

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



**Belfast
City Council**

17th November, 2020

MEETING OF LICENSING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet via Microsoft Teams on Wednesday, 18th November, 2020 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

AGENDA:

1. Routine Matters

- (a) Apologies
- (b) Minutes
- (c) Declarations of Interest
- (d) Schedule of Meetings 2021 (Pages 1 - 2)
- (e) Verbal Update - Requests to Address the Licensing Committee

2. Delegated Matters

- (a) Licences Issued Under Delegated Authority (Pages 3 - 6)
- (b) Designation of New Street Trading Sites (Pages 7 - 10)
- (c) Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority (Pages 11 - 14)

- (d) Applications for the renewal of a Licence to operate a House of Multiple Occupation for 22 Sandymount Street (Pages 15 - 36)
- (e) Applications for the renewal of a Licence to operate a House of Multiple Occupation for 24 Sandymount Street (Pages 37 - 58)
- (f) Applications for the renewal of a Licence to operate a House of Multiple Occupation for 25 Sandhurst Gardens (Pages 59 - 80)
- (g) Applications for the renewal of a Licence to operate a House of Multiple Occupation for 70 Sandhurst Drive (Pages 81 - 102)
- (h) Applications for the renewal of a Licence to operate a House of Multiple Occupation for 38 St Albans Gardens (Pages 103 - 122)
- (i) Application for the grant of a New Licence to operate a House of Multiple Occupation at 23 Pakenham Street (Pages 123 - 142)

3. **Non-Delegated Matters**

- (a) Amendment of the Scheme of Delegation to delegate authority to determine some renewal applications with objections (Pages 143 - 144)



Belfast
City Council

LICENSING COMMITTEE

Subject:	Schedule of Meetings 2021
Date:	18th November, 2020
Reporting Officer:	Carolyn Donnelly, Democratic Services Officer
Contact Officer:	Carolyn Donnelly, Democratic Services Officer

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
	To advise the Committee of the dates and times of the meetings of the Licensing Committee between January and December, 2021.
2.0	Recommendations
	The Committee is requested to approve the schedule of meetings for the Licensing Committee as outlined.
3.0	Main report
	<u>Key Issues</u>
3.1	The monthly meeting of the Licensing Committee is normally held at 5pm on the 3rd Wednesday of each month.

3.2	Accordingly, the following dates have been identified for meetings of the Licensing Committee for the period from January to December, 2021.
3.3	<ul style="list-style-type: none"> • Wednesday, 20th January • Wednesday, 17th February • Wednesday, 10th March • Wednesday, 21st April • Wednesday, 19th May • Wednesday, 16th June • Wednesday, 18th August • Wednesday, 15th September • Wednesday, 20th October • Wednesday, 17th November • Wednesday, 15th December <p>(All meetings will commence at 5pm)</p>
3.5	<p><u>Financial and Resource Implications</u></p> <p>None associated with this report.</p>
3.6	<p><u>Equality or Good Relations Implications</u></p> <p>None associated with this report.</p>
4.0	<p>Appendices – Documents Attached</p> <p>None associated with this report.</p>



Subject:	Licences Issued Under Delegated Authority
Date:	18 November 2020
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, 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 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 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.

3.0Main report

Key Issues

3.1Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the following Entertainments Licences were issued since your last meeting.

Premises and Location	Type of Application	Applicant
Mountpottinger Presbyterian Church, 1a Castlereagh Street, Belfast, BT5 4NE.	Renewal	Mr Trevor Gill, The Bright Umbrella Drama Co
Malmaison Hotel, 34-38 Victoria Street, Belfast, BT1 3GH.	Renewal	Mr Chris McLaughlin, Malmaison (Belfast) Limited

3.2Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the following Entertainments Licences were issued since your last meeting. In each case the Licence holder has been convicted of an offence under the Order within five years of the application for a Licence being submitted to the Council, however each conviction has previously been considered by the Committee and delegated authority has only been exercised on the basis that:

a) All safety, technical and managerial matters have been maintained in accordance with the terms, conditions and restrictions of the Entertainments Licence,

b) There has been no recurrence of the breach for which the applicant was convicted, or any other offences have been committed,

c) There are no representations in respect of the application.

Premises and Location	Type of Application	Applicant
The Belfast Barge, Lanyon Quay, Belfast, BT1 3LQ.	Renewal	Ms Susan Doherty, Lagan Legacy Limited

3.3Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 there were no Amusement Permits issued since your last meeting.

3.4Under the terms of the Street Trading Act (Northern Ireland) 2001 the following Street Trading Licences were issued since your last meeting.

Location	Type of Application	Commodity	Hours Licensed	Applicant
Turf Lodge, Andersonstown, Ballymurphy, Springmartin and Falls	Mobile	Groceries, confectionery, beverages, tobacco products	Mon - Sun 08.00 – 23.00	Miss Shaunnah McDonnell

3.5Under the terms of the Road Traffic Regulation (Northern Ireland) Order 1997 the following Road Closure Orders were made since your last meeting.

3.6

Location	Type of Activity	Date and Hours permitted	Applicant
Chichester/Oxford Street	Filming	06.00 16 th October – 19:00 17 th October 2020	Mr Andrew Wilson
King Street	Filming	06.30 – 19:00 3 rd November 2020	Mr Adam Wilkinson

Under the terms of the Licensing of Pavement Cafés Act (Northern Ireland) 2014 the following Pavement Café Licences were issued since your last meeting.

Premises	Location	Type of Application	Applicant
The Bridge House (J D Wetherspoon) 35 Bedford Street, Belfast, BT2 7EJ	Adjacent	Grant	Phil Annett Wetherspoon House, Reeds Crescent, Watford
Love and Death 10A Ann Street, Belfast, BT1 4EF	Remote in Crown Entry	Grant	Lee Murphy Maclad Ltd, Pearl Assurance House, 2 Donegall Square West, Belfast
Stock Kitchen & Bar St George's Market, Oxford Street, Belfast, BT1 4FG	Adjacent	Grant	Danny Millar Stock Catering Ltd 34 - 36 Bank Street, Belfast,
Starbucks 24 Great Victoria Street, Belfast, BT2 7BA	Adjacent	Grant	Barbara McMaster Ritcin, Unit 5, Connswater Retail Park, Bloomfield Avenue, Belfast
SD Bells & Co Ltd 512-516 Upper Newtownards Road, Belfast, BT4 3HL	Adjacent	Grant	Robert Bell 512-516 Upper Newtownards Road, Belfast

Financial & Resource Implications

3.7

None

Equality or Good Relations Implications/Rural Needs Assessment

3.8

There are no issues associated with this report.

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Subject:	Designation of new Street Trading Sites
Date:	18 November 2020
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, ext. 3375

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If Yes, when will the report become unrestricted?	
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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	An important feature of the licensing provisions in the Street Trading Act (NI) 2001 is the power of a district council to designate and rescind the designation of specific streets or parts of streets as being suitable for street trading. The Act also allows a council to vary a previous designating resolution in relation to the commodities or services to be supplied in specific streets.
1.2	If a street or the commodity to be offered has not been designated under the Act the Council cannot issue a licence for street trading from a stationary position in that street.
1.3	The process of considering and reviewing the designation of streets is therefore an essential part of the legal framework within which the Council is enabled to regulate street trading in the City.

