

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



**Belfast
City Council**

19th March, 2024

MEETING OF THE LICENSING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room, City Hall on Wednesday, 20th March, 2024 at 5.15 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

AGENDA:

1. Routine Matters

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

2. Delegated Matters

- (a) Licences Issued Under Delegated Authority (Pages 1 - 6)
- (b) Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority (Pages 7 - 10)
- (c) Update on the Renewal of an Entertainments Licence for Shaftesbury Bowling and Recreation Club (Pages 11 - 30)
- (d) Application for a New Licence to operate a House of Multiple Occupation for Flat 2, 4 Donnybrook Street (Pages 31 - 50)

- (e) Application for a New Licence to operate a House of Multiple Occupation for Flat 1, 6 Ireton Street (Pages 51 - 76)
- (f) Application for a New Licence to operate a House of Multiple Occupation for Flat 2, 6 Ireton Street (Pages 77 - 102)
- (g) Application for a New Licence to operate a House of Multiple Occupation for Flat 3, 6 Ireton Street (Pages 103 - 128)
- (h) Application for a New Licence to operate a House of Multiple Occupation for Flat 1, 23 Ireton Street (Pages 129 - 154)
- (i) Application for a New Licence to operate a House of Multiple Occupation for Flat 2, 23 Ireton Street (Pages 155 - 180)
- (j) Application for a New Licence to operate a House of Multiple Occupation for Flat 3, 23 Ireton Street (Pages 181 - 206)

3. **Issues Raised in Advance by a Member**

- (a) Airbnb Accommodation - Cllr McKeown to raise



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| Subject: | Licences Issued Under Delegated Authority |
| Date: | 20 March 2024 |
| Reporting Officer: | Stephen Hewitt, Building Control Manager, Ext. 2435 |
| Contact Officer: | James Cunningham, Senior Licensing Officer, Ext. 3375 |

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

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

| | |
|------------|---|
| 1.0 | Purpose of Report or Summary of main Issues |
| 1.1 | Under the Scheme of Delegation, the Director of Planning and Building Control is responsible for exercising all powers in relation to the issue, but not refusal, of Permits and Licences, excluding provisions relating to the issue of Licences where adverse representations have been made. |
| 2.0 | Recommendations |
| 2.1 | The Committee is requested to note the applications that have been issued under the Scheme of Delegation. |

3.0Main 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 |
|---|---------------------|--|
| 2 Royal Avenue, 2 Royal Avenue, Belfast, BT1 1DA. | Renewal | Mr John Greer, Belfast City Council |
| Belfast Stories Site, 92-100 Royal Avenue, Belfast, BT1 1DL. | Grant (Marquee) | Ms Wendy Langham, Belfast City Council |
| Belmont Bowling Club, 6A Kincora Avenue, Belfast, BT4 | Renewal | Mr Stephen Walker |
| Botanic Gardens Bowling Pavilion, Botanic Gardens, College Park, Belfast, BT7 1LP. | Renewal | Mr David Sales, Belfast City Council |
| Bullitt Hotel, 40A Church Lane, Belfast, BT1 4QN. | Renewal (Outdoor) | Mr James Sinton, Bullitt Trading Ltd |
| Bullitt Hotel, 40A Church Lane, Belfast, BT1 4QN. | Renewal | Mr James Sinton, Bullitt Trading Ltd |
| CIYMS, 91 Circular Road, Belfast, BT4 2GD. | Grant | Mr Chris Shields |
| Caulfields, 685 Springfield Road, Belfast, BT12 7FP. | Renewal | Mr Tony Clarke |
| City Hall, Donegall Square, Belfast, BT1 5GS. | Renewal (Outdoor) | Ms Joanne Murray, Belfast City Council |
| City Hall, Donegall Square, Belfast, BT1 5GS. | Renewal | Ms Joanne Murray, Belfast City Council |
| Clayton Hotel Belfast, 22 Ormeau Avenue, Belfast, BT2 8HS. | Renewal | Mr Jonathan Topping |
| Cliftonville Golf Club, 44 Westland Road, Belfast, BT14 | Renewal | Mr Sean Rafferty |
| Dunmurry Presbyterian Church Hall, 224 Kingsway, Dunmurry, Belfast, BT17 9AE. | Renewal | Ms Angela Ritchie |
| Empire Social Club, 337A Donegall Road, Belfast, BT12 | Renewal | Mr Alan McCabe |
| Ewarts Bowling Club, 21 Somerdale Park, Belfast, BT14 | Renewal | Mr David Lavery |
| Family Entertainment Centre, Adjacent to Unit 62, Kennedy Centre, 564-568 Falls Road, Belfast, BT11 | Renewal | Mr Noel Bardon |
| Katy Dalys, Limelight, & Limelight 2, 17-21 Ormeau Avenue, Belfast, BT2 8HD. | Renewal | Mr Alan Simms, The Limelight Belfast Ltd |

| Premises and Location | Type of Application | Applicant |
|---|----------------------------|---|
| Laurelglen Roadhouse, 208 Stewartstown Road, Belfast, BT17 0AH. | Renewal | Mr Michael Gallagher |
| Ligoniel Sports and Social Club, 186a Ligoniel Road, Belfast, BT14 | Renewal | Mr James Sullivan |
| Maverick, 106-110 Donegall Street, Belfast, BT1 2GX. | Renewal | Mr John McElhatton, Maverick (NI) Ltd |
| McHughs Bar, 29 Queens Square, Belfast, BT1 3FG. | Renewal | Mr Henry Downey, Eagle-Glen Ltd |
| Mountainview Tavern, 417-421 Shankill Road, Belfast, BT13 | Renewal | Mr Wilson McArthur, Mountainview Tavern Enterprises Ltd |
| Radisson Blu Hotel, The Gasworks, 3 Cromac Place, Belfast, BT7 2JB. | Renewal | Mr David Donnelly, Inislyn Ltd |
| Raven Social Club, 11-15 Castlereagh Street, Belfast, BT5 | Renewal | Mr Stephen Beattie |
| Sarsfield GAC, 25A Stewartstown Avenue, Belfast, BT11 9GE. | Renewal | Ms Fiona Maguire |
| Shamrock Sports & Social Club, 5A Flax Street, Belfast, BT14 7EJ. | Renewal | Mr Paul Carson |
| Sliabh Dubh, 179 Whiterock Road, Belfast, BT12 7FW. | Renewal | Mr Tony Clarke |
| St Comgalls, Divis Street, Belfast, BT12 4AQ. | Renewal | Mr Gerry McConville, Falls Community Council |
| St Malachys College Old Boys Assoc, 442 Antrim Road, Belfast, BT15 5GB. | Renewal | Mr Conor Cassidy |
| St Marks Church, Heyn Hall, 2 Sydenham Avenue, Belfast, BT4 | Renewal | Mrs Lynn Wilson |
| Stormont Presbyterian Church, 618 Upper Newtownards Road, Belfast, BT4 3HH. | Renewal | Ms Frona Clarke |
| The Dirty Onion & Yard Bird, 3 Hill Street, Belfast, BT1 2LA. | Renewal (Outdoor) | Mr James Sinton, Cathedral Leisure Ltd |
| The Dirty Onion & Yard Bird, 3 Hill Street, Belfast, BT1 2LA. | Renewal | Mr James Sinton, Cathedral Leisure Ltd |
| The Merchant Hotel, 16 Skipper Street, Belfast, BT1 2DZ. | Renewal (Outdoor) | Mr James Sinton, The Merchant Hotel Ltd |
| The Merchant Hotel, 16 Skipper Street, Belfast, BT1 2DZ. | Renewal | Mr James Sinton, The Merchant Hotel Ltd |
| The National Grande Cafe Bar& Sixty6, 62-68 High Street, Belfast, BT1 2BE. | Renewal (Outdoor) | Mr James Sinton, Cathedral Leisure Ltd |
| The National Grande Cafe Bar& Sixty6, 62-68 High Street, Belfast, BT1 2BE. | Renewal | Mr James Sinton, Cathedral Leisure Ltd |

| | <table><tr><th>Premises and Location</th><th>Type of Application</th><th>Applicant</th></tr><tr><td>The Poet, 1C King's Square, King's Road, Belfast, BT5 7EA.</td><td>Renewal</td><td>Mr Gary McCalmont</td></tr><tr><td>The Topsy Bird, 96-100 Ann Street, Belfast, BT1 3HH.</td><td>Renewal</td><td>Mr Bobby Robertson, Glendola Leisure (Holdings) Ltd</td></tr><tr><td>Tullycarnet Bowling Pavilion, Tullycarnet Park, Kingswood Park, Belfast, BT5 7GE.</td><td>Renewal</td><td>Mr David Sales, Belfast City Council</td></tr><tr><td>Turf Lodge Tenants Association, 35A Norglen Gardens, Belfast, BT11</td><td>Renewal</td><td>Ms Jean Russell</td></tr><tr><td>Ulster Sports Club, 96-98 High Street, Belfast, BT1 2BG.</td><td>Renewal</td><td>Mr James Sinton, Out of Office Brewing Ltd</td></tr></table> | Premises and Location | Type of Application | Applicant | The Poet, 1C King's Square, King's Road, Belfast, BT5 7EA. | Renewal | Mr Gary McCalmont | The Topsy Bird, 96-100 Ann Street, Belfast, BT1 3HH. | Renewal | Mr Bobby Robertson, Glendola Leisure (Holdings) Ltd | Tullycarnet Bowling Pavilion, Tullycarnet Park, Kingswood Park, Belfast, BT5 7GE. | Renewal | Mr David Sales, Belfast City Council | Turf Lodge Tenants Association, 35A Norglen Gardens, Belfast, BT11 | Renewal | Ms Jean Russell | Ulster Sports Club, 96-98 High Street, Belfast, BT1 2BG. | Renewal | Mr James Sinton, Out of Office Brewing Ltd | | | | | | |
|--|--|---|---------------------|-----------|--|---------|---|--|---------|---|---|---------|--------------------------------------|--|---------|-----------------------------------|--|---------|--|--|---------|-----------------------------------|---|---------|------------------|
| Premises and Location | Type of Application | Applicant | | | | | | | | | | | | | | | | | | | | | | | |
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| The Topsy Bird, 96-100 Ann Street, Belfast, BT1 3HH. | Renewal | Mr Bobby Robertson, Glendola Leisure (Holdings) Ltd | | | | | | | | | | | | | | | | | | | | | | | |
| Tullycarnet Bowling Pavilion, Tullycarnet Park, Kingswood Park, Belfast, BT5 7GE. | Renewal | Mr David Sales, Belfast City Council | | | | | | | | | | | | | | | | | | | | | | | |
| Turf Lodge Tenants Association, 35A Norglen Gardens, Belfast, BT11 | Renewal | Ms Jean Russell | | | | | | | | | | | | | | | | | | | | | | | |
| Ulster Sports Club, 96-98 High Street, Belfast, BT1 2BG. | Renewal | Mr James Sinton, Out of Office Brewing Ltd | | | | | | | | | | | | | | | | | | | | | | | |
| 3.2 | Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 no Amusement Permits were issued since your last meeting. | | | | | | | | | | | | | | | | | | | | | | | | |
| 3.3 | Under the terms of the Cinemas (Northern Ireland) Order 1991 the following Cinema Licences were issued since your last meeting. | | | | | | | | | | | | | | | | | | | | | | | | |
| | <table><tr><th>Premises and Location</th><th>Type of Application</th><th>Applicant</th></tr><tr><td>The Avenue, Unit 34B, Castlecourt Shopping Centre, 12-56 Royal Avenue, Belfast, BT1 1DD.</td><td>Renewal</td><td>Mr Paul John Anderson, Omniplex (Castlecourt) Ltd</td></tr></table> | Premises and Location | Type of Application | Applicant | The Avenue, Unit 34B, Castlecourt Shopping Centre, 12-56 Royal Avenue, Belfast, BT1 1DD. | Renewal | Mr Paul John Anderson, Omniplex (Castlecourt) Ltd | | | | | | | | | | | | | | | | | | |
| Premises and Location | Type of Application | Applicant | | | | | | | | | | | | | | | | | | | | | | | |
| The Avenue, Unit 34B, Castlecourt Shopping Centre, 12-56 Royal Avenue, Belfast, BT1 1DD. | Renewal | Mr Paul John Anderson, Omniplex (Castlecourt) Ltd | | | | | | | | | | | | | | | | | | | | | | | |
| 3.4 | Under the terms of the Petroleum Consolidation Act 1929 the following Petroleum Licences were issued since your last meeting. | | | | | | | | | | | | | | | | | | | | | | | | |
| | <table><tr><th>Premises and Location</th><th>Type of Application</th><th>Applicant</th></tr><tr><td>Antrim Road Filling Station, 328 Antrim Road, Belfast, BT15 5AB.</td><td>Renewal</td><td>Mr Kevin Brennan</td></tr><tr><td>Cherryvalley Filling Station, 46 Gilnahirk Road, Belfast, BT5 7DG.</td><td>Renewal</td><td>Mr Alan Armstrong, Henderson Retail Ltd</td></tr><tr><td>GO Grand Parade, 77 Grand Parade, Belfast, BT5 5HG.</td><td>Renewal</td><td>Mr Daniel Loughran, LCC Group Ltd</td></tr><tr><td>Go GVS, 112-114 Great Victoria Street, Belfast, BT2 7BG.</td><td>Renewal</td><td>Mr Daniel Loughran, LCC Group Ltd</td></tr><tr><td>Go Twin Spires, 5 Falls Road, Belfast, BT13 2JF.</td><td>Renewal</td><td>Mr Daniel Loughran, LCC Group Ltd</td></tr><tr><td>Go Yorkgate, 1 Brougham Street, Belfast, BT15 1JQ.</td><td>Renewal</td><td>Mr Daniel Loughran, LCC Group Ltd</td></tr><tr><td>Saveways Eurospar, 111-129 Springfield Road, Belfast, BT12 7AE.</td><td>Renewal</td><td>Mr Brendan McKee</td></tr></table> | Premises and Location | Type of Application | Applicant | Antrim Road Filling Station, 328 Antrim Road, Belfast, BT15 5AB. | Renewal | Mr Kevin Brennan | Cherryvalley Filling Station, 46 Gilnahirk Road, Belfast, BT5 7DG. | Renewal | Mr Alan Armstrong, Henderson Retail Ltd | GO Grand Parade, 77 Grand Parade, Belfast, BT5 5HG. | Renewal | Mr Daniel Loughran, LCC Group Ltd | Go GVS, 112-114 Great Victoria Street, Belfast, BT2 7BG. | Renewal | Mr Daniel Loughran, LCC Group Ltd | Go Twin Spires, 5 Falls Road, Belfast, BT13 2JF. | Renewal | Mr Daniel Loughran, LCC Group Ltd | Go Yorkgate, 1 Brougham Street, Belfast, BT15 1JQ. | Renewal | Mr Daniel Loughran, LCC Group Ltd | Saveways Eurospar, 111-129 Springfield Road, Belfast, BT12 7AE. | Renewal | Mr Brendan McKee |
| Premises and Location | Type of Application | Applicant | | | | | | | | | | | | | | | | | | | | | | | |
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| Cherryvalley Filling Station, 46 Gilnahirk Road, Belfast, BT5 7DG. | Renewal | Mr Alan Armstrong, Henderson Retail Ltd | | | | | | | | | | | | | | | | | | | | | | | |
| GO Grand Parade, 77 Grand Parade, Belfast, BT5 5HG. | Renewal | Mr Daniel Loughran, LCC Group Ltd | | | | | | | | | | | | | | | | | | | | | | | |
| Go GVS, 112-114 Great Victoria Street, Belfast, BT2 7BG. | Renewal | Mr Daniel Loughran, LCC Group Ltd | | | | | | | | | | | | | | | | | | | | | | | |
| Go Twin Spires, 5 Falls Road, Belfast, BT13 2JF. | Renewal | Mr Daniel Loughran, LCC Group Ltd | | | | | | | | | | | | | | | | | | | | | | | |
| Go Yorkgate, 1 Brougham Street, Belfast, BT15 1JQ. | Renewal | Mr Daniel Loughran, LCC Group Ltd | | | | | | | | | | | | | | | | | | | | | | | |
| Saveways Eurospar, 111-129 Springfield Road, Belfast, BT12 7AE. | Renewal | Mr Brendan McKee | | | | | | | | | | | | | | | | | | | | | | | |
| 3.5 | Under the terms of the Street Trading Act (Northern Ireland) 2001 the following Street Trading Licences were issued since your last meeting. | | | | | | | | | | | | | | | | | | | | | | | | |

