the NIHMO Unit on the 26 February 2024 at which time it was established that the rear return bedroom was below the minimum 6.5m² requirement.</p> <p><u>Notice of proposed decision</u></p> <p>3.27 On the 29 May 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</p> <p>3.29 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><u>Applicant's response to the notice of proposed decision</u></p> <p>3.30 At the time of writing this report no representations had been received on behalf of the applicant.</p> <p><u>Financial and Resource Implications</u></p> <p>3.31 None. The cost of assessing the application and officer inspections are provided for within existing budgets.</p> <p><u>Equality and Good Relations Implications</u></p> <p>3.32 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.</p>