2.0	Recommendations																
2.1	The Committee is required to consider the applications that have been received for the creation of new designated sites outlined in paragraph 3.3. Subject to any amendments you may have, permission is sought to allow the publication of the statutory 28-day notice of the proposed resolution and to commence consultation with statutory bodies and other persons who may have an interest in the proposals.																
3.0	Main report																
3.1	<p><u>Key Issues</u></p> <p>The Act sets down the procedures which must be followed in considering a designating resolution, including the types of trading which may or may not take place in that street. The main steps the Council must undertake may be summarised as follows:</p> <ol style="list-style-type: none"> Give public notice of the proposed resolution; Consult with the PSNI and the Department for Infrastructure and other persons it considers appropriate; Consider any representations relating to the proposed resolution which it has received; After the Council has considered those representations it may, if it thinks fit, pass the designating resolution; Publish notice of the outcome for 2 consecutive weeks in 2 or more newspapers, giving not less than 28 days between the date of the publication and the date set out by the Council when the resolution will come into effect. 																
3.2	A further report will be brought before the Committee at a future meeting detailing the outcome of the process of consultation. At that stage, Members will be able to determine the designation of the street along with any restriction on the commodity to be sold and any recommendations regarding the restriction on the times of trading.																
3.3	<p>Proposed Sites</p> <table border="1"> <thead> <tr> <th>Location</th><th>Proposed Commodities/Services</th></tr> </thead> <tbody> <tr> <td>Castle Place, adjacent to the existing kiosk.</td><td>Commodities to be determined, but excluding the sale of hot food.</td></tr> <tr> <td>12 Lockview Road at Belfast Boat Club.</td><td>Hot and cold non-alcoholic beverages, confectionery, ice cream and cold food or similar commodities.</td></tr> <tr> <td>565 Upper Newtownards Road. On private forecourt.</td><td>Hot and cold non-alcoholic beverages, confectionery, ice cream and cold food or similar commodities.</td></tr> <tr> <td>Comber Greenway at North Road bridge</td><td>Hot and cold non-alcoholic beverages, confectionery, ice cream and cold food or similar commodities.</td></tr> <tr> <td>King Street, second parking bay moving away from Castle Court.</td><td>Hot and cold food and non-alcoholic beverages (night time).</td></tr> <tr> <td>Corner of North Road and Upper Newtownards Road. On land adjacent to Cyprus Avenue restaurant.</td><td>Hot and cold food and non-alcoholic beverages (night time).</td></tr> <tr> <td>65-69 Dublin Road. On private forecourt</td><td>Hot and cold non-alcoholic beverages, confectionery, ice cream and cold food or similar commodities.</td></tr> </tbody> </table>	Location	Proposed Commodities/Services	Castle Place, adjacent to the existing kiosk.	Commodities to be determined, but excluding the sale of hot food.	12 Lockview Road at Belfast Boat Club.	Hot and cold non-alcoholic beverages, confectionery, ice cream and cold food or similar commodities.	565 Upper Newtownards Road. On private forecourt.	Hot and cold non-alcoholic beverages, confectionery, ice cream and cold food or similar commodities.	Comber Greenway at North Road bridge	Hot and cold non-alcoholic beverages, confectionery, ice cream and cold food or similar commodities.	King Street, second parking bay moving away from Castle Court.	Hot and cold food and non-alcoholic beverages (night time).	Corner of North Road and Upper Newtownards Road. On land adjacent to Cyprus Avenue restaurant.	Hot and cold food and non-alcoholic beverages (night time).	65-69 Dublin Road. On private forecourt	Hot and cold non-alcoholic beverages, confectionery, ice cream and cold food or similar commodities.
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	123 Miltown Road, car park at Shaw's Bridge Sports Association	Hot and cold food and non-alcoholic beverages
3.4	<p><u>Financial and Resource Implications</u></p> <p>The cost of all notices is included in current revenue budgets.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p>	
3.5	There are no issues associated with this report.	
4.0	Appendices – Documents Attached	
	None	

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Subject:	Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority
Date:	18 November 2020
Reporting Officer:	Kevin Bloomfield, NIHMO Manager, 07584 270820
Contact Officer:	Valerie Brown, City Services Manager, tel. 9027 0668 & Kevin Bloomfield, NIHMO Manager, 07584 270820

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.

3.0	Main report																																																																						
3.1	<p><u>Key Issues</u></p> <p>Under the terms of the Houses in Multiple Occupation Act (Northern Ireland) 2016 the following HMO Licences were issued during October 2020.</p> <table border="1"> <thead> <tr> <th>Address</th><th>Licensee</th></tr> </thead> <tbody> <tr><td>3 ASHLEY MEWS, BELFAST, ANTRIM, BT9 7BN</td><td>Mrs Christine McGuigan</td></tr> <tr><td>35 RIDGEWAY STREET, BELFAST, ANTRIM, BT9 5FB</td><td>Mr David Lowder</td></tr> <tr><td>42A STRANMILLIS ROAD, BELFAST, ANTRIM, BT9 5AA</td><td>Silverthorn Properties Limited</td></tr> <tr><td>120 UNIVERSITY AVENUE, BELFAST, ANTRIM, BT7 1GZ</td><td>Mr Brian Jardine</td></tr> <tr><td>26 CANTERBURY STREET, BELFAST, ANTRIM, BT7 1LB</td><td>Mr George Hughes</td></tr> <tr><td>22 TATES AVENUE, BELFAST, ANTRIM, BT9 7BY</td><td>Ms Jill Hughes</td></tr> <tr><td>FLAT 3, 1 CAMERON STREET, BELFAST, ANTRIM, BT7 1GU</td><td>Mr Diarmuid Phelan</td></tr> <tr><td>FLAT 2, 1 CAMERON STREET, BELFAST, ANTRIM, BT7 1GU</td><td>Mr Diarmuid Phelan</td></tr> 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	15 WELLINGTON PARK AVENUE, BELFAST, ANTRIM, BT9 6DT	Mr Michael Kelly
	158 DUNLUCE AVENUE, BELFAST, ANTRIM, BT9 7AZ	Miss Siobhan Small
	29 ST IVES GARDENS, BELFAST, ANTRIM, BT9 5DN	Mrs Jan Crawford
	50 FARNHAM STREET, BELFAST, ANTRIM, BT7 2FN	Mr Colin McKenna
	FLAT 2, 3 ABERCORN STREET, BELFAST, ANTRIM, BT9 6AS	Hawksdale Ltd
	87 UNIVERSITY AVENUE, BELFAST, ANTRIM, BT7 1GX	Mr John Mellotte
	42 ST IVES GARDENS, BELFAST, ANTRIM, BT9 5DN	Mr Kevin Fredlander
	<u>Financial & Resource Implications</u>	
3.2	None	
	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>	
3.3	There are no issues associated with this report.	

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Subject:	Applications for the renewal of a Licence to operate a House of Multiple Occupation for 22 Sandymount Street, Belfast. BT9 5DP
Date:	18 November 2020
Reporting Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910
Contact Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, Divisional 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 the renewal of a Licence permitting the use of premises as a House in Multiple Occupation (HMO).			
	Premises	Application No.	Applicant(s)	Managing Agents
	22 Sandymount Street Belfast BT9 5DP	7490	Ms Carmel McKeown & Mr Ian McKeown	None
1.2	Members will be aware that responsibility for HMO's was transferred to local district councils in April 2019 with the introduction of a new licensing regime. Any existing registrations under the old NIHE Registration Scheme operated were deemed to be licences at the point of transfer. 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.			
1.3	Following the publication of this application, an objection was received in relation to the application. This objection raises general concerns about the overprovision of HMOs in Stranmillis HMO Policy Area.			
1.4	As a valid objection has been received, the application must be considered by Committee which must, after hearing from the objector and the applicant, decide whether to grant the renewal application.			