| | <table><tr><th>Location</th><th>Type of Application</th><th>Commodity</th><th>Hours Licensed</th><th>Applicant</th></tr><tr><td>Shaw's Bridge Car Park</td><td>Stationary</td><td>Ice cream, confectionery & cold beverages</td><td>Mon – Fri: 11:00 – 19:00 Sat & Sun: 10:00 – 19:00</td><td>Mr William Topping</td></tr></table> | Location | Type of Application | Commodity | Hours Licensed | Applicant | Shaw's Bridge Car Park | Stationary | Ice cream, confectionery & cold beverages | Mon – Fri: 11:00 – 19:00 Sat & Sun: 10:00 – 19:00 | Mr William Topping |
|--|--|---|--|--------------------------|----------------|--|------------------------|------------------------------------|---|--|--------------------|
| Location | Type of Application | Commodity | Hours Licensed | Applicant | | | | | | | |
| Shaw's Bridge Car Park | Stationary | Ice cream, confectionery & cold beverages | Mon – Fri: 11:00 – 19:00 Sat & Sun: 10:00 – 19:00 | Mr William Topping | | | | | | | |
| 3.6 | Under the terms of the Road Traffic Regulation (Northern Ireland) Order 1997 the following Road Closure Orders were made since your last meeting. | | | | | | | | | | |
| | <table><tr><th>Location</th><th>Type of Activity</th><th>Date and Hours permitted</th><th>Applicant</th></tr><tr><td>Annadale Embankment, Stranmillis Embankment, Ormeau Road</td><td>5K Running Race</td><td>Wed 13 March 2024 18:00 – 20:00</td><td>Mr Kevin Murray</td></tr></table> | Location | Type of Activity | Date and Hours permitted | Applicant | Annadale Embankment, Stranmillis Embankment, Ormeau Road | 5K Running Race | Wed 13 March 2024 18:00 – 20:00 | Mr Kevin Murray | | |
| Location | Type of Activity | Date and Hours permitted | Applicant | | | | | | | | |
| Annadale Embankment, Stranmillis Embankment, Ormeau Road | 5K Running Race | Wed 13 March 2024 18:00 – 20:00 | Mr Kevin Murray | | | | | | | | |
| 3.7 | Under the terms of the Licensing of Pavement Cafés Act (Northern Ireland) 2014 no Pavement Café Licences were issued since your last meeting. | | | | | | | | | | |
| | <u>Financial & Resource Implications</u> | | | | | | | | | | |
| 3.8 | None | | | | | | | | | | |
| | <u>Equality or Good Relations Implications/Rural Needs Assessment</u> | | | | | | | | | | |
| 3.9 | There are no issues associated with this report. | | | | | | | | | | |

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| Subject: | Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority |
| Date: | 20th March, 2024 |
| Reporting Officer: | Kevin Bloomfield, NIHMO Manager |
| Contact Officers: | Kevin Bloomfield, NIHMO Manager Helen Morrissey, City Protection Manager |

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| 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"/> |

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

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

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| 3.0 | Main report |
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Key Issues

3.1 Under the terms of the Houses in Multiple Occupation Act (Northern Ireland) 2016 the following HMO Licences were issued during March 2024.

[illegible]

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| 50 College Park Avenue | SOBE Developments Limited | CENTRAL | HOLYLAND HMO 2/22 |
| 50 College Park Avenue | SOBE Developments Limited | CENTRAL | HOLYLAND HMO 2/22 |
| flat 1, 1 Cameron Street | Mr Diarmuid Phelan | CENTRAL | HOLYLAND HMO 2/22 |
| 19 Palestine Street | Mr Declan Boyle | CENTRAL | HOLYLAND HMO 2/22 |
| 12 Damascus Street | Mr Declan Boyle | CENTRAL | HOLYLAND HMO 2/22 |
| 82 Rugby Road | Mr James McGovern | CENTRAL | HOLYLAND HMO 2/22 |
| 40 Wellesley Avenue | Mrs Margaret Mary Holland | WINDSOR | EGLANTINE HMO 2/09 |
| Apartment 1, 7 Lawrence Street | BOTANIC AVENUE PROPERTIES LIMITED | CENTRAL | HOLYLAND HMO 2/22 |
| Flat 2, 14 Glandore Gardens | Mr Adrian Keegan | FORTWILLIAM | NONE |
| 31 Stranmillis Road | Mr Duncan Macauley | CENTRAL | NONE |
| 59 Portallo Street | Mr Michael Gannon | BEERSBRIDGE | NONE |
| 56 Fitzroy Avenue | Mr Martin McKeever | CENTRAL | HOLYLAND HMO 2/22 |
| Apartment 3, 7 Lawrence Street | BOTANIC AVENUE PROPERTIES LIMITED | CENTRAL | HOLYLAND HMO 2/22 |
| Apartment 2, 7 Lawrence Street | BOTANIC AVENUE PROPERTIES LIMITED | CENTRAL | HOLYLAND HMO 2/22 |
| 15 Ardenlee Place | Mr Hugh Mohan | RAVENHILL | NONE |
| 43 Sandymount Street | Mr William Johnson | STRANMILLIS | SANDYMOUNT HMO 2/17 |
| 56 Jerusalem Street | Mr Plunkett Rafferty | CENTRAL | HOLYLAND HMO 2/22 |
| 36 Malone Avenue | Mr Adrian Keegan | WINDSOR | EGLANTINE HMO 2/09 |
| 2 Wellesley Avenue | Whitefield Holdings (NI) Ltd | WINDSOR | EGLANTINE HMO 2/09 |
| 12 Ravenhill Crescent | Silverthorn Properties Limited | WOODSTOCK | NONE |
| 118 Melrose Street | Miss Valerie Williamson | WINDSOR | EDINBURGH ST HMO 2/08 |
| 130 Fitzroy Avenue | Mr Gerald McCloskey | CENTRAL | HOLYLAND HMO 2/22 |
| 2 Lorne Street | Mr Robert Scott | WINDSOR | NONE |
| 46 Damascus Street | Mr SEAMUS FAY | CENTRAL | HOLYLAND HMO 2/22 |
| 132 Cregagh Road | The Abbeyfield Belfast Society Limited | RAVENHILL | NONE |
| 115 Malone Avenue | Mr Stephen Kirk | WINDSOR | EGLANTINE HMO 2/09 |
| 72 Rugby Avenue | Mr Donal McKay | CENTRAL | HOLYLAND HMO 2/22 |
| Flat 3, 14 Wellesley Avenue | Mr Sean Daly | WINDSOR | EGLANTINE HMO 2/09 |
| Flat 2, 14 Wellesley Avenue | Mr Sean Daly | WINDSOR | EGLANTINE HMO 2/09 |
| 8 Artana Street | Mr Peter Anthony Russell | CENTRAL | HOLYLAND HMO 2/22 |
| 67 Dunluce Avenue | Mrs Patricia Rose Hunt | WINDSOR | ULSTERVILLE HMO 2/21 |

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|-----|--|------------------------------|-------------|-----------------------|
| | 39 Rugby Avenue | Mr Patrick Curran | CENTRAL | HOLYLAND HMO 2/22 |
| | Flat 2, 13 Malone Avenue | Mr Maurice Loughran | WINDSOR | EGLANTINE HMO 2/09 |
| | Flat 1, 13 Malone Avenue | Mr Maurice Loughran | WINDSOR | EGLANTINE HMO 2/09 |
| | 48 Delhi Street | Mrs Dympna McPeake | ORMEAU | BALLYNAFEIGH HMO 2/03 |
| | 45 Castlereagh Place | Mr John O'Callaghan | BEERSBRIDGE | NONE |
| | 17 Sandymount Street | Miss Anita McKeown | STRANMILLIS | SANDYMOUNT HMO 2/17 |
| | 35 Malone Avenue | Mr John Francis Rice | WINDSOR | EGLANTINE HMO 2/09 |
| | 39 Claremont Street | Mrs Jillian McConnell | WINDSOR | FITZWILLIAM HMO 2/10 |
| | 21 St Ives Gardens | Mrs Jackie Magee | STRANMILLIS | SANDYMOUNT HMO 2/17 |
| | Flat 4, 34 Rugby Avenue | Mr Sean Johnston | CENTRAL | HOLYLAND HMO 2/22 |
| | Flat 3, 34 Rugby Avenue | Mr Sean Johnston | CENTRAL | HOLYLAND HMO 2/22 |
| | 17 The Cloisters | Mr Raymond McFarland | CENTRAL | HOLYLAND HMO 2/22 |
| | 119a Ormeau Road | Mrs Dympna Shields | CENTRAL | NONE |
| | 28 Dunluce Avenue | Ms Laveena Sabherwal | WINDSOR | ULSTERVILLE HMO 2/21 |
| | 25 Elaine Street | John Smyth's Estates Limited | CENTRAL | STRANMILLIS HMO 2/19 |
| | 4 Cadogan Street | Mrs Roisin Starkey | CENTRAL | HOLYLAND HMO 2/22 |
| | 8 Stranmillis Road | Bernet Residential Limited | CENTRAL | STRANMILLIS HMO 2/19 |
| | Flat 2, 38 Fitzroy Avenue | Ms Brigitte Heim | CENTRAL | HOLYLAND HMO 2/22 |
| | <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. | | | |



