



Subject:	Application for a New Licence to operate a House of Multiple Occupation for Flat 3, 27 Cromwell Road, Belfast, BT7 1JW
Date:	21 May 2025
Reporting Officer:	Kevin Bloomfield HMO Unit Manager
Contact Officer:	Kevin Bloomfield HMO Unit Manager Nora Largey City Solicitor,

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.	
Insert number <input type="text"/>	
<ol style="list-style-type: none">1. Information relating to any individual2. Information likely to reveal the identity of an individual3. Information relating to the financial or business affairs of any particular person (including the council holding that information)4. Information in connection with any labour relations matter5. Information in relation to which a claim to legal professional privilege could be maintained6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction7. Information on any action in relation to the prevention, investigation or prosecution of crime	
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="checked" type="checkbox"/> x 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).			
	Premises	Application No.	Applicant(s)	Managing Agents
	Flat 3, 27 Cromwell Road, Belfast, BT7 1JW	12003	Mrs Barbara Blundell	None
	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:			
	<div>(i) Grant the application, with or without any special conditions; or</div> <div>(ii) Refuse the application.</div>			
	<u>Notice of proposed decision</u>			
2.2	On the 21 March 2025, 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			
3.0	Particulars of the application			
	<u>Background</u>			
3.1	The property had the benefit of an HMO licence issued by the Council with a start date of 11 March 2020 and an expiry date of the 11 March 2025 in the name of Mr. Derek Blundell.			
3.2	Mr. Blundell died on the 12 April 2023			
3.3	In accordance with Section 29 “Death of sole licence holder: effect on licence” of the Houses in Multiple Occupation Act (Northern Ireland) 2016 where a sole licensee dies, the HMO licence is to be treated as being held, from the date of death, by the licensee’s personal representatives, but ceases to have effect 3 months after that date.			
3.4	The Council may on the application from the personal representatives of the licensee, extend the period for which the licence has effect beyond the 3-month period if the council considers that it is reasonable to do so for the purpose of winding up the licensee's estate.			

3.5	The Council was not made aware of Mr. Blundell's death at the time, nor did we receive an application to extend the period for which the licence has effect and as such the licence ceased to have effect on the 12 July 2023.
3.6	An application for a new HMO licence was received from Mrs. Barbara Blundell on the 31 October 2024.
3.7	Following the submission of the HMO licence officers established that ownership of the property transferred to Mrs. Barbara Blundell via a deed of family arrangement in November 2003
3.8	A temporary exemption notice "TEN" was applied for on the 09 March 2025 and subsequently granted on the 22 April 2025
	<u>Key Issues</u>
3.9	<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.
	<u>Planning</u>
3.10	As this is a new application the Council's Planning Service was consulted. It confirmed that no planning permission or a Certificate of Lawful Existing Use or Development ("CLEUD") had been granted for the property, however following an assessment of tenancy agreements submitted by the applicant officers are satisfied that the occupation of the living accommodation as an HMO would not constitute a breach of planning control
	<u>Fitness</u>
3.11	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.
3.12	<p>The NIHMO Unit has consulted with the following units within the Council's City and Neighbourhood Services Department –</p> <ul style="list-style-type: none"> (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,

	<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>
3.13	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.
3.14	Officers are not aware of any other issues relevant to the fitness of the applicant or manager
	<u>Overprovision</u>
3.15	For the purpose of Section 12(2) of the 2016 Act, the Council has determined the locality of the accommodation, Flat 3, 27 Cromwell Road, Belfast, BT7 1JW 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.
3.16	<p>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:</p> <p>(a) the number and capacity of licensed HMOs in the locality</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>
3.17	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>
3.18	<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>
3.19	<p>On the date of assessment, 05 March 2025, 88% 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 1142 (46%) licensed HMOs with a capacity of 4795 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>
3.20	The total number of dwelling units in a HMA is measured by Ordnance Survey's Pointer database. There are a total of 2476 dwelling units in HMA 2/22 Botanic, Holylands, Rugby.

3.21	On the 05 March 2025 out of 281 premises available for rent within the BT7 area on the website PropertyNews.com there were 162 licensed HMOs which from the information presented on the website represented 688 bed spaces. The HMO accommodation was available immediately to early October 2025.
3.22	The fact that the use of the property as an HMO would not constitute a breach of planning control is a relevant consideration in determining whether the grant of this licence will result in overprovision.
3.23	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.
3.24	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.”
	Students moving out of HMO accommodation.
3.25	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.”
3.26	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.
3.27	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.
3.28	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
3.29	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.