2.0	Recommendations
2.1	<p>Taking into account the information presented Committee is asked to hear from the objectors and applicant and make a decision to either:</p> <ul style="list-style-type: none"> (i) Grant the application, with or without any special conditions; or (ii) Refuse the application.
2.2	If the application is refused, the applicant has a right of appeal to the County Court. Such an appeal must be lodged within 28 days of formal notification of the decision. The licence will remain in place pending the appeal.
2.3	Objectors have no right of appeal but may be able to judicially review the Council's decision
3.0	Main report
	<u>Key Issues</u>
3.1	<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.
3.2	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.
3.3	Section 20 of the 2016 Act states where the holder of an HMO licence makes an application for renewal, the council must apply the above provisions except for (a) and (d); namely whether the use is a breach of planning control or would result in overprovision.
3.4	Members will recall that counsel has advised that councils cannot taken into account the absence of planning permission through the prism of fitness. On the basis of this advice, Legal Services have confirmed that this also applies to issues around overprovision.
	<u>Objections</u>
3.5	<p>Following publication of notice of the application, an objection was received in relation to the renewal application. It should be noted that the objector believes this is a new HMO licence application and not a renewal which is not the case. A copy of that objection is appended to this report. As appears from the objection, the issues raised are as follows:</p> <ul style="list-style-type: none"> a) Over provision of HMOs in the Stranmillis HMO Policy Area. <p>As this is a renewal application Section 20 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 prohibits the Council from taking into account issues around overprovision.</p>

3.6	<p>The NIHMO Unit has consulted with 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, (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) Cleansing Enforcement ("CE") - 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><u>Fitness</u></p> <p>3.7 The applicants and managing agent have confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.2 of this report.</p> <p>3.8 The applicant(s) or managing agent have not been convicted of any HMO related offences by the Council. The EPU, PHHU and CE, 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. Due to data protection issues which have recently arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue. Officers are not aware of any issues relevant to the applicant's fitness.</p> <p><u>Attendance</u></p> <p>3.9 The applicant and/or their representatives will be available to discuss any matters relating to the renewal of the licence should they arise during your meeting.</p> <p><u>Suitability of the premises</u></p> <p>3.10 An inspection of the premises was carried out by Officers from the Service on 25 September 2020. The inspections revealed that the applicant was continuing to adhere to the terms and conditions of the existing licence and no contraventions were discovered.</p> <p><u>Notice of proposed decision</u></p> <p>3.11 On the 13 October 2020, 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.</p> <p>3.12 The notice of proposed decision stated that the council proposed to grant the licence in the terms applied for.</p>
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Appendix 1 – Location Map – 22 Sandymount Street, Belfast. BT9 5DP



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Subject:	Applications for the renewal of a Licence to operate a House of Multiple Occupation for 24 Sandymount Street, Belfast. BT9 5DP
Date:	18 November 2020
Reporting Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910
Contact Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, Divisional 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"/>

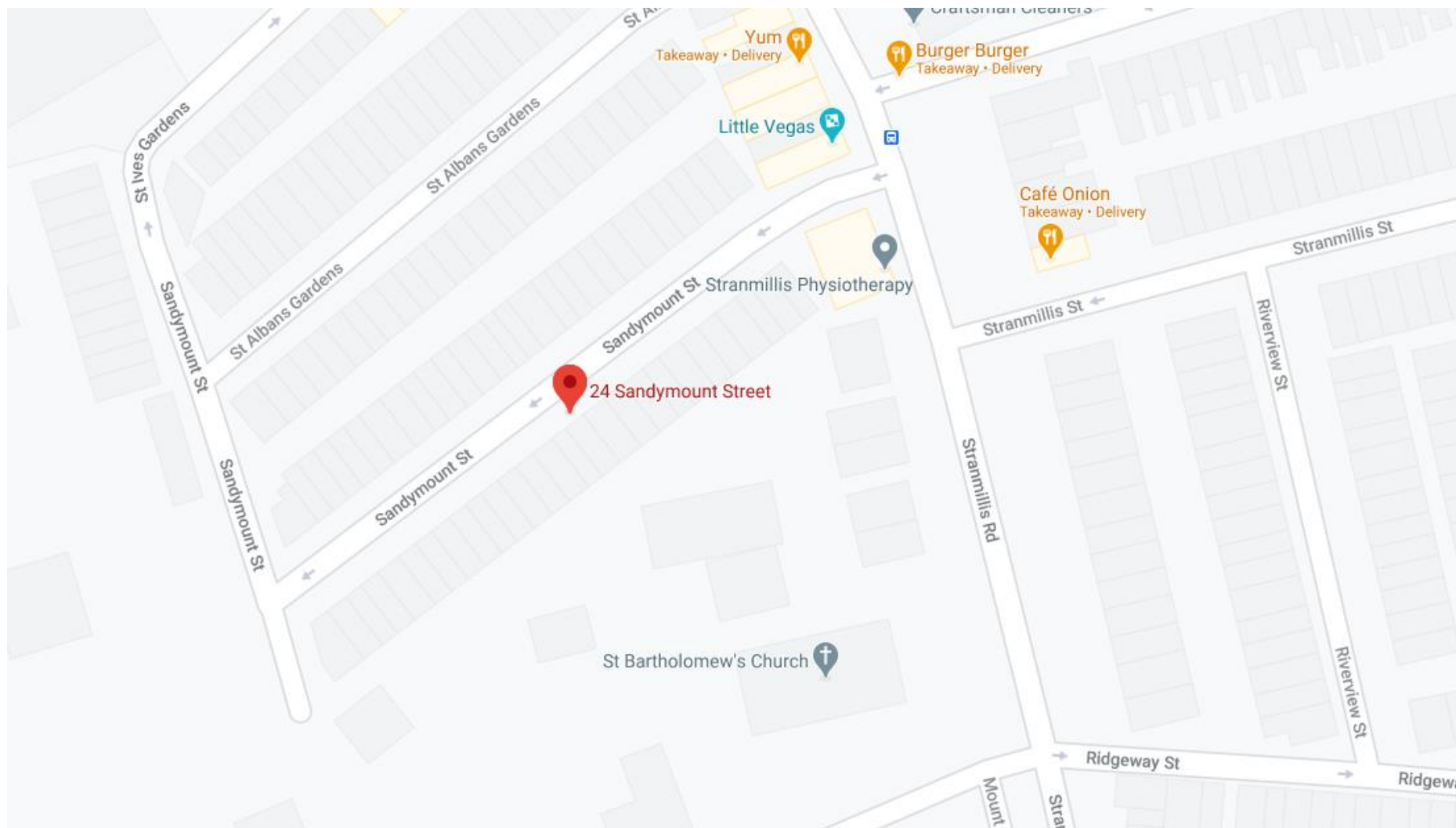
1.0	Purpose of Report or Summary of main Issues			
1.1	To consider an application for the renewal of a Licence permitting the use of premises as a House in Multiple Occupation (HMO).			
	Premises	Application No.	Applicant(s)	Managing Agents
	24 Sandymount Street Belfast BT9 5DP	7491	Ms Carmel McKeown & Mr Ian McKeown	None
1.2	Members will be aware that responsibility for HMO's was transferred to local district councils in April 2019 with the introduction of a new licensing regime. Any existing registrations under the old NIHE Registration Scheme operated were deemed to be licences at the point of transfer. 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.			
1.3	Following the publication of this application, an objection was received in relation to the application. This objection raises general concerns about the overprovision of HMOs in Stranmillis HMO Policy Area.			
1.4	As a valid objection has been received, the application must be considered by Committee which must, after hearing from the objector and the applicant, decide whether to grant the renewal application.			