Belfast
City Council

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| Subject: | Update on a deferred application where an objection had been received for the Renewal of an Entertainments Licence for Shaftesbury Bowling and Recreation Club |
| Date: | 20 March 2024 |
| Reporting Officer: | Stephen Hewitt, Building Control Manager, ext. 2435 |
| Contact Officer: | Moirra Dougherty, Senior Building Control Surveyor, ext. 2458 |

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|---|---|
| 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"/> |

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| 1.0 | Purpose of Report or Summary of Main Issues | | |
| 1.1 | To provide an update to Committee on an application, for which an objection had been received, for the Renewal of a 6-Day Annual Indoor Entertainments Licence for Shaftesbury Bowling and Recreation Club. | | |
| 1.2 | Premises and Location Shaftesbury Bowling and Recreation Club 20A Annadale Avenue Belfast BT7 3JJ | Ref. No. WK/202201640 | Applicant Mr Fred Simpson |

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| 1.3 | Members are reminded that Committee, at its meeting on 21st June 2023, heard representations from the applicant and objectors in relation to the application to renew this licence. At the meeting Members agreed to defer the application to enable further consideration by Council officers of the new evidence which had been raised by the objector and to allow the Council to support further mediation between the applicant and objector. |
| 1.4 | A copy of the minutes of your meeting is attached as Appendix 1. |
| 2.0 | Recommendations |
| 2.0 | The Committee is requested to note the contents of this report and that the entertainments licence has now been issued under delegated authority. |
| 3.0 | Main report |
| | <u>Key Issues</u> |
| 3.1 | After your meeting the additional evidence provided was reviewed by the Service and further discussions took place with the applicant and objectors. |
| 3.2 | Communication with both parties resulted in an outcome where the objectors are no longer pursuing their objection to the application. |
| | <u>Noise Complaints</u> |
| 3.3 | No noise complaints have been received by the Council since your meeting in June 2023. |
| | <u>Health, safety and enforcement inspections</u> |
| 3.4 | The Service carried out monitoring and a during performance inspection at the club on Tuesday 13 February 2024 and all management and technical matters were satisfactory. |
| 3.5 | Under the Scheme of Delegation the Director of Planning and Building Control is responsible for exercising all powers in relation to the issue of Permits and Licences except where adverse representations have been made. |
| 3.6 | As the issues raised by the objectors at your meeting last June have been resolved the entertainments licence has now been issued under the delegated authority of the Director. |
| 4.0 | <u>Financial and Resource Implications</u> |
| 4.1 | Officers carry out monitoring inspections on premises to investigate complaints, but this is catered for within existing budgets. |
| 5.0 | <u>Equality or Good Relations Implications/Rural Needs Assessment</u> |
| 5.1 | There are no issues associated with this report. |
| 6.0 | Appendices – Documents Attached |
| 6.1 | <ul style="list-style-type: none"> Appendix 1 – Minutes of your meeting of 21 June 2023. |

Licensing Committee

Wednesday, 21st June, 2023

MEETING OF THE LICENSING COMMITTEE

**HELD IN THE LAVERY ROOM AND
REMOTELY VIA MICROSOFT TEAMS**

Members present: Councillor McKeown (Chairperson)
Aldermen Rodgers, McCoubrey and McCullough;
Councillors Anglin, Bradley, Collins, P. Donnelly, Doran,
D. Douglas, Gormley, Murray, F. McAteer, McCabe,
McCann, McCusker, McMullan and Ó Néill.

In attendance: Ms. K. Bentley, Director of Planning and Building Control;
Ms. N. Largey, Interim City Solicitor/Director of Legal and
Civic Services;
Mr. K. Bloomfield, HMO Unit Manager;
Mr. J. Cunningham, Senior Licensing Officer; and
Ms. E. McGoldrick, Democratic Services Officer.

Apologies

Apologies were reported on behalf of Councillors Lyons and Smyth.

Minutes

The minutes of the meeting of 12th April were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 2nd May, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

Councillor McCabe declared an interest in item 2.f) in that she was employed by Féile an Phobail, and left the meeting whilst the item was being considered.

Meeting Times

At the request of the Chairperson, the Committee agreed that further meetings of the Committee commence at 5.15 p.m. instead of 5.00 p.m.

Delegated Matters

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

**Houses in Multiple Occupation Licences
Issued Under Delegated Authority**

The Committee noted a list of licences for Houses in Multiple Occupation which had, since its last meeting, been issued under the Council's Scheme of Delegation.

**Application for a New Licence to operate
a House of Multiple Occupation for Flat 1,
6 Sandhurst Road, Belfast, BT7 1PW &
Application for a New Licence to operate
a House of Multiple Occupation for Flat 2,
6 Sandhurst Road, Belfast, BT7 1PW**

(The Committee agreed to consider these two items simultaneously.)

The HMO Unit Manager outlined the reports to consider applications for two Licences permitting the use of premises as a House in Multiple Occupation (HMO) at Flat 1 and Flat 2, 6 Sandhurst Road, Belfast, BT7 1PW.

He reminded the Committee that, at its meeting in April 2023, it had acceded to a request from the applicant's legal representative to defer consideration of this applications until a future meeting to provide them with additional time to consider the Committee report and take instruction from their client. Officers subsequently applied to the county court to allow the Council additional time to consider the application which the court granted until 10th July, 2023.

He advised that suitability of living accommodation for multiple occupation, in determining whether living accommodation was suitable for occupation as an HMO, the Council must have regard amongst other things to:

- (a) the accommodation's location;
- (b) the type and number of persons likely to occupy it;
- (c) the safety and security of persons likely to occupy it; and
- (d) the possibility of undue public nuisance.

He highlighted the Notice of Proposed Decision stated that the Council proposed to refuse the licence on the basis that it was not satisfied the living accommodation was suitable for use as an HMO pursuant to section 8(2)(e) and section 13 of the 2016 Act and a statement of reasons for the proposal was included in the Notice of Proposed Decision.

He advised that the accommodation of the two flats was in HMO Policy Area HMO 2/22 Botanic, Holylands, Botanic. The properties were situated in a primarily residential area, however, the adjacent property at "Lilac House" 4 Sandhurst Road was the

**Licensing Committee,
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independent living and advice centre of the charity Autonomie, which worked with young people (16-30 years) with a physical and/or mild to moderate learning disabilities. He stated that Autonomie also offered vital practical and emotional support to families raising a child or young person with disabilities. He advised that Fitzroy Court was located at the junction of Fitzroy Avenue and Sandhurst Road, which was a block of 25 retirement flats operated by Choice Housing. The boundary of Fitzroy Court was approximately 20m diagonally opposite 6 Sandhurst Road.

The HMO Unit Manager advised that Officers had consulted with the Police Service for Northern Ireland ("PSNI") and had received information regarding the calls they had received to the accommodation, including the number and types of incidents.

He advised that, on 21st June, the Council had received further information from the applicant's solicitor which included:

- A letter of support from the Probation Board Northern Ireland for the renewal of Licence at Queen's Quarter Hostel IV Unit, to allow for their continued service delivery;
- Service User rules for Queen's Quarter Housing;
- Licence agreements to occupy temporary accommodation for Queen's Quarter Housing; and
- Queens Quarter Housing Warnings and Exclusion Policy and Referral Procedure.

He raised concerns in relation to the new information which had been received and stated that there was no reference in the fire risk assessment submitted with this application (dated 12th October, 2022) to individuals with arson convictions being housed in the accommodation.

He advised that the Council was required to have regard to the safety and security of persons likely to occupy it, and the applicant had already disclosed that there had been incidents of violence at the accommodation.

The HMO Unit were not aware of there being an IV Unit at 6 Sandhurst Road. If such a unit was in-situ, this would be a material as part of the fire risk assessment and was not mentioned in the FRA submitted on 12th October, 2022 with the applications.

The Committee received a representation from Sgt. K. Morton and PC. D. Watson, representing the PSNI. They drew Members attention to the incident log which provided detail of reported incidents linked to the properties. They described the community impact of the accommodation being used as a HMO, together with the pressure on Policing to safeguard the area.

During discussion, one Member highlighted the critical need for Hostel accommodation and that Queen's Quarter Housing had a long track record of providing this accommodation on behalf of the NIHE.

The Committee received a representation from Ms. L. Morrison, Chief Executive, Autonomie, objecting to the application. She advised that Autonomie was located at

**Licensing Committee,
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4 Sandhurst Road from 2014 and was a charity which provided support for complex needs persons, who were a very vulnerable group. She summarised her objections to the application and suggested that both staff and clients had been regularly verbally abused whilst entering the building by those standing outside 6 Sandhurst Road and drug deals had also been witnessed outside the property. She advised that they had to adapt to the situation by installing CCTV and staff now did not want to work alone, due to the fear of leaving the building. She also highlighted the need to safeguard the clients and parents of Autonomie.

During Members' questions, Ms. Morrison explained further the impact of the Hostel's residents on the staff and clients of Autonomie.

The Committee received a representation from Ms. L. Smyth, and Mr. P. MacDermott representing the applicant. Ms Smyth advised that the accommodation provided a service on behalf of the NIHE and was funded by the Department for Communities. She stated that Queen's Quarter Housing had provided services for over 20 years and managed at least six properties within the Holylands area and had worked well with the Council too.

She suggested that this was the first time some of the issues had been raised with Queen's Quarter Housing and it would have been helpful if direct engagement could have happened to address the issues.

She suggested that the people that were being housed in the HMO accommodation were extremely vulnerable and required assistance. She questioned where Hostel residents should be housed and suggested that any concerns for this application could be managed via conditions and enforcement action, and it would be premature to refuse the application.

She suggested that some important aspects of the Committee Reports had not been brought to the Committee's attention and outlined the referral policy and the agreements that were put in place with residents of the HMO, before being housed in the accommodation.

She also suggested that the majority of the objections were on behalf of Autonomie.

During Members' questions, she suggested that the Committee should not conflate wider issues of anti-social behaviour of the area to just the application properties and reiterated that safeguards could be put in place.

In response to this, Ms. Morrison suggested that Autonomie had a log of incidents linked to 6 Sandhurst Road, together with CCTV and reported evidence and highlighted the need to protect the young clients of Autonomie.

During discussion, Ms. Smyth confirmed the property would not be used as an IV Unit but would provide a safe space for residents to dispose of used needles.

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During further discussion, a Member highlighted the vulnerability of those who might reside in the accommodation and those potentially affected by the HMO due to their proximity to the accommodation and highlighted the need to investigate the strategic context of the issues which had been raised, including what housing model worked best for vulnerable adults, where do initiatives such as the Supporting People programme and the Complex Lives project fit in, current supply and demand of hostel accommodation and the spread of hostel accommodation across the city.

Proposal

Moved by Councillor Gormley,
Seconded by Alderman McCoubrey and,

Resolved - The Committee agrees to defer consideration of the applications to enable officers to explore the strategic context of the issues which had been raised in relation to this application and the wider Hostel accommodation in Belfast, and to present this information at a future meeting.

Accordingly, the Committee agreed to defer consideration of the two applications for new Licences to operate a House of Multiple Occupation for Flat 1 and Flat 2, 6 Sandhurst Road, Belfast, BT7 1PW, to enable officers to explore the strategic context of the issues which had been raised in relation to this application and the wider Hostel accommodation in Belfast, and to present this information at a future meeting.

Due to the legislation requirement to determine HMO applications within three months, and in light of the new evidence which had been received from the applicant, the Committee also agreed that the City Solicitor would seek authority from the Court to extend further the period to determine the applications and noted that consent from the applicant had been received to do so.