3.30	<p>The Committee may consider that in the circumstances, namely that the premises had previously operated as a licensed HMO and remains occupied as an HMO until the 22 July 2025 in accordance with the provisions of the temporary exemption notice which is in place, that the grant of this licence would not result in overprovision notwithstanding the proposed refusal by officers.</p> <p><u>Section 29: Death of sole licence holder: effect on licence</u></p>
3.31	<p>Section 29 of the 2016 Act transfers the licence of a deceased sole licence-holder to that person's executor. The licence expires three months after the date of death, unless the council is satisfied that it is reasonable to extend it in order to wind up the holder's estate.</p>
3.32	<p>The restricting factor in section 29 is the requirement for the Council to be notified of the death of the sole licence-holder. Counsel's advice was sought and obtained on this issue, and Legal Services has confirmed that there may be some scope to grant an extension to the three-month period that is triggered by the death of an owner under section 29. Although section 29(3) provides that any application for an extension "<u>must be made</u> within the [three-month] period", there is authority to suggest that mandatory time-limits can be read flexibly where the balance between public and private interests merits such an approach.</p>
3.33	<p>In this case, it is a matter for the Council to decide where the balance is to be struck between those interests in the circumstances of this particular application.</p> <p><u>Objections</u></p>
3.34	<p>No objections were received in relation to this application.</p> <p><u>Attendance</u></p>
3.35	<p>The owners of the HMO 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>
3.36	<p>The accommodation was inspected on the 14 January 2025 at which time it complied with the physical standards for an HMO for 3 persons.</p> <p><u>Notice of proposed decision</u></p>
3.37	<p>On the 21 March 2025, 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>
3.38	<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><u>Representation from McCann & McCann Solicitors on behalf of the applicant</u></p>
3.39	<p>On the 08 May 2025 McCann & McCann Solicitors submitted a written response to the notice of proposed decision (Appendix 3).</p>

3.40	This cited the protracted illness of Mr Derek Blundell and his subsequent death in 2023. To compound these difficulties, Mr Derek Blundell's Will could not be found and his wife, the Applicant, had to go through intestacy rules with her Solicitor to obtain a Grant of Probate.
3.41	The representations also referred to the property always operated as an HMO and currently meets all the standards required under the HMO legislation and state that the "only issue in this case was that the Applicant did not make the application to transfer the HMO Licence from her husband's name into her own name, within three months of his death."
3.42	The representation also points to a decision of the licensing committee in June 2022 whereby the committee took the decision to grant an HMO licence in similar circumstances.
	<u>Officer comments on section 29: Death of sole licence holder: effect on licence</u>
3.43	Section 29 of the 2016 Act transfers the licence of a deceased sole licence-holder to that person's executor. The licence expires three months after the date of death, unless the council is satisfied that it is reasonable to extend it in order to wind up the holder's estate.
3.44	The restricting factor in section 29 is the requirement for the Council to be notified of the death of the sole licence-holder. Legal Services has confirmed that there may be some scope to grant an extension to the three-month period that is triggered by the death of an owner under section 29. Although section 29(3) provides that any application for an extension "must be made within the [three-month] period", there is authority to suggest that mandatory time-limits can be read flexibly where the balance between public and private interests merits such an approach.
3.45	In this case, it is a matter for members to decide where the balance is to be struck. Should members consider it reasonable in the circumstances, they might be minded to exercise their discretion and extend the 3 month period under section 29. In that case, the licence would remain extant and granting this application would not amount to overprovision.
3.46	It is also worth noting that the Department for Communities confirmed in their June 2023 Review that it proposes extending the 3-month time limit to one year.
4.0	Financial and Resource Implications
4.1	None. The cost of assessing the application and officer inspections is provided for within existing budgets.
	<u>Equality and Good Relations Implications</u>
4.2	There are no equality or good relations issues associated with this report.
5.0	Equality or Good Relations Implications / Rural Needs Assessment
5.1	There are no equality or good relations issues associated with this report.
6.0	Appendices – Documents Attached
	Appendix 1 – Location Map Appendix 2 – Notice of Proposed Decision. Appendix 3 – Representations from McCann & McCann Solicitors