2.0	Recommendations
2.1	<p>Taking into account the information presented Committee is asked to hear from the objectors and applicant and make a decision to either:</p> <ul style="list-style-type: none"> (i) Grant the application, with or without any special conditions; or (ii) Refuse the application.
2.2	If the application is refused, the applicant has a right of appeal to the County Court. Such an appeal must be lodged within 28 days of formal notification of the decision. The licence will remain in place pending the appeal.
2.3	Objectors have no right of appeal but may be able to judicially review the Council's decision
3.0	Main report
	<u>Key Issues</u>
3.1	<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.
3.2	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.
3.3	Section 20 of the 2016 Act states where the holder of an HMO licence makes an application for renewal, the council must apply the above provisions except for (a) and (d); namely whether the use is a breach of planning control or would result in overprovision.
3.4	Members will recall that counsel has advised that councils cannot taken into account the absence of planning permission through the prism of fitness. On the basis of this advice, Legal Services have confirmed that this also applies to issues around overprovision.
	<u>Objections</u>
3.5	<p>Following publication of notice of the application, an objection was received in relation to the renewal application. It should be noted that the objector believes this is a new HMO licence application and not a renewal which is not the case. A copy of that objection is appended to this report. As appears from the objection, the issues raised are as follows:</p> <ul style="list-style-type: none"> a) Over provision of HMOs in the Stranmillis HMO Policy Area. <p>As this is a renewal application Section 20 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 prohibits the Council from taking into account issues around overprovision.</p>

3.6	<p>The NIHMO Unit has consulted with 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, (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) Cleansing Enforcement ("CE") - 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><u>Fitness</u></p> <p>3.7 The applicants and managing agent have confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.2 of this report.</p> <p>3.8 The applicant(s) or managing agent have not been convicted of any HMO related offences by the Council. The EPU, PHHU and CE, 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. Due to data protection issues which have recently arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue. Officers are not aware of any issues relevant to the applicant's fitness.</p> <p><u>Attendance</u></p> <p>3.9 The applicant and/or their representatives will be available to discuss any matters relating to the renewal of the licence should they arise during your meeting.</p> <p><u>Suitability of the premises</u></p> <p>3.10 An inspection of the premises was carried out by Officers from the Service on 25 September 2020. The inspections revealed that the applicant was continuing to adhere to the terms and conditions of the existing licence and no contraventions were discovered.</p> <p><u>Notice of proposed decision</u></p> <p>3.11 On the 13 October 2020, 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.</p> <p>3.12 The notice of proposed decision stated that the council proposed to grant the licence in the terms applied for.</p>
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3.13	<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> <p><u>Equality and Good Relations Implications</u></p> <p>3.14 There are no equality or good relations issues associated with this report.</p>
4.0	Appendices – Documents Attached
	<ul style="list-style-type: none"> • Appendix 1 – Location Map • Appendix 2 – Objection • Appendix 3 – Notice of proposed decision • Appendix 4 – Owners response to objection

Appendix 1 – Location Map – 22 Sandymount Street, Belfast. BT9 5DP



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Subject:	Applications for the renewal of a Licence to operate a House of Multiple Occupation for 25 Sandhurst Gardens, Belfast, BT9 5AW
Date:	18 November 2020
Reporting Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910
Contact Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, Divisional 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"/>

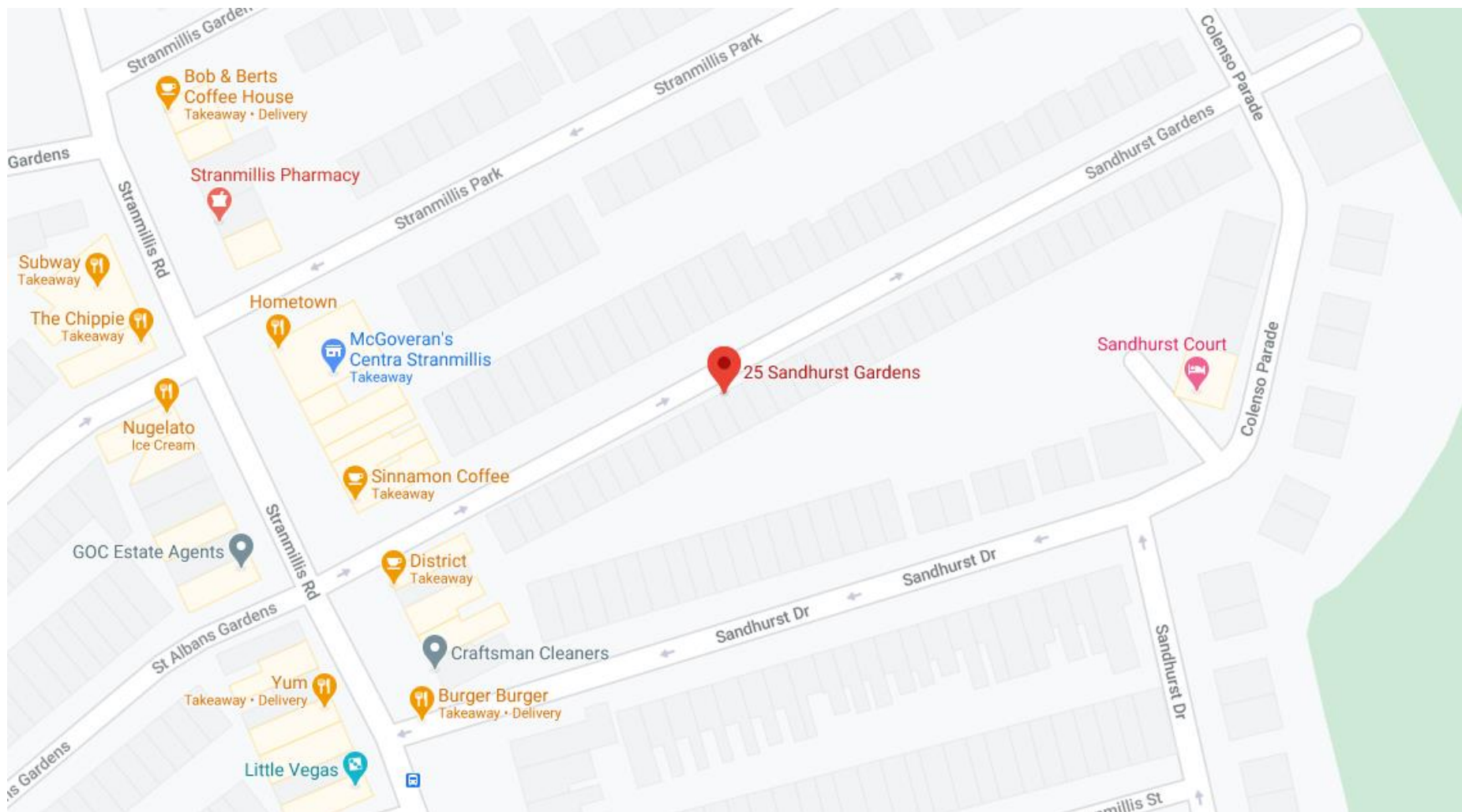
1.0	Purpose of Report or Summary of main Issues			
1.1	To consider an application for the renewal of a Licence permitting the use of premises as a House in Multiple Occupation (HMO).			
	Premises	Application No.	Applicant(s)	Managing Agents
	25 Sandhurst Gdns Belfast BT9 5AW	7457	Mr Neil Rafferty	Key Lets NI
1.2	Members will be aware that responsibility for HMO's was transferred to local district councils in April 2019 with the introduction of a new licensing regime. Any existing registrations under the old NIHE Registration Scheme operated were deemed to be licences at the point of transfer. 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.			
1.3	Following the publication of this application, an objection was received in relation to the application. This objection raises general concerns about the overprovision of HMOs in Stranmillis HMO Policy Area.			
1.4	As a valid objection has been received, the application must be considered by Committee which must, after hearing from the objector and the applicant, decide whether to grant the renewal application.			