The Committee also noted that a Special Meeting of the Committee might be required to consider the applications, subject to Court approval and timeframes.

Licences Issued Under Delegated Authority

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

**Application for the Grant of a 7-Day Annual
Outdoor Entertainments Licence for the AC Hotel
by Marriott Belfast**

The Director of Planning and Building Control outlined the application to provide musical entertainment in the form of live music, within an outdoor area at the Hotel's main building. She advised that the Hotel had an existing Indoor Entertainments Licence.

She advised that the days and hours during which entertainment may be provided under the terms of the Indoor Entertainments Licence were:

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- Monday to Saturday 11.30am to 01.00am, and
- Sunday 12.30pm to 01.00am.

The applicant had proposed to provide entertainment within the new outdoor area to 11.00pm. The day and hours proposed were:

- Monday to Sunday: 12:00 pm to 11.00pm

The Director confirmed that no written representation had been received in relation to the application and that the Northern Ireland Fire and Rescue Service and the Police Service of Northern Ireland had not objected.

The Committee approved the application for the grant of the 7-Day Annual Outdoor Entertainments Licence - Monday to Sunday: 12:00 pm to 11.00pm.

**Application to provide outdoor musical
entertainment beyond 11.00 pm at Falls Park**

The Director of Planning and Building Control provided an overview of the following report:

“1.0 Purpose of Report or Summary of main Issues

- 1.1 To consider a request from the organisers of Féile an Phobail to hold a festival event within Falls Park, running from Saturday 5 August to Sunday 13 August 2022, and to permit the entertainment planned to run beyond 11.00 pm on up to 6 occasions.**

2.0 Recommendations

- 2.1 Taking into account the information presented and any representations received you are required to consider the request to extend the hours of entertainment and, subject to all technical requirements being met, either:**

- 1. Agree if any or all 6 of the events should be permitted to take place beyond the standard hours of licence to 1.00 am; or**
- 2. Refuse to extend any or all of the hours as requested.**

3.0 Main report

Key Issues

- 3.1 Members are advised that a 7-Day Annual Outdoor Entertainments Licence and a 7-Day Annual Indoor Licence for a Marquee has been granted for Falls Park and both have**

been used to hold events in the past, primarily for this event. The Licences are held by the City and Neighbourhood Services Department and are transferred to the organisers for the duration of their event.

- 3.2** The days and hours during which entertainment may be provided both outdoors and, in a marquee, are Monday to Sunday from 11.30 am to 11.00 pm.
- 3.3** In addition, the following Special Conditions are attached to both the Marquee and Outdoor Entertainments Licences:
- Maximum numbers will be agreed at the discretion of the Building Control Service and will vary depending upon individual concert set up proposals.
 - Prior to any event taking place the promoters are required to demonstrate evidence of early consultation and have in place a robust system of dealing with any complaints, which has been agreed in advance with the Council.
 - Any requests to provide entertainment later than 11.00 pm must be considered by the Licensing Committee and therefore must be made at least 3 months in advance of the proposed event.
 - Should an application to provide entertainment beyond 11.00 pm be granted and the Council then receive a significant number of complaints regarding noise or the complaint is of such significant impact, authority is granted to the Director of Planning and Building Control, in consultation with the City Solicitor, to reduce the finishing time for any subsequent nights of the event, in which case the promoter will be required to make contingency arrangements.
- 3.4** The programme of events at the festival continues to be developed. At this time, the organisers have indicated that events are scheduled for 5th, 8th 10th, 11th and 13th August. Additionally, while final confirmation of an act is pending, the organisers have indicated that their request to operate beyond 11.00pm include Saturday 12th August.
- 3.5** The Strategic Policy and Resources Committee, at their meeting on 21st April 2023, considered applications associated with the Summer Community diversionary festivals programme. The report was inclusive of Féile an Phobail and approval for funding was granted.
- 3.6** It is a Standard Condition of the Outdoor Entertainments Licence that all requests to operate beyond the permitted

hours of entertainment must be considered by the Licensing Committee.

- 3.7 As this is not an application to vary the terms of the Outdoor licence, but a request for Council's permission to extend the hours under an existing Licence Condition, there is no requirement for public advertisement in this case.
- 3.8 Members are reminded that in 2022 you agreed to grant the organisers permission to operate on all 4 nights of the event beyond the standard hours of 11.00 pm to 1.00 am.
- 3.9 Members will be aware that in previous years the Committee has granted extensions beyond the standard hours of 11.00 pm for other events and festivals in the City.

Rationale for additional hours

- 3.10 The event has been running for over 30 years as a community festival. The event has grown over the years from being held for 2-3 days to a full 10-to-11-day festival offering a mix of arts and cultural events including music concerts, comedy, tours and walks, debates and discussions, exhibitions / visual arts, theatre, youth and community and sporting events. This year's festival will run from Thursday 3rd August to Sunday 13th August.
- 3.11 In former years the event organisers consolidated the entertainment events at Falls Park to 3 or 4 nights. This decision was motivated by a desire to limit disruption to the community in close proximity to Falls Park.
- 3.12 Previously, operating beyond the permitted hours to 1.00am was part of the organisers strategy to mitigate against antisocial behaviour in the greater Belfast area.
- 3.13 A representative of the event organiser has been invited to attend your meeting.
- 3.14 A Location Map is attached as Appendix 1.

PSNI

- 3.15 The PSNI have been contacted by the Service in relation to the event. At the time of writing of this report the Service have not received a response to this request, we will update Committee at your meeting.

- 3.16 Should Members be minded to recommend approval of the extended hours sought this should be subject to a satisfactory response from the PSNI on the matter.

Health, safety and welfare issues

- 3.17 Officers have engaged with the organisers and Officers of the Parks Service in relation to the festival. Officers will participate in the multi-agency meeting held in advance of the event with the event organisers.
- 3.18 The event organisers have confirmed the Event Management Plan in support of the event has been developed. Once this document has been received it will be evaluated by the Service and shared with officers of other council Services.
- 3.19 Officers from the Service have carried out during performance inspections at previous events organised by Féile an Phobail and found that the organisers have adhered to the health, safety and welfare management requirements during that time.

Noise issues

- 3.20 The event organiser has engaged with an independent acoustic consultant to develop a noise mitigation strategy. Once received by the Service this strategy will be provided to Environmental Protection Unit (EPU) for appraisal.
- 3.21 A significant consideration for EPU will be the proposal to provide outdoor entertainment after 11.00pm. Members are reminded that the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 gives councils additional powers in relation to entertainment noise after 11.00 pm.
- 3.22 The EPU received a total of 58 noise complaints regarding the festival in 2022. A total of 36 noise complaints were solely attributed to the diversionary event on Monday 8th August 2022. Complaints related to the volume of music and the finishing time of the dance event on this evening.
- 3.23 Complaints received were brought to the attention of the event organisers and following conclusion of the festival a detailed summary of all noise complaints provided for their consideration. No formal action was undertaken by EPU in respect of the noise complaints received.

- 3.24 For this year's festival, there is the potential for 4 consecutive nights of music proposed to run to beyond 11.00pm. The cumulative impact of disturbance from musical entertainment and congregation of large numbers of patrons attending the park has the potential to give rise to community annoyance.
- 3.25 The organisers have identified that they anticipate entertainment will go to 1.00am on one occasion only, the diversionary event on 8th August 2023. On previous years remaining nights of entertainment have finished prior to 1.00am.
- 3.26 The event organisers will again be required to engage with an acoustic consultant and requested to document a noise mitigation strategy for each night of entertainment. The purpose of the strategy will be to demonstrate that noise from the event will not cause unreasonable disturbance to commercial and residential premises. The event organisers will be reminded of the standard licence condition that receipt of significant complaints may lead to further late nights being curtailed.
- 3.27 The organisers will also be required to produce a suitable residents pre-notification letter containing a nominated event organiser contact that that residents may refer concerns or make complaints to. The extent of the letter's distribution, which will take place prior to the event will be agreed with the event organiser by the Service in consultation with EPU officers.

Financial and Resource Implications

- 3.28 Officers will carry out inspections at the events which will be catered for within existing Service budgets.

**Equality and Good Relations Implications/
Rural Needs Assessment**

- 3.29 There are no issues associated with this report."

The Committee agreed to the request from Féile an Phobail to hold a festival event within Falls Park, running from Saturday, 5th August to Sunday 13th August 2022, and to permit the entertainment on six of the events to take place beyond the standard hours of licence to 1.00 am, subject to a satisfactory consultation response from PSNI.

**Objections received outside the 28-day
statutory period to an application for the
Grant of a 7-Day Annual Outdoor
Entertainments Licence**

The Director of Planning and Building Control advised the Committee that a late objection had been received in relation to the application for the grant of a 7-Day Annual Outdoor Entertainments Licence for Topsy Bird (attached as [Appendix 3](#)).

She confirmed that, following the objection, both parties had agreed to communicate to try and resolve the issues, however, a resolution had not been agreed.

The Committee approved the consideration of the objection against the application which had been received outside the 28-day statutory period and to give the objector and the applicant an opportunity of appearing before the Committee at a subsequent meeting.

**Consideration of objections to an application
for the Renewal of an Entertainments Licence for
Shaftesbury Bowling and Recreation Centre**

The Director of Planning and Building Control provided an overview of the following report:

“1.0 Purpose of Report or Summary of Main Issues

- 1.1 To consider an application for the Renewal of a 6-Day Annual Indoor Entertainments Licence for the Shaftesbury Bowling and Recreation Centre based on the Council’s standard conditions to provide music, singing, dancing or any other entertainment of a like kind.**

1.2

| <u>Premises and Location</u> | <u>Ref. No.</u> | <u>Applicant</u> |
|---|------------------------|---|
| Shaftesbury Bowling and Recreation Centre, 20A Annadale Avenue, Belfast, BT7 3JJ | WK/202201640 | Mr Fred Simpson, 79 Cedar Grove, Holywood, BT18 9QB. |

- 1.3 A location map of the premises is attached as Appendix 1.**

- 1.4 The application for renewal of the licence was received on 22 December 2022. In advance of the application being received, representations to the renewal of the licence were received from 2 objectors.**

- 1.5 Further communication was then received from the objectors within the 28-day period confirming they still wished to object to the application.**

2.0 Recommendations

2.1 Considering the information presented and representations received in respect of the application you are required to make a decision to either:

- 1. Approve the application for the Renewal of the 6-Day Annual Entertainments Licence, or**
- 2. Approve the application for the Renewal of the 6-Day Annual Entertainments Licence with special conditions, or**
- 3. Refuse the application for the Renewal of the 6-Day Annual Entertainments Licence.**

2.2 If the application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court.

2.3 If the application is refused and an appeal is lodged entertainment may not be provided during the appeal period.

3.0 Main report

Key Issues

3.1 Two objections have been received from residents living near the Club. The nature of their objections relates to the following:

- Ongoing loud music every Tuesday evening.**

3.2 Copies of these objections are attached as Appendix 2.

Liaison meetings

3.3 Following receipt of the objections the Service facilitated a liaison meeting between all parties involved to discuss residents' issues and attempt to resolve them.

3.4 Both objectors, Members of the Club Committee and an Officer from the Service met at the Club to discuss resident's concerns on 11 November 2022.

3.5 Following discussions, the Club Committee advised they implemented arrangements in relation to noise as requested by residents. However, the residents advise they still wish to pursue their objections.

- 3.6 As required by the Committee Protocol the applicant and each of the objectors were requested to provide their representation in advance of the meeting for consideration.**

Objectors Representation

- 3.7 The objectors Representation Forms are attached as Appendix 3 and they have been provided to the applicant, as required by the protocol. In general, the representations relate to concerns as follows:**

- Ongoing loud music every Tuesday evening.**

- 3.8 The residents have been invited to attend your meeting to discuss any matters relating to their objections should they arise.**

Applicants Representation

- 3.9 The applicant has provided their Representation Form, as required by the Protocol, and a copy of his response is attached as Appendix 4. The applicant has highlighted the measures which have been undertaken to try and address residents' concerns.**

- 3.10 The applicants Representation Form has also been provided to the objectors, as required by the protocol.**

- 3.11 A summary of the applicant's representation is as follows:**

- The Club advised they would monitor noise levels & ask those who use the hall to turn down bass where appropriate.**
- They will continue to monitor noise & are happy to meet again.**
- Purchased and placed mats below speakers to lessen the vibrations.**
- Sealed any unnecessary openings around the club premises.**
- Provided complainants with a mobile number they could call if noise was unacceptable.**
- Ensured that any of the organisations using the hall in the evening kept the hall's double doors closed when music was being played.**
- Offered to have a sound engineer go to the complainants' premises to assess the level of noise & produce a report**

Counter representations

- 3.12 In response to the Representation Form submitted by the applicant, the objector has advised the music is persistently loud on Tuesday evenings which affects their family's health, well-being and overall quality of life and believe the Club are not taking their concerns seriously.
- 3.13 A copy of this email is included as Appendix 5.
- 3.14 Further to providing the applicant with a copy of the objectors' Representation Forms the applicant has advised they do not have anything additional to add to their earlier submission.
- 3.15 The applicant and/or their representatives will be available at your meeting to answer any queries you may have in relation to the application.

Details of the Premises

- 3.16 The area the applicant wishes to be licensed to provide entertainment is the:
- Main Hall which will have a maximum capacity of 200 persons
- 3.17 The days and hours during which the applicant wishes to provide entertainment are:
- Monday to Saturday: 11.30 am to 11.00 pm

PSNI

- 3.18 The PSNI have been consulted in relation to the application and confirmed that they have no objection to it.

NIFRS

- 3.19 The Northern Ireland Fire Rescue Service has also been consulted in relation to the application and have advised they have no objection to it.

Health, safety and enforcement inspections

- 3.20 The premises have been inspected and all works to ensure patron safety in the premises have been completed to the satisfaction of the Service.

- 3.21 The Service became aware of residents' concerns with the premises in March 2022 when complaints were made through the Council's Noise Hotline Service of loud music from the Club.**

Noise Complaints for year 2022

- 3.22 Eleven noise complaints were received by the Night Time Noise Team (NTNT) between March 2022 and October 2022.**
- 3.23 On four occasions, Officers of the Noise Team witnessed excessive noise levels that warranted action in the form of a verbal warning.**
- 3.24 On 11th March 2022 Night Time Noise Team (NTNT) witnessed audible music with a bass element emanating from the bowling club. They advised the level of noise would likely cause sleep disturbance to nearby properties and asked for music to be turned down and any open doors or windows to be closed.**
- 3.25 On 23rd April 2022 Night Time Noise Team (NTNT) issued a verbal warning after witnessing loud bass beat music that could be heard over a wide area and would cause a general disturbance to nearby properties.**
- 3.26 On 10th June 2022 and on 30th August 2022 NTNT issued verbal warnings as noise levels were again too loud.**
- 3.27 The applicant has been informed on all occasions when the Service have been notified of a noise complaint. The applicant has also been advised that in situations of ongoing noise disturbance that it may be necessary to engage with an Acoustic Consultant who can advise on appropriate mitigations to limit noise breakout.**

Noise Complaints for year 2023

- 3.28 The objector has identified that ongoing noise disturbance from the venue continues to be experienced. Particular reference had been made to dance classes held in the venue on Tuesday evenings. Building Control have reminded the objectors of the need to contact NTNT when disturbed by noise. No noise complaints have been received by Building Control from NTNT in 2023.**
- 3.29 Members are reminded that the Clean Neighbourhood and Environment Act 2011 gives council's additional powers in relation to the control of entertainment noise after 11.00 pm.**

Financial and Resource Implications

- 3.30 Officers carry out monitoring inspections on premises receiving complaints, but this is catered for within existing budgets.**

**Equality or Good Relations Implications/
Rural Needs Assessment**

- 3.31 There are no issues associated with this report.”**

The Committee received a representation from the Objector, in objection to the application. The Objector summarised their objections to the application in relation to the loud music which their household experienced every Tuesday evening, dating back to January 2022. The Objector confirmed that there was no longer an issue with noise levels from the Bowling and Recreation centre at any other time. The Objector advised that multiple formal and informal complaints had been made, however, the Club had not rectified the issue and it continued to be a problem. The Objector suggested that it was having an impact on their family's quality of life and well-being.

The Objector highlighted that the allegation of one of the Objector's swearing at the Club Treasurer during a telephone call was untrue and the phone call had not taken place. The Objector suggested that an incident had also occurred with many cars flashing lights and beeping horns outside of their home as a result of the noise complaints which had been made. The Objector also stated that video evidence had been sent to the Council to show that the loud music was being experienced.

Council officers advised that the new video evidence would need to be reviewed.

Accordingly, the Committee agreed to defer consideration of the application to enable further consideration by Council officers of the new evidence which had been raised by the Objector and to allow the Council to support further mediation between the Applicant and Objector.

**Deferred Review of Pavement Café Licence –
Voodoo, Fountain Street &
Deferred Review of Pavement Café Licence –
City Picnic, Fountain Street**

(The Committee agreed to consider these two items simultaneously.)

The Committee was reminded that, at its meetings in November 2022, December 2022 and April 2023, it had considered the review of the two aforementioned Temporary Pavement Café Licences in Fountain Street.

It was reported that DfI-Roads had notified the Council that, in their view, the Temporary Pavement Cafés needed to be removed or relocated to facilitate the safe movement of traffic in Fountain Street following its reopening to vehicular traffic.

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The Committee was also reminded that, at its meeting in April 2023, the Committee had again agreed to defer consideration of the request from the Department for Infrastructure to revoke the original Temporary Pavement Café Licences for Voodoo and City Picnic.

The Senior Licensing Officer provided a presentation of the background and current Pavement Café arrangements at Castle Street/Fountain Street

After discussion, the Committee agreed to again defer consideration of the request from the Department for Infrastructure to revoke the original Temporary Pavement Café for Voodoo and City Picnic to enable the Committee to undertake a site visit to the Castle Street/Fountain Street area to familiarise itself with all of the relevant issues.

It agreed also that the owner of the businesses and representatives of the Department for Infrastructure be invited to attend.

Chairperson

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| | |
|---------------------------|--|
| Subject: | Application for a New Licence to operate a House of Multiple Occupation for Flat 2, 4 Donnybrook Street, Belfast, BT9 7DD |
| Date: | 20 March 2024 |
| Reporting Officer: | Kevin Bloomfield, HMO Unit Manager, Ext. 5910 |
| Contact Officer: | Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, City Solicitor, Ext. 6049 |

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

| | | | | |
|-----|--|-----------------|---|--------------------|
| 1.0 | Purpose of Report or Summary of main Issues | | | |
| 1.1 | To consider an application for a Licence permitting the use of premises as a House in Multiple Occupation (HMO). | | | |
| | Premises | Application No. | Applicant(s) | Managing Agents |
| | Flat 2, 4 Donnybrook Street, Belfast, BT9 7DD | 10796 | Ballymena Land Investment Company Limited | Douglas Huston LLP |
| 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 21 February 2024, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 (“the 2016 Act”), officers issued a Notice of Proposed Decision. Appendix 2 | | | |

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| 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 18 April 2023. Reminder letters were sent to the licence holder on 27 October 2022 and 09 March 2023 informing them of the need to renew the HMO licence before the expiry of the existing licence. |
| 3.2 | On the 13 December 2023 an HMO licence application was received from the owner of the accommodation. |
| | <u>Key Issues</u> |
| 3.3 | 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> |
| 3.4 | 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 08 December 2023 with the planning reference LA04/2023/4053/CLUED . |
| | <u>Fitness</u> |
| 3.5 | 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. |
| 3.6 | The NIHMO Unit has consulted with the following units within the Council's City and Neighbourhood Services Department – <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, |

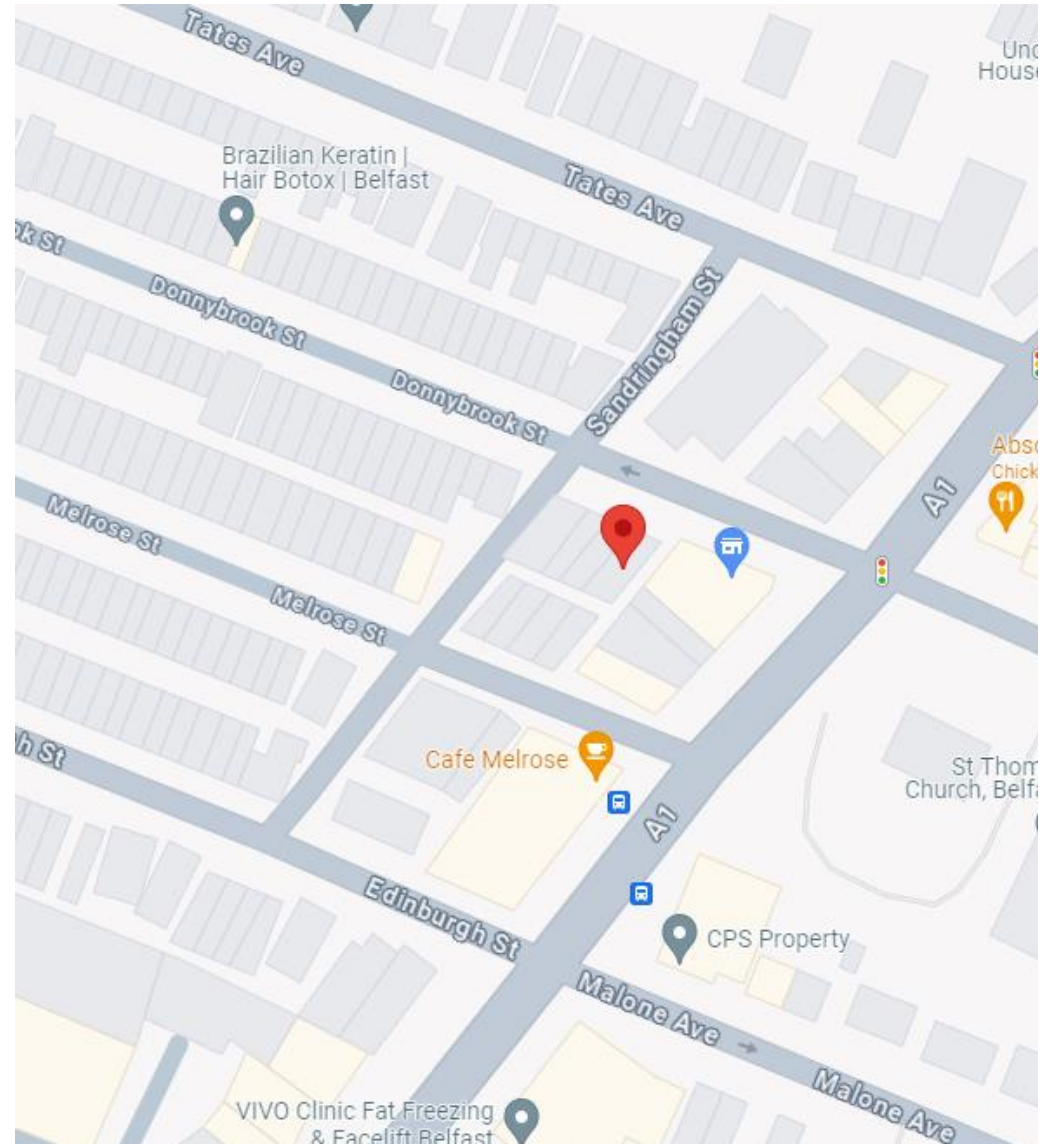
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| | <p>(b) Environmental Protection Unit (“EPU”) - who have confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(c) Public Health and Housing Unit (“PHHU”) - who have confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(d) Enforcement Unit (“EU”) - who have confirmed that in relation to litter and waste, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> |
| 3.7 | The applicant has confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.3 of this report. |
| 3.8 | The Applicant has not been convicted of any HMO related offences by the Council. The EPU, PHHU and EU, solely in respect of their statutory functions, have confirmed that there are no relevant, previous convictions in respect of the Applicant, Managing Agent or occupants. |
| 3.9 | Officers are not aware of any other issues relevant to the Applicant’s fitness. |
| | <u>Overprovision</u> |
| 3.10 | For the purpose of Section 12(2) of the 2016 Act. The Council has determined the locality of the accommodation, Flat 2, 4 Donnybrook Street, Belfast, Antrim, BT9 7DD as being Housing Management Areas (HMA) “HMA 2/08 Edinburgh Street” as defined in the document Belfast City Council’s Local Development Plan Strategy “2023 Strategy” which was formally adoption on the 2 May 2023. |
| 3.11 | Legal Services has advised that there is a clear requirement in section 8 of the 2016 Act upon the Council to be satisfied that the granting of a licence will not result in overprovision. |
| 3.12 | <p>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> |
| 3.13 | <p>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></p> <p>In particular, the Council has considered Policy HOU10:-</p> |
| 3.14 | <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> |
| 3.15 | On the date of assessment, 21 February 2024, 46% of all dwelling units in policy area HMA 2/08 Edinburgh Street were made up of HMOs and flats/apartments, which in turn exceeds the 20% development limit as set out at Policy HOU10. There are 183 (30%) licensed HMOs with a capacity of 765 persons in HMA 2/08 Edinburgh Street. |