2.0	Recommendations
2.1	<p>Taking into account the information presented Committee is asked to hear from the objectors and applicant and make a decision to either:</p> <ul style="list-style-type: none"> (i) Grant the application, with or without any special conditions; or (ii) Refuse the application.
2.2	If the application is refused, the applicant has a right of appeal to the County Court. Such an appeal must be lodged within 28 days of formal notification of the decision. The licence will remain in place pending the appeal.
2.3	Objectors have no right of appeal but may be able to judicially review the Council's decision
3.0	Main report
	<u>Key Issues</u>
3.1	<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.
3.2	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.
3.3	Section 20 of the 2016 Act states where the holder of an HMO licence makes an application for renewal, the council must apply the above provisions except for (a) and (d); namely whether the use is a breach of planning control or would result in overprovision.
3.4	Members will recall that counsel has advised that councils cannot taken into account the absence of planning permission through the prism of fitness. On the basis of this advice, Legal Services have confirmed that this also applies to issues around overprovision.
	<u>Objections</u>
3.5	<p>Following publication of notice of the application, an objection was received in relation to the renewal application. It should be noted that the objector believes this is a new HMO licence application and not a renewal which is not the case. A copy of that objection is appended to this report. As appears from the objection, the issues raised are as follows:</p> <ul style="list-style-type: none"> a) Over provision of HMOs in the Stranmillis HMO Policy Area. <p>As this is a renewal application Section 20 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 prohibits the Council from taking into account issues around overprovision.</p>

3.6	<p>The NIHMO Unit has consulted with 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, (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) Cleansing Enforcement ("CE") - 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><u>Fitness</u></p>
3.7	Members are referred to appendix 4 of this report
3.8	<p>The applicant(s) or managing agent have not been convicted of any HMO related offences by the Council. The EPU, PHHU and CE, 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. Due to data protection issues which have recently arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue. Officers are not aware of any issues relevant to the applicant's fitness.</p> <p><u>Attendance</u></p>
3.9	<p>The applicant and/or their representatives will be available to discuss any matters relating to the renewal of the licence should they arise during your meeting.</p> <p><u>Suitability of the premises</u></p>
3.10	<p>An inspection of the premises was carried out by Officers from the Service on 18 August 2020. The inspections revealed that the applicant was continuing to adhere to the terms and conditions of the existing licence and no contraventions were discovered.</p> <p><u>Notice of proposed decision</u></p>
3.11	<p>On the 2 November 2020, 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.</p>
3.12	<p>The notice of proposed decision stated that the council proposed to grant the licence in the terms applied for.</p> <p><u>Financial and Resource Implications</u></p>
3.13	<p>None. The cost of assessing the application and officer inspections are provided for within existing budgets.</p>

3.14	<p><u>Equality and Good Relations Implications</u></p> <p>There are no equality or good relations issues associated with this report.</p>
4.0	Appendices – Documents Attached
	<ul style="list-style-type: none"> • Appendix 1 – Location Map • Appendix 2 – Objection • Appendix 3 – Notice of proposed decision • Appendix 4 – Fitness

Appendix 1 – Location Map – 25 Sandhurst Gardens, Belfast, BT9 5AW



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Subject:	Applications for the renewal of a Licence to operate a House of Multiple Occupation for 70 Sandhurst Drive, Belfast. BT9 5Az
Date:	18 November 2020
Reporting Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910
Contact Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, Divisional 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"/>

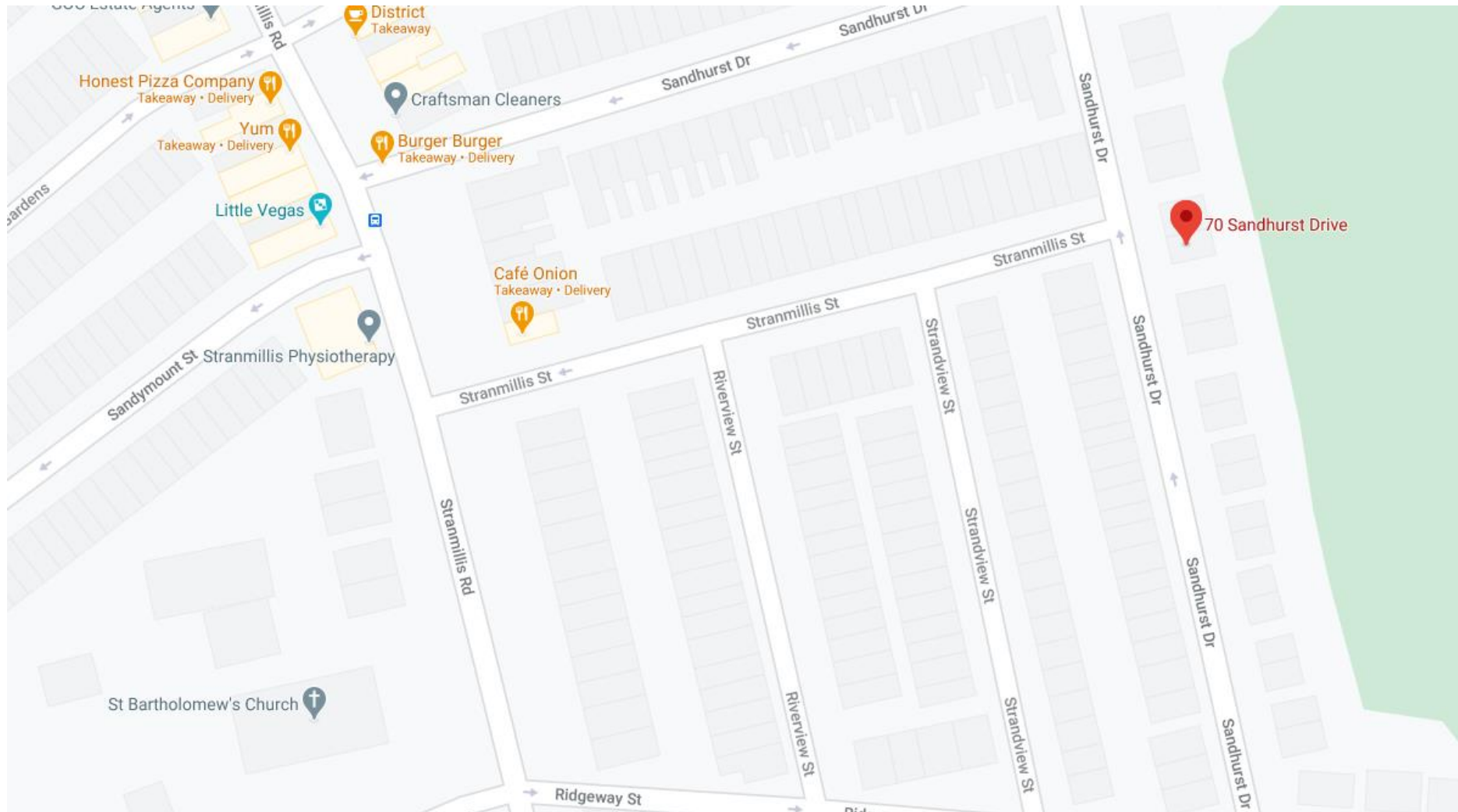
1.0	Purpose of Report or Summary of main Issues			
1.1	To consider an application for the renewal of a Licence permitting the use of premises as a House in Multiple Occupation (HMO).			
	Premises	Application No.	Applicant(s)	Managing Agents
	7 Sandhurst Drive Belfast BT9 5AZ	7128	Mr George Russell	None
1.2	Members will be aware that responsibility for HMO's was transferred to local district councils in April 2019 with the introduction of a new licensing regime. Any existing registrations under the old NIHE Registration Scheme operated were deemed to be licences at the point of transfer. 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.			
1.3	Following the publication of this application, an objection was received in relation to the application. This objection raises general concerns about the overprovision of HMOs, balanced communities, infrastructure and safety checks.			
1.4	As a valid objection has been received, the application must be considered by Committee which must, after hearing from the objector and the applicant, decide whether to grant the renewal application.			