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| | (b) The need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need. |
| 3.16 | The total number of dwelling units in a HMA is measured by Ordnance Survey's Pointer database. There are a total of 616 dwelling units in HMA 2/08 Edinburgh Street. |
| 3.17 | On the 21 February 2024 out of 68 premises available for rent within the BT7 area on the website PropertyNews.com there were 19 licensed HMOs which from the information presented on the website represented 85 bed spaces. The HMO accommodation was available immediately to September 2024. |
| 3.18 | 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. |
| 3.19 | 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. |
| 3.20 | 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." |
| 3.21 | Anecdotal evidence from previous conversations with HMO managing agents suggest that that there is currently a lack of HMO accommodation available in this locality. |
| | Students moving out of HMO accommodation. |
| 3.22 | 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." |
| 3.23 | 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. |
| 3.24 | 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. |
| 3.25 | 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. |

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| | Section 8(2)(d) of the 2016 Act |
| 3.26 | In assessing the number and capacity of licensed HMOs as well as the need for HMO accommodation in the locality, officers cannot be satisfied that the granting of the HMO licence will not result in overprovision of HMO accommodation in the locality of the accommodation for the purpose of section 8(2)(d) of the 2016 Act. |
| | <u>Objections</u> |
| 3.27 | No objections were received in relation to this application. |
| | <u>Attendance</u> |
| 3.29 | The applicant and/or their representatives will be available to discuss any matters relating to the licence application should they arise during your meeting. |
| | <u>Suitability of the premises</u> |
| 3.30 | The accommodation was certified as complying with the physical standards for an HMO for 5 persons by a technical officer from the NIHMO service, on the 01 February 2023. |
| | <u>Notice of proposed decision</u> |
| 3.31 | On the 21 February 2024, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016, Officers issued a Notice of Proposed Decision to the Applicant setting out the terms of the proposed licence. Appendix 2 |
| 3.32 | The Notice of Proposed Decision stated that the Council proposed to refuse the licence on the grounds of overprovision. A statement of reasons for the proposal was included in the Notice of Proposed Decision. |
| | <u>Applicant's response to the notice of proposed decision</u> |
| 3.33 | At the time of writing this report no representations had been received on behalf of the applicant. |
| | <u>Financial and Resource Implications</u> |
| 3.34 | None. The cost of assessing the application and officer inspections are provided for within existing budgets. |
| | <u>Equality and Good Relations Implications</u> |
| 3.35 | There are no equality or good relations issues associated with this report. |
| | Appendices – Documents Attached |
| | Appendix 1 – Location Map Appendix 2 – Notice of Proposed Decision. |

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Appendix 1 – External Photograph and Location Map – Flat 2, 4 Donnybrook Street, Belfast, BT9 7DD



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| Subject: | Application for a New Licence to operate a House of Multiple Occupation for Flat 1, 6 Ireton Street, Belfast, BT7 1LH |
| Date: | 20 March 2024 |
| Reporting Officer: | Kevin Bloomfield, HMO Unit Manager, Ext. 5910 |
| Contact Officer: | Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, City Solicitor, Ext. 6049 |

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| 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"/> |

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| 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 1, 6 Ireton Street, Belfast, BT7 1LH | 10854 | Mr Gerard Treacy | 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 16 February 2024, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 (“the 2016 Act”), officers issued a Notice of Proposed Decision. Appendix 2 | | | |
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| 2.4 | <p>The Notice of Proposed Decision stated that the council proposed to refuse the licence on the grounds of overprovision. A statement of reasons for the proposal was included in the Notice of Proposed Decision.</p> <p>If the application is refused, the Applicant has a right of appeal to the County Court. An appeal must be lodged within 28 days of formal notification of the Council's decision.</p> |
| 3.0 | Main report |
| 3.1 | <p><u>Background</u></p> <p>The property had the benefit of an HMO licence issued by the Housing Executive in the name of the Applicant which expired on the 12 January 2021. A reminder letter was sent to the applicant on 22 May 2020 informing him of the need to renew the HMO licence before the expiry of the existing licence.</p> |
| 3.2 | An application for a Temporary Exemption Notice was granted on the 09 October 2023 with an expiry date of 09 January 2024 |
| 3.3 | On the 03 January 2024 an HMO licence application was received from the owner of the accommodation. |
| 3.4 | <p><u>Key Issues</u></p> <p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that:</p> <ul style="list-style-type: none"> a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control; b) the owner, and any managing agent of it, are fit and proper persons; c) the proposed management arrangements are satisfactory); d) the granting of the licence will not result in overprovision of HMOs in the locality; e) the living accommodation is fit for human habitation and— <ul style="list-style-type: none"> (i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or (ii) can be made so suitable by including conditions in the licence. |
| 3.5 | <p><u>Planning</u></p> <p>As this is a new application the Council's Planning Service was consulted. It confirmed that full planning permission for use as an HMO was granted on 30 June 2006 with the planning reference Z/2006/0169/F.</p> |
| 3.6 | <p><u>Fitness</u></p> <p>When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.</p> |
| 3.7 | <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, |

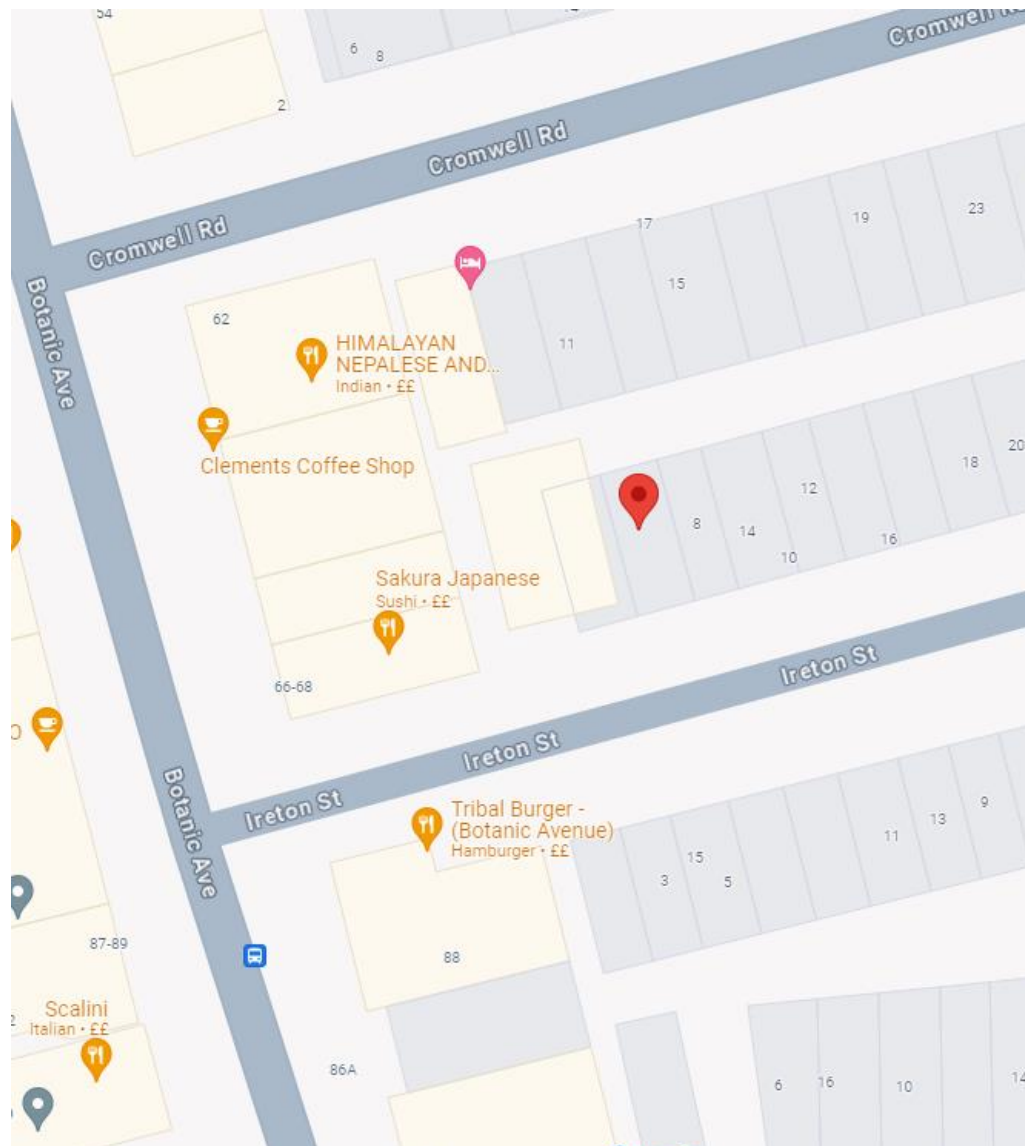
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| | <p>(b) Environmental Protection Unit (“EPU”) - who have confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(c) Public Health and Housing Unit (“PHHU”) - who have confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(d) Enforcement Unit (“EU”) - who have confirmed that in relation to litter and waste, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>The applicant has confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.3 of this report.</p> |
| 3.8 | The Applicant has not been convicted of any HMO related offences by the Council. The EPU, PHHU and EU, solely in respect of their statutory functions, have confirmed that there are no relevant, previous convictions in respect of the Applicant, Managing Agent or occupants. |
| 3.9 | Officers are not aware of any other issues relevant to the Applicant’s fitness. |
| 3.10 | <u>Overprovision</u> |
| 3.11 | For the purpose of Section 12(2) of the 2016 Act, the Council has determined the locality of the accommodation, Flat 1, 6 Ireton Street, Belfast, BT7 1LH 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. |
| 3.12 | 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. |
| 3.13 | In making this decision the Council has had regard to: <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> |
| 3.14 | 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> |
| 3.15 | In particular, the Council has considered Policy HOU10:- <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> |

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| 3.16 | <p>On the date of assessment, 15 February 2024, 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 1122 (45%) licensed HMOs with a capacity of 4780 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> |
| 3.17 | <p>The total number of dwelling units in a HMA is measured by Ordnance Survey’s Pointer database. There are a total of 2473 dwelling units HMA 2/22 Botanic, Holylands, Rugby.</p> |
| 3.18 | <p>On the 15 February 2024 out of 92 premises available for rent within the BT7 area on the website PropertyNews.com there were 52 licensed HMOs which from the information presented on the website represented 229 bed spaces. The HMO accommodation was available immediately to September 2024.</p> |
| 3.19 | <p>The fact that the use of the property as an HMO is permitted for planning purposes is a relevant consideration in determining whether the grant of this licence will result in overprovision.</p> |
| 3.20 | <p>The Council recognises that there is a need for intensive forms of housing and to meet this demand, HMOs are an important component of this housing provision. HMOs, alongside other accommodation options within the private rented sector, play an important role in meeting the housing needs of people who are single, who have temporary employment, students, low-income households and, more recently, migrant workers.</p> |
| 3.21 | <p>In September 2017 the Housing Executive published the document “Housing Market Analysis Update – Belfast City Council Area” which states “HMOs form an important element of the PRS, particularly for younger people on low incomes and for single people, under the age of 35, affected by the limitation of housing benefit to the shared room rate. Anecdotal evidence also indicates that this has been a popular sector with migrant workers.”</p> |
| 3.22 | <p>Anecdotal evidence from previous conversations with HMO managing agents suggest that that there is currently a lack of HMO accommodation available in this locality.</p> <p>Students moving out of HMO accommodation.</p> |
| 3.23 | <p>On the 7 December 2022 Ulster University Director of Campus Life told members of the Council’s City Growth and Regeneration Committee that there was an “increase in competition for HMO’s particularly from NIHE, Immigration Services and statutory agencies and there were increasing accommodation issues across the housing sector which required a holistic view and should include the consideration of international students, families and graduates looking for professional accommodation.”</p> |
| 3.24 | <p>However, QUB Director of Student Plus confirmed to members that the current trend indicated a significant move of students to purpose-built student accommodation blocks. She told members that there were 7,000 purpose built managed student accommodation (PBMSA) rooms in the city – the majority built since 2018 and approximately 5,000 in the city centre.</p> |
| 3.25 | <p>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.</p> |