2.0	Recommendations
2.1	<p>Taking into account the information presented Committee is asked to hear from the objectors and applicant and make a decision to either:</p> <ul style="list-style-type: none"> (i) Grant the application, with or without any special conditions; or (ii) Refuse the application.
2.2	If the application is refused, the applicant has a right of appeal to the County Court. Such an appeal must be lodged within 28 days of formal notification of the decision. The licence will remain in place pending the appeal.
2.3	Objectors have no right of appeal but may be able to judicially review the Council's decision
3.0	Main report
	<u>Key Issues</u>
3.1	<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.
3.2	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.
3.3	Section 20 of the 2016 Act states where the holder of an HMO licence makes an application for renewal, the council must apply the above provisions except for (a) and (d); namely whether the use is a breach of planning control or would result in overprovision.
3.4	Members will recall that counsel has advised that councils cannot taken into account the absence of planning permission through the prism of fitness. On the basis of this advice, Legal Services have confirmed that this also applies to issues around overprovision.
	<u>Objections</u>
3.5	<p>Following publication of notice of the application, an objection was received in relation to the renewal application. A copy of that objection is appended to this report. As appears from the objection, the issues raised are as follows:</p> <ul style="list-style-type: none"> a) Over provision of HMOs in this area, leading to densification of the neighbourhood and reducing living quality; b) Room sizes; c) The need for safety checks

3.6	Points a), b) and c) are not specific to the premises and as this is a renewal application Section 20 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 prohibits the Council from taking into account issues around overprovision.
3.7	<p>The NIHMO Unit has consulted with 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 was a warning notice issued on 20 October 2019. (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) Cleansing Enforcement ("CE") - 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><u>Fitness</u></p>
3.8	The applicant has confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.2 of this report.
3.9	<p>The applicant has not been convicted of any HMO related offences by the Council. The EPU, PHHU and CE, 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. Due to data protection issues which have recently arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue. Officers are not aware of any issues relevant to the applicant's fitness.</p> <p><u>Attendance</u></p>
3.10	The applicant and/or their representatives will be available to discuss any matters relating to the renewal of the licence should they arise during your meeting.
	<u>Suitability of the premises</u>
3.11	An inspection of the premises was carried out by Officers from the Service on 22 September 2020. The inspections revealed that the applicant was continuing to adhere to the terms and conditions of the existing licence and no contraventions were discovered.
	<u>Notice of proposed decision</u>
3.12	On the 8 October 2020, 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.

	<p>The notice of proposed decision stated that the council proposed to grant the licence in terms different from those applied for.</p> <p><u>Additional condition</u></p>
3.13	<p>The owner shall provide an out of hours contact number to council officers to contact the owner, or their managing agent (if any), in the event that there are incidents of anti-social behaviour emanating from within the curtilage of the HMO in respect of which it is considered necessary to contact the owner.</p>
3.14	<p>The owner emailed the NIHMO Unit on the 28 October 2020 and provided an out of hours contact number, see appendix 4</p> <p><u>Financial and Resource Implications</u></p>
3.15	<p>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>
3.16	<p>There are no equality or good relations issues associated with this report.</p>
4.0	Appendices – Documents Attached
	<p>Appendix 1 – Location Map Appendix 2 – Objection Appendix 3 – Notice of proposed decision Appendix 4 – Out of hours contact number</p>

Appendix 1 – Location Map – 70 Sandhurst Drive



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Subject:	Applications for the renewal of a Licence to operate a House of Multiple Occupation for 38 St Albans Gardens, Belfast. BT9 5DR
Date:	18 November 2020
Reporting Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910
Contact Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, Divisional 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"/>

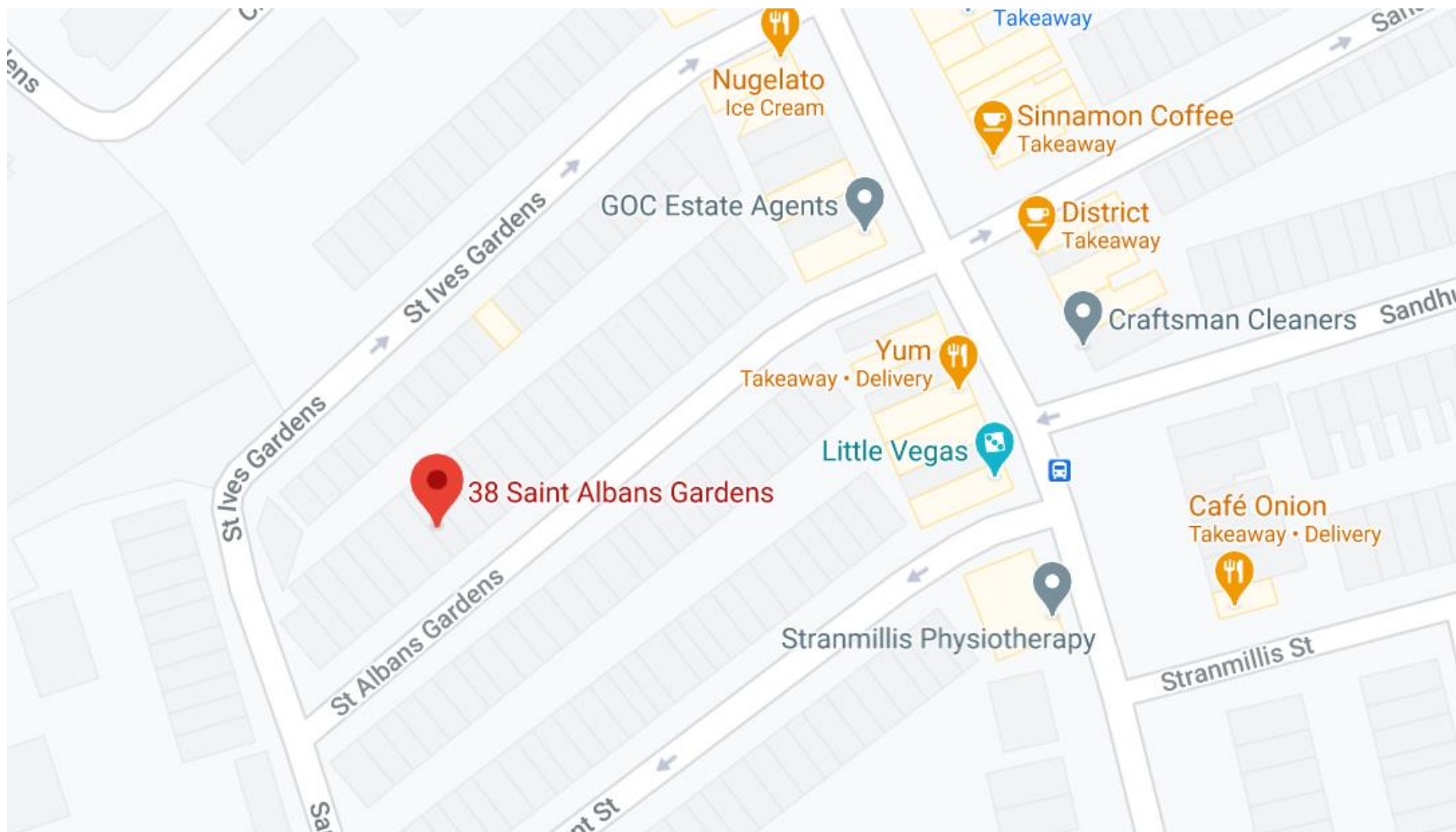
1.0	Purpose of Report or Summary of main Issues			
1.1	To consider an application for the renewal of a Licence permitting the use of premises as a House in Multiple Occupation (HMO).			
	Premises	Application No.	Applicant(s)	Managing Agents
	38 St Albans Gdns Belfast BT9 5DR	7482	Mr Alan Mackey	McGeown Estate Agents
1.2	Members will be aware that responsibility for HMO's was transferred to local district councils in April 2019 with the introduction of a new licensing regime. Any existing registrations under the old NIHE Registration Scheme operated were deemed to be licences at the point of transfer. 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.			
1.3	Following the publication of this application, an objection was received in relation to the application. This objection raises general concerns about the overprovision of HMOs in Stranmillis HMO Policy Area.			
1.4	As a valid objection has been received, the application must be considered by Committee which must, after hearing from the objector and the applicant, decide whether to grant the renewal application.			

2.0	Recommendations
2.1	<p>Taking into account the information presented Committee is asked to hear from the objectors and applicant and make a decision to either:</p> <ul style="list-style-type: none"> (i) Grant the application, with or without any special conditions; or (ii) Refuse the application.
2.2	If the application is refused, the applicant has a right of appeal to the County Court. Such an appeal must be lodged within 28 days of formal notification of the decision. The licence will remain in place pending the appeal.
2.3	Objectors have no right of appeal but may be able to judicially review the Council's decision
3.0	Main report
	<u>Key Issues</u>
3.1	<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.
3.2	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.
3.3	Section 20 of the 2016 Act states where the holder of an HMO licence makes an application for renewal, the council must apply the above provisions except for (a) and (d); namely whether the use is a breach of planning control or would result in overprovision.
3.4	Members will recall that counsel has advised that councils cannot taken into account the absence of planning permission through the prism of fitness. On the basis of this advice, Legal Services have confirmed that this also applies to issues around overprovision.
	<u>Objections</u>
3.5	<p>Following publication of notice of the application, an objection was received in relation to the renewal application. It should be noted that the objector believes this is a new HMO licence application and not a renewal which is not the case. A copy of that objection is appended to this report. As appears from the objection, the issues raised are as follows:</p> <ul style="list-style-type: none"> a) Over provision of HMOs in the Stranmillis HMO Policy Area. <p>As this is a renewal application Section 20 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 prohibits the Council from taking into account issues around overprovision.</p>

3.6	<p>The NIHMO Unit has consulted with 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, (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) Cleansing Enforcement ("CE") - 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><u>Fitness</u></p> <p>3.7 The applicants and managing agent have confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.2 of this report.</p> <p>3.8 The applicant(s) or managing agent have not been convicted of any HMO related offences by the Council. The EPU, PHHU and CE, 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. Due to data protection issues which have recently arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue. Officers are not aware of any issues relevant to the applicant's fitness.</p> <p><u>Attendance</u></p> <p>3.9 The applicant and/or their representatives will be available to discuss any matters relating to the renewal of the licence should they arise during your meeting.</p> <p><u>Suitability of the premises</u></p> <p>3.10 An inspection of the premises was carried out by Officers from the Service on 24 September 2020. The inspections revealed that the applicant was continuing to adhere to the terms and conditions of the existing licence and no contraventions were discovered.</p> <p><u>Notice of proposed decision</u></p> <p>3.11 On the 30 October 2020, 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.</p> <p>3.12 The notice of proposed decision stated that the council proposed to grant the licence in the terms applied for.</p>
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3.13	<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> <p><u>Equality and Good Relations Implications</u></p> <p>3.14 There are no equality or good relations issues associated with this report.</p>
4.0	Appendices – Documents Attached
	<ul style="list-style-type: none"> • Appendix 1 – Location Map • Appendix 2 – Objection • Appendix 3 – Notice of proposed decision

Appendix 1 – Location Map – 38 St Albans Gardens, Belfast. BT9 5DR



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Subject:	Application for the grant of a New Licence to operate a House of Multiple Occupation at 23 Pakenham Street, Belfast. BT7 1AB
Date:	18 November 2020
Reporting Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910
Contact Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, Divisional 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"/>

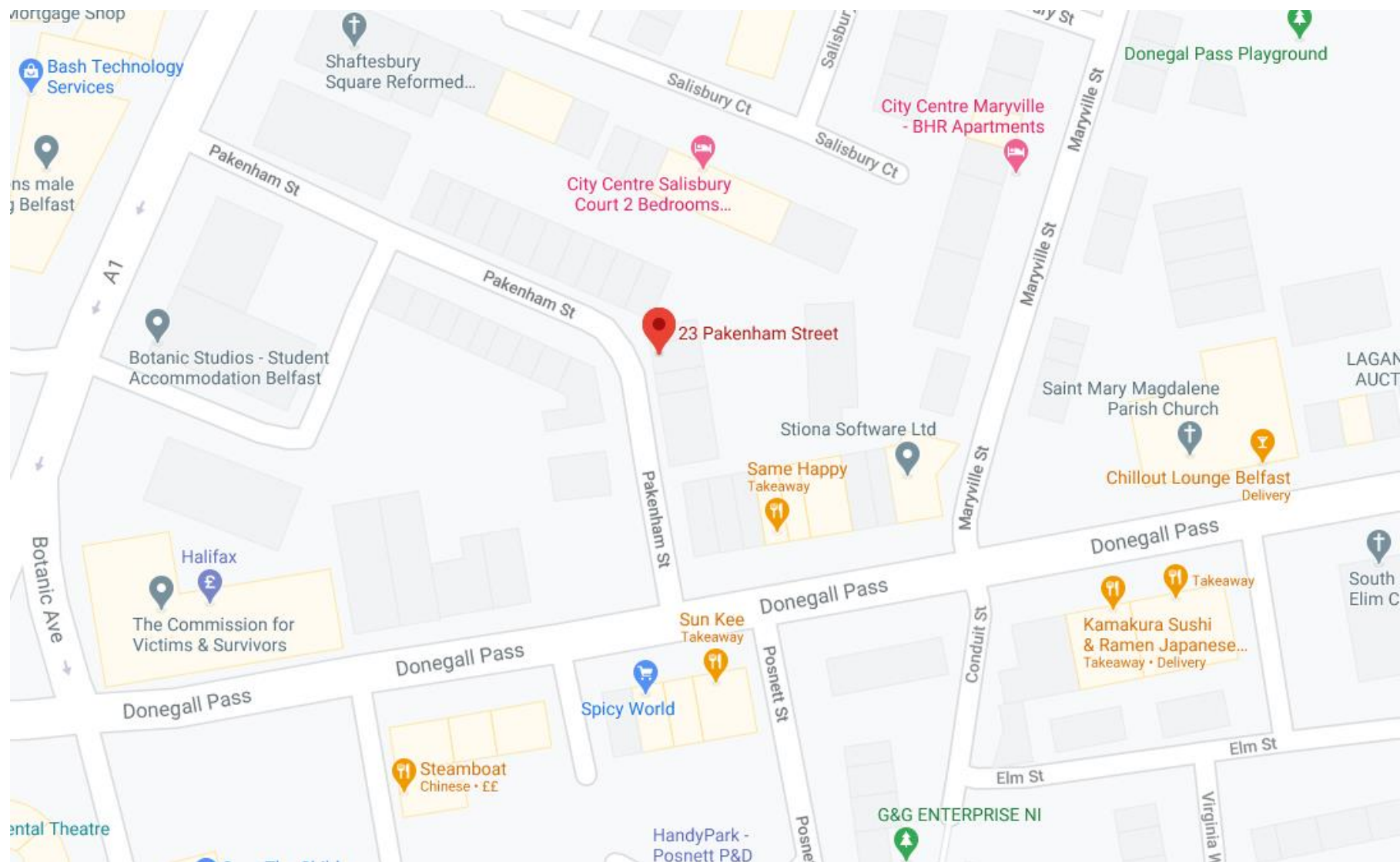
1.0	Purpose of Report or Summary of main Issues			
1.1	To consider an application for the renewal of a Licence permitting the use of premises as a House in Multiple Occupation (HMO).			
	Premises	Application No.	Applicant(s)	Managing Agents
	23 Pakenham Street Belfast BT7 1AB	7786	Mr Christopher Weir	LJ Rentals and Mr Samuel Weir
1.2	<p>Members will be aware that responsibility for HMO's was transferred to local district councils in April 2019 with the introduction of a new licensing regime. Any existing registrations under the old NIHE Registration Scheme operated were deemed to be licences at the point of transfer. 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.</p> <p><u>Background</u></p>			
1.3	<p>The property was previously licensed as an HMO up and until the 18 June 2020, at which time the licence expired. Prior to the expiry of the licence the NIHMO Unit wrote to the owner on the 13 January 2020 and 22 May 2020 reminding him that the licence on the property was about to expire.</p>			