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| 3.26 | <p>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.</p> <p>Section 8(2)(d) of the 2016 Act</p> |
| 3.27 | <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> |
| 3.29 | <p>No objections were received in relation to this application.</p> <p><u>Attendance</u></p> |
| 3.30 | <p>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> |
| 3.31 | <p>The accommodation was certified as complying with the physical standards for an HMO for 5 persons by a technical officer from the NIHMO service, on the 01 February 2023.</p> <p><u>Notice of proposed decision</u></p> |
| 3.32 | <p>On the 16 February 2024, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016, Officers issued a Notice of Proposed Decision to the Applicant setting out the terms of the proposed licence. Appendix 2</p> |
| 3.33 | <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>Applicant's response to the notice of proposed decision</u></p> |
| 3.34 | <p>On the 7 March 2024 representations were received from McCann & McCann solicitors on behalf of the applicant. Appendix 3</p> <p><u>Financial and Resource Implications</u></p> |
| 3.35 | <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> |
| 3.36 | <p>There are no equality or good relations issues associated with this report.</p> |
| | <p>Appendices – Documents Attached</p> |

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| | Appendix 1 – Location Map Appendix 2 – Notice of Proposed Decision. Appendix 3 – Representations on behalf of the applicant |
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Appendix 1 – External Photograph and Location Map – 6 Ireton Street, Belfast, BT7 1LH



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| Subject: | Application for a New Licence to operate a House of Multiple Occupation for Flat 2, 6 Ireton Street, Belfast, BT7 1LH |
| Date: | 20 March 2024 |
| Reporting Officer: | Kevin Bloomfield, HMO Unit Manager, Ext. 5910 |
| Contact Officer: | Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, City Solicitor, Ext. 6049 |

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| 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"/> |

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| 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 2, 6 Ireton Street, Belfast, BT7 1LH | 10856 | Mr Gerard Treacy | 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 16 February 2024, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 (“the 2016 Act”), officers issued a Notice of Proposed Decision. Appendix 2 | | | |

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| 2.3 | The Notice of Proposed Decision stated that the council proposed to refuse the licence on the grounds of overprovision . A statement of reasons for the proposal was included in the Notice of Proposed Decision. |
| 2.4 | If the application is refused, the Applicant has a right of appeal to the County Court. An appeal must be lodged within 28 days of formal notification of the Council's decision. |
| 3.0 | Main report |
| | <u>Background</u> |
| 3.1 | The property had the benefit of an HMO licence issued by the Housing Executive in the name of the Applicant which expired on the 12 January 2021. A reminder letter was sent to the applicant on 22 May 2020 informing him of the need to renew the HMO licence before the expiry of the existing licence. |
| 3.2 | An application for a Temporary Exemption Notice was granted on the 12 October 2023 and subsequently extended until 12 April 2024, |
| 3.3 | On the 03 January 2024 an HMO licence application was received from the owner of the accommodation. |
| | <u>Key Issues</u> |
| 3.4 | 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> |
| 3.5 | As this is a new application the Council's Planning Service was consulted. It confirmed that full planning permission for use as an HMO was granted on 30 June 2006 with the planning reference Z/2006/0169/F . |
| | <u>Fitness</u> |
| 3.6 | 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. |
| 3.7 | The NIHMO Unit has consulted with the following units within the Council's City and Neighbourhood Services Department – |

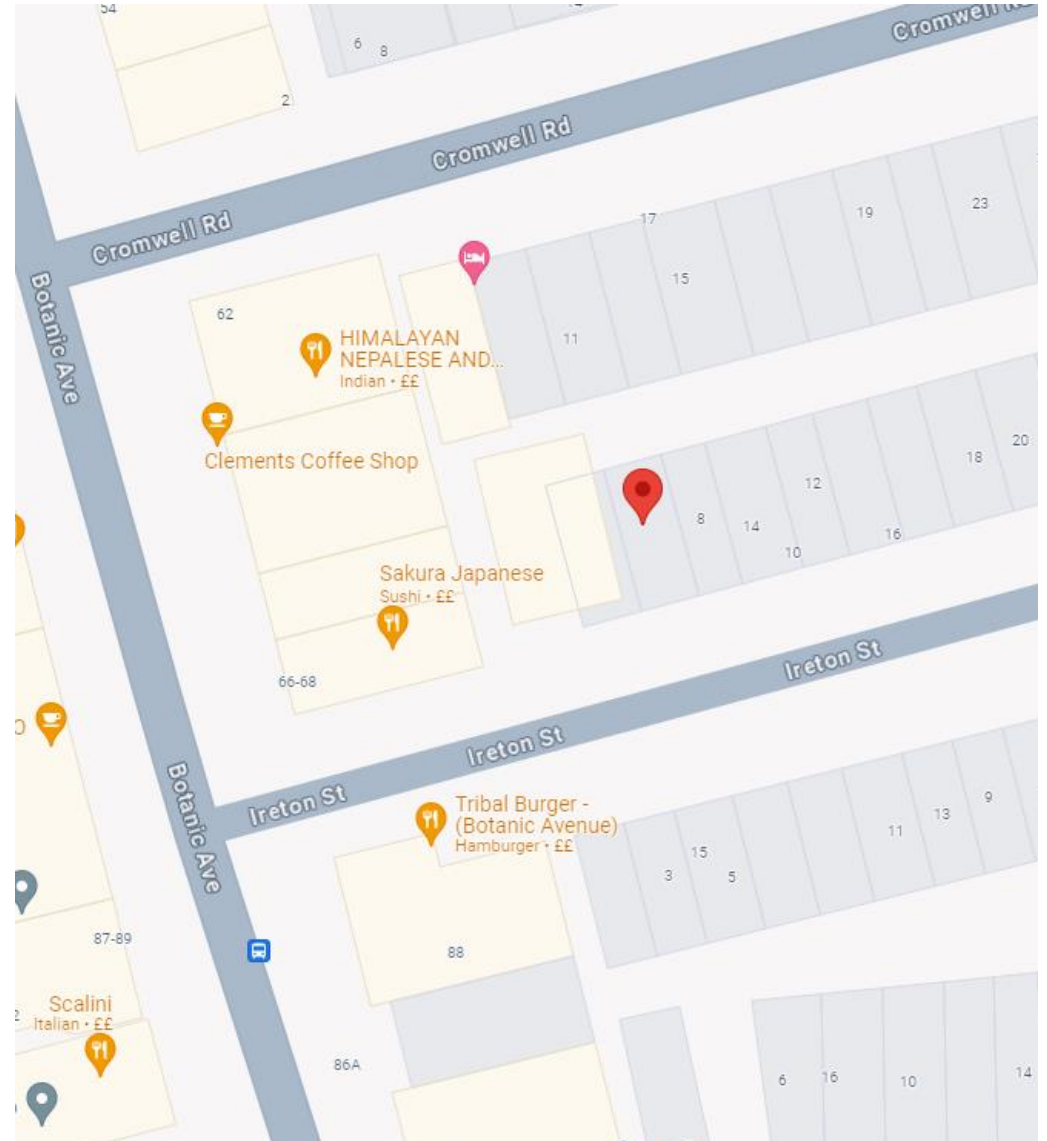
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| | <p>(a) Environmental Protection Unit (“EPU”) - who have confirmed that in relation to night-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(b) Environmental Protection Unit (“EPU”) - who have confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(c) Public Health and Housing Unit (“PHHU”) - who have confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(d) Enforcement Unit (“EU”) - who have confirmed that in relation to litter and waste, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> |
| 3.8 | The applicant has confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.3 of this report. |
| 3.9 | 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. |
| 3.10 | Officers are not aware of any other issues relevant to the Applicant’s fitness. |
| | <u>Overprovision</u> |
| 3.11 | For the purpose of Section 12(2) of the 2016 Act, the Council has determined the locality of the accommodation, Flat 2, 6 Ireton Street, Belfast, BT7 1LH 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. |
| 3.12 | 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. |
| 3.13 | <p>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> |
| 3.14 | 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> |
| 3.15 | <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> |

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| | <p>(a) The number and capacity of licensed HMOs in the locality</p> |
| 3.16 | <p>On the date of assessment, 15 February 2024, 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 1122 (45%) licensed HMOs with a capacity of 4780 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> |
| 3.17 | <p>The total number of dwelling units in a HMA is measured by Ordnance Survey’s Pointer database. There are a total of 2473 dwelling units HMA 2/22 Botanic, Holylands, Rugby.</p> |
| 3.18 | <p>On the 15 February 2024 out of 92 premises available for rent within the BT7 area on the website PropertyNews.com there were 52 licensed HMOs which from the information presented on the website represented 229 bed spaces. The HMO accommodation was available immediately to September 2024.</p> |
| 3.19 | <p>The fact that the use of the property as an HMO is permitted for planning purposes is a relevant consideration in determining whether the grant of this licence will result in overprovision.</p> |
| 3.20 | <p>The Council recognises that there is a need for intensive forms of housing and to meet this demand, HMOs are an important component of this housing provision. HMOs, alongside other accommodation options within the private rented sector, play an important role in meeting the housing needs of people who are single, who have temporary employment, students, low-income households and, more recently, migrant workers.</p> |
| 3.21 | <p>In September 2017 the Housing Executive published the document “Housing Market Analysis Update – Belfast City Council Area” which states “HMOs form an important element of the PRS, particularly for younger people on low incomes and for single people, under the age of 35, affected by the limitation of housing benefit to the shared room rate. Anecdotal evidence also indicates that this has been a popular sector with migrant workers.”</p> |
| 3.22 | <p>Anecdotal evidence from previous conversations with HMO managing agents suggest that that there is currently a lack of HMO accommodation available in this locality.</p> |
| | <p>Students moving out of HMO accommodation.</p> |
| 3.23 | <p>On the 7 December 2022 Ulster University Director of Campus Life told members of the Council’s City Growth and Regeneration Committee that there was an “increase in competition for HMO’s particularly from NIHE, Immigration Services and statutory agencies and there were increasing accommodation issues across the housing sector which required a holistic view and should include the consideration of international students, families and graduates looking for professional accommodation.”</p> |
| 3.24 | <p>However, QUB Director of Student Plus confirmed to members that the current trend indicated a significant move of students to purpose-built student accommodation blocks. She told members that there were 7,000 purpose built managed student accommodation (PBMSA) rooms in the city – the majority built since 2018 and approximately 5,000 in the city centre.</p> |
| 3.25 | <p>November 2023 monitoring information produced by the Council’s Planning Services for PBMSA indicates that 2055 bedspaces are currently under construction with an operational</p> |

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| | <p>date of 2024, 92 bedspaces approved but construction hasn't commenced and 1426 bedspaces going through the planning process.</p> |
| 3.26 | <p>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.</p> <p>Section 8(2)(d) of the 2016 Act</p> |
| 3.27 | <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> |
| 3.29 | <p>No objections were received in relation to this application.</p> <p><u>Attendance</u></p> |
| 3.30 | <p>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> |
| 3.31 | <p>The accommodation was certified as complying with the physical standards for an HMO for 5 persons by a technical officer from the NIHMO service, on the 01 February 2023.</p> <p><u>Notice of proposed decision</u></p> |
| 3.32 | <p>On the 16 February 2024, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016, Officers issued a Notice of Proposed Decision to the Applicant setting out the terms of the proposed licence. Appendix 2</p> |
| 3.33 | <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>Applicant's response to the notice of proposed decision</u></p> |
| 3.34 | <p>On the 7 March 2024 representations were received from McCann & McCann solicitors on behalf of the applicant. Appendix 3</p> <p><u>Financial and Resource Implications</u></p> |
| 3.35 | <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> |
| 3.36 | <p>There are no equality or good relations issues associated with this report.</p> |

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| | Appendices – Documents Attached |
| | Appendix 1 – Location Map Appendix 2 – Notice of Proposed Decision. Appendix 3 – Representations on behalf of the applicant |

Appendix 1 – External Photograph and Location Map – 6 Ireton Street, Belfast, BT7 1LH



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| Subject: | Application for a New Licence to operate a House of Multiple Occupation for Flat 3, 6 Ireton Street, Belfast, BT7 1LH |
| Date: | 20 March 2024 |
| Reporting Officer: | Kevin Bloomfield, HMO Unit Manager, Ext. 5910 |
| Contact Officer: | Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, City Solicitor, Ext. 6049 |