1.4	On the 24 June 2020 an application for a new HMO licence was submitted to the NIHMO Unit. The application of the 24 June 2020 was subsequently rejected on 1 July 2020 for “breach of planning control” pursuant to Subsection 8(2)(a) and Section 9 of the Houses in Multiple Occupation Act (Northern Ireland) 2016.
1.5	Following the granting of a Certificate of Lawfulness of Existing Use or Development with an application number LA04/2020/1185/LDE on the 5 August 2020 the applicant reapplied for an HMO licence on 4 September 2020
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: <ul style="list-style-type: none"> (i) Grant the application, with or without any special conditions; or (ii) Refuse the application.
2.2	If the application is refused, the applicant has a right of appeal to the County Court. Such an appeal must be lodged within 28 days of formal notification of the decision. The licence will remain in place pending the appeal.
3.0	Main report
	<u>Key Issues</u>
3.1	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.
3.2	As this is a new application the HMO Unit consulted with the Council’s Planning Service who confirmed that on 5 August 2020 a Certificate of Lawfulness of Existing Use or Development was granted with the application number LA04/2020/1185/LDE
3.3	For the purpose of determining whether or not the granting of a licence would result in overprovision of HMOs in the locality of the accommodation, the locality was defined as being Pakenham Street in accordance with HMO Policy 5 (the number of HMOs does not exceed 10% of dwelling units on that road or street) as defined in the document “Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015. On the date of assessment 15 October 2020 there were no licensed HMO in Pakenham Street out of 21 domestic units
3.4	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.

3.5	<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 was a noise warning notice issued on 20 April 2019. (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) Cleansing Enforcement ("CE") - who have confirmed that in relation to litter and waste, there was a fixed penalty notice issued on the 16 December 2016 <p><u>Fitness</u></p>
3.6	Members are referred to appendix 3 of this report
3.7	<p>The applicant(s) or managing agent have not been convicted of any HMO related offences by the Council. The EPU, PHHU and CE, 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. Due to data protection issues which have recently arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue. Officers are not aware of any issues relevant to the applicant's fitness.</p> <p><u>Attendance</u></p>
3.8	<p>The applicant and/or their representatives will be available to discuss any matters relating to the renewal of the licence should they arise during your meeting.</p> <p><u>Suitability of the premises</u></p>
3.9	<p>An inspection of the premises was carried out by Officers from the Service on 25 September 2020. The inspections revealed that the applicant was continuing to adhere to the terms and conditions of the existing licence and no contraventions were discovered.</p> <p><u>Notice of proposed decision</u></p>
3.10	On the 13 October 2020, 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.
3.11	The notice of proposed decision stated that the council proposed to grant the licence in terms different from those applied for. Those terms include an out of hours contact number.
3.12	Mr Samuel Weir (managing agent) on behalf of the owner confirmed on the 12 November 2020 that they consent to the inclusion of the out of hours telephone number
	<u>Financial and Resource Implications</u>

3.13	None. The cost of assessing the application and officer inspections are provided for within existing budgets.
	<u>Equality and Good Relations Implications</u>
3.14	There are no equality or good relations issues associated with this report.
4.0	Appendices – Documents Attached
	Appendix 1 – Location Map Appendix 2 – Notice of proposed decision Appendix 3 – Fitness

Appendix 1 – Location Map – 23 Pakenham Street, Belfast. BT7 1AB



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Subject:	Amendment of the Scheme of Delegation to delegate authority to determine some renewal applications with objections
Date:	18 th November 2020
Reporting Officer:	Nora Largey, Divisional Solicitor, Ext. 6049
Contact Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, Divisional 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 amendment of the Scheme of Delegation in respect of applications for renewal of a licence for the use of premises as a House in Multiple Occupation (HMO).
2.0	Recommendations
2.1	<p>Taking into account the information presented Committee is asked to consider whether it wishes to amend the Scheme of Delegation to:</p> <ul style="list-style-type: none"> (i) Allow officers to grant a renewal application for a HMO licence where a valid objection has been received but where the objection relates to overprovision, either directly or indirectly; and (ii) Allow officers to grant a renewal application for a HMO licence where a valid objection has been received but where the issues raised are general in nature and not specific to the relevant property, applicant or managing agent.
2.2	Amending the Scheme of Delegation does not fall within the delegated authority of Committee and must therefore be ratified by Council.

3.0	Main report
	<p><u>Key Issues</u></p> <p>3.1 Members will be aware that Section 20 of the Houses in Multiple Occupation Act (NI) 2016 states that the power to refuse an application on the grounds of overprovision or breach of planning control do not apply to renewal applications.</p> <p>3.2 Paragraph 3.6.27 of the Scheme of Delegation permits officers to exercising all powers in relation to the grant (but not refusal) of HMO licences, except in certain circumstances. One of those exceptions is where material objections are received. This means that where a material objection has been received the application must be referred to Committee.</p> <p>3.3 Council continues to receive objections in relation to renewal applications which raise general issues about overprovision or raise concerns about other issues in the general area which are not specific to either the property, owner or managing agent of the property. In accordance with the 2016 Act these objections are valid and whilst not dismissing the alleged issues, legal advice has consistently been that refusal of an application on the basis of such an objection would not be sustainable.</p> <p>3.4 It is considered that this process is unfair to the applicants and indeed to objectors. It also brings applications to Committee unnecessarily which increases work load for both Committee and officers.</p> <p>3.5 Officers therefore believe it may be appropriate to amend the Scheme of Delegation to allow officers to grant renewal applications licences in circumstances where the nature of the objection relates to overprovision, either directly or indirectly.</p> <p>3.6 Members may also wish to consider whether to grant delegated authority to officers to grant a renewal application where valid objections have been received but where the issues raised in the objection are not specific to the property in question.</p> <p>3.7 It is acknowledged that this is less straightforward as issues may arise which should be considered by Committee. In this context however members are reminded that paragraph 1.13 of the Scheme of Delegation states that Chief Officers may refer any delegated matter to Committee in any case. Furthermore, any decision which would otherwise be delegated under the Scheme should be reported to Committee if it is politically contentious, sensitive, significant or if it is otherwise in the public interest to do so.</p> <p><u>Financial and Resource Implications</u></p> <p>3.8 None.</p> <p><u>Equality and Good Relations Implications</u></p> <p>3.9 There are no equality or good relations issues associated with this report.</p>
4.0	Appendices – N/A