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| 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"/> |

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| 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, 6 Ireton Street, Belfast, BT7 1LH | 10859 | Mr Gerard Treacy | 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 16 February 2024, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 (“the 2016 Act”), officers issued a Notice of Proposed Decision. Appendix 2 | | | |

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| 2.3 | The Notice of Proposed Decision stated that the council proposed to refuse the licence on the grounds of overprovision . A statement of reasons for the proposal was included in the Notice of Proposed Decision. |
| 2.4 | If the application is refused, the Applicant has a right of appeal to the County Court. An appeal must be lodged within 28 days of formal notification of the Council's decision. |
| 3.0 | Main report |
| | <u>Background</u> |
| 3.1 | The property had the benefit of an HMO licence issued by the Housing Executive in the name of the Applicant which expired on the 12 January 2021. A reminder letter was sent to the applicant on 22 May 2020 informing him of the need to renew the HMO licence before the expiry of the existing licence. |
| 3.2 | An application for a Temporary Exemption Notice was granted on the 12 October 2023 which expired on the 12 January 2024, |
| 3.3 | On the 03 January 2024 an HMO licence application was received from the owner of the accommodation. |
| | <u>Key Issues</u> |
| 3.4 | <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> |
| 3.5 | As this is a new application the Council's Planning Service was consulted. It confirmed that full planning permission for use as an HMO was granted on 30 June 2006 with the planning reference Z/2006/0169/F . |
| | <u>Fitness</u> |
| 3.6 | 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. |
| 3.7 | The NIHMO Unit has consulted with the following units within the Council's City and Neighbourhood Services Department – |

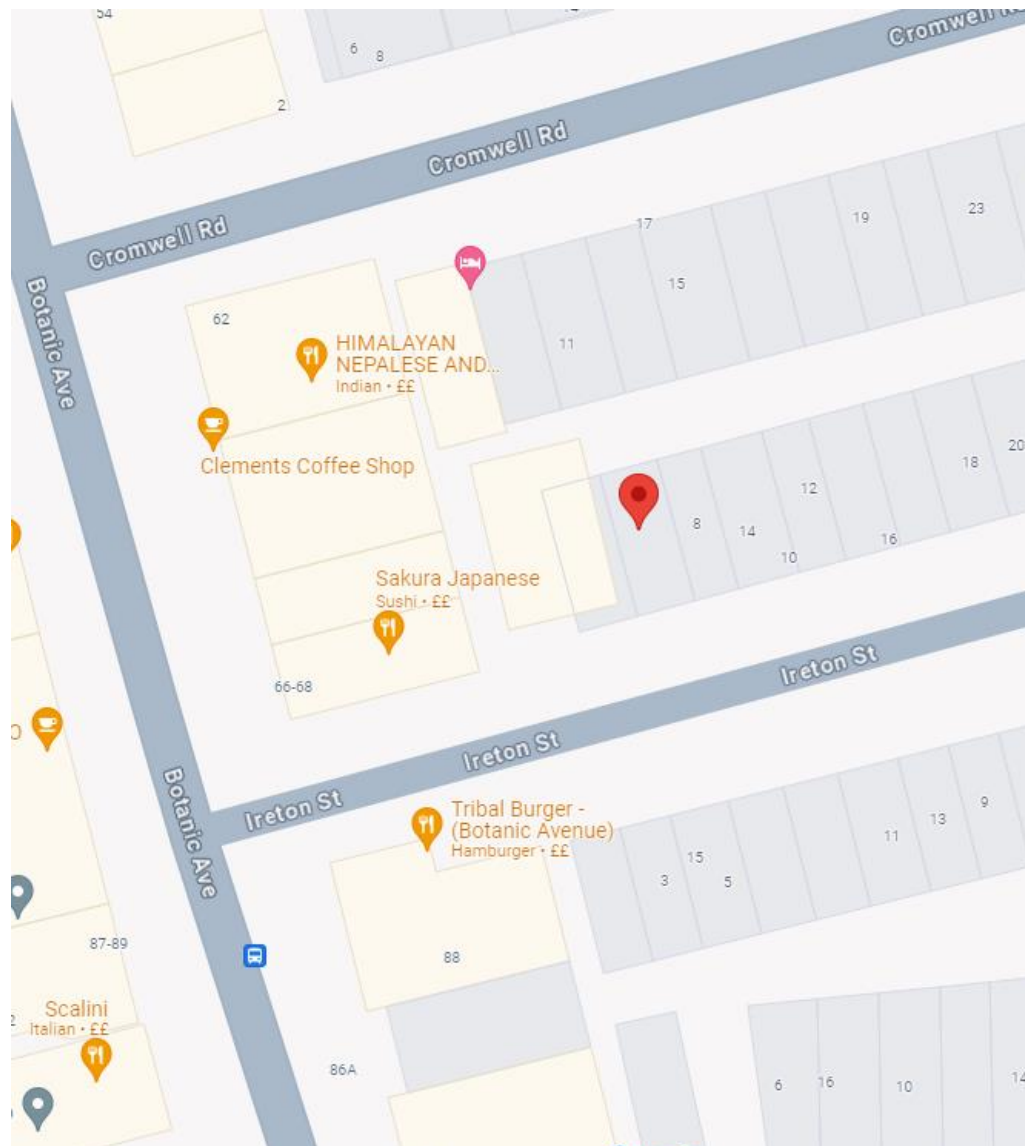
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| | <p>(a) Environmental Protection Unit (“EPU”) - who have confirmed that in relation to night-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(b) Environmental Protection Unit (“EPU”) - who have confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(c) Public Health and Housing Unit (“PHHU”) - who have confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(d) Enforcement Unit (“EU”) - who have confirmed that in relation to litter and waste, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> |
| 3.8 | The applicant has confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.3 of this report. |
| 3.9 | 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. |
| 3.10 | Officers are not aware of any other issues relevant to the Applicant’s fitness. |
| | <u>Overprovision</u> |
| 3.11 | For the purpose of Section 12(2) of the 2016 Act, the Council has determined the locality of the accommodation, Flat 3, 6 Ireton Street, Belfast, BT7 1LH 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. |
| 3.12 | 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. |
| 3.13 | <p>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> |
| 3.14 | 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> ” |
| 3.15 | <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> |

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| | <p>(a) The number and capacity of licensed HMOs in the locality</p> |
| 3.16 | <p>On the date of assessment, 15 February 2024, 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 1122 (45%) licensed HMOs with a capacity of 4780 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> |
| 3.17 | <p>The total number of dwelling units in a HMA is measured by Ordnance Survey’s Pointer database. There are a total of 2473 dwelling units HMA 2/22 Botanic, Holylands, Rugby.</p> |
| 3.18 | <p>On the 15 February 2024 out of 92 premises available for rent within the BT7 area on the website PropertyNews.com there were 52 licensed HMOs which from the information presented on the website represented 229 bed spaces. The HMO accommodation was available immediately to September 2024.</p> |
| 3.19 | <p>The fact that the use of the property as an HMO is permitted for planning purposes is a relevant consideration in determining whether the grant of this licence will result in overprovision.</p> |
| 3.20 | <p>The Council recognises that there is a need for intensive forms of housing and to meet this demand, HMOs are an important component of this housing provision. HMOs, alongside other accommodation options within the private rented sector, play an important role in meeting the housing needs of people who are single, who have temporary employment, students, low-income households and, more recently, migrant workers.</p> |
| 3.21 | <p>In September 2017 the Housing Executive published the document “Housing Market Analysis Update – Belfast City Council Area” which states “HMOs form an important element of the PRS, particularly for younger people on low incomes and for single people, under the age of 35, affected by the limitation of housing benefit to the shared room rate. Anecdotal evidence also indicates that this has been a popular sector with migrant workers.”</p> |
| 3.22 | <p>Anecdotal evidence from previous conversations with HMO managing agents suggest that that there is currently a lack of HMO accommodation available in this locality.</p> |
| | <p>Students moving out of HMO accommodation.</p> |
| 3.23 | <p>On the 7 December 2022 Ulster University Director of Campus Life told members of the Council’s City Growth and Regeneration Committee that there was an “increase in competition for HMO’s particularly from NIHE, Immigration Services and statutory agencies and there were increasing accommodation issues across the housing sector which required a holistic view and should include the consideration of international students, families and graduates looking for professional accommodation.”</p> |
| 3.24 | <p>However, QUB Director of Student Plus confirmed to members that the current trend indicated a significant move of students to purpose-built student accommodation blocks. She told members that there were 7,000 purpose built managed student accommodation (PBMSA) rooms in the city – the majority built since 2018 and approximately 5,000 in the city centre.</p> |
| 3.25 | <p>November 2023 monitoring information produced by the Council’s Planning Services for PBMSA indicates that 2055 bedspaces are currently under construction with an operational</p> |

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| | <p>date of 2024, 92 bedspaces approved but construction hasn't commenced and 1426 bedspaces going through the planning process.</p> |
| 3.26 | <p>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.</p> <p>Section 8(2)(d) of the 2016 Act</p> |
| 3.27 | <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> |
| 3.29 | <p>No objections were received in relation to this application.</p> <p><u>Attendance</u></p> |
| 3.30 | <p>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> |
| 3.31 | <p>The accommodation was certified as complying with the physical standards for an HMO for 5 persons by a technical officer from the NIHMO service, on the 01 February 2023.</p> <p><u>Notice of proposed decision</u></p> |
| 3.32 | <p>On the 16 February 2024, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016, Officers issued a Notice of Proposed Decision to the Applicant setting out the terms of the proposed licence. Appendix 2</p> |
| 3.33 | <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>Applicant's response to the notice of proposed decision</u></p> |
| 3.34 | <p>On the 7 March 2024 representations were received from McCann & McCann solicitors on behalf of the applicant. Appendix 3</p> <p><u>Financial and Resource Implications</u></p> |
| 3.35 | <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> |
| 3.36 | <p>There are no equality or good relations issues associated with this report.</p> |

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| | Appendices – Documents Attached |
| | Appendix 1 – Location Map Appendix 2 – Notice of Proposed Decision. Appendix 3 – Representations on behalf of the applicant |

Appendix 1 – External Photograph and Location Map – 6 Ireton Street, Belfast, BT7 1LH



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| Subject: | Application for a New Licence to operate a House of Multiple Occupation for Flat 1, 23 Ireton Street, Belfast, BT7 1LH |
| Date: | 20 March 2024 |
| Reporting Officer: | Kevin Bloomfield, HMO Unit Manager, Ext. 5910 |
| Contact Officer: | Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, City Solicitor, Ext. 6049 |

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| 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"/> |

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|-----|--|-----------------|------------------|-----------------|
| 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 1, 23 Ireton Street, Belfast, BT7 1LH | 10861 | Mr Gerard Treacy | 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. | | | |
| 2.2 | <u>Notice of proposed decision</u> | | | |
| | On the 15 February 2024, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 (“the 2016 Act”), officers issued a Notice of Proposed Decision. Appendix 2 | | | |

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| 2.3 | The Notice of Proposed Decision stated that the council proposed to refuse the licence on the grounds of overprovision . A statement of reasons for the proposal was included in the Notice of Proposed Decision. |
| 2.4 | If the application is refused, the Applicant has a right of appeal to the County Court. An appeal must be lodged within 28 days of formal notification of the Council's decision. |
| 3.0 | Main report |
| | <u>Background</u> |
| 3.1 | The property had the benefit of an HMO licence issued by the Housing Executive in the name of the Applicant which expired on the 04 September 2023. Reminder letters were sent to the applicant on 17 May 2023 and 21 August 2023 informing him of the need to renew the HMO licence before the expiry of the existing licence. |
| 3.2 | An application for a Temporary Exemption Notice was granted on the 9 December 2023 with an expiry date of 09 March 2024 |
| 3.3 | On the 03 January 2024 an HMO licence application was received from the owner of the accommodation. |
| | <u>Key Issues</u> |
| 3.4 | 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> |
| 3.5 | As this is a new application the Council's Planning Service was consulted. It confirmed that full planning permission for use as an HMO was granted on 07 January 2008 with the planning reference Z/2006/0500/F . |
| | <u>Fitness</u> |
| 3.6 | 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. |
| 3.7 | The NIHMO Unit has consulted with the following units within the Council's City and Neighbourhood Services Department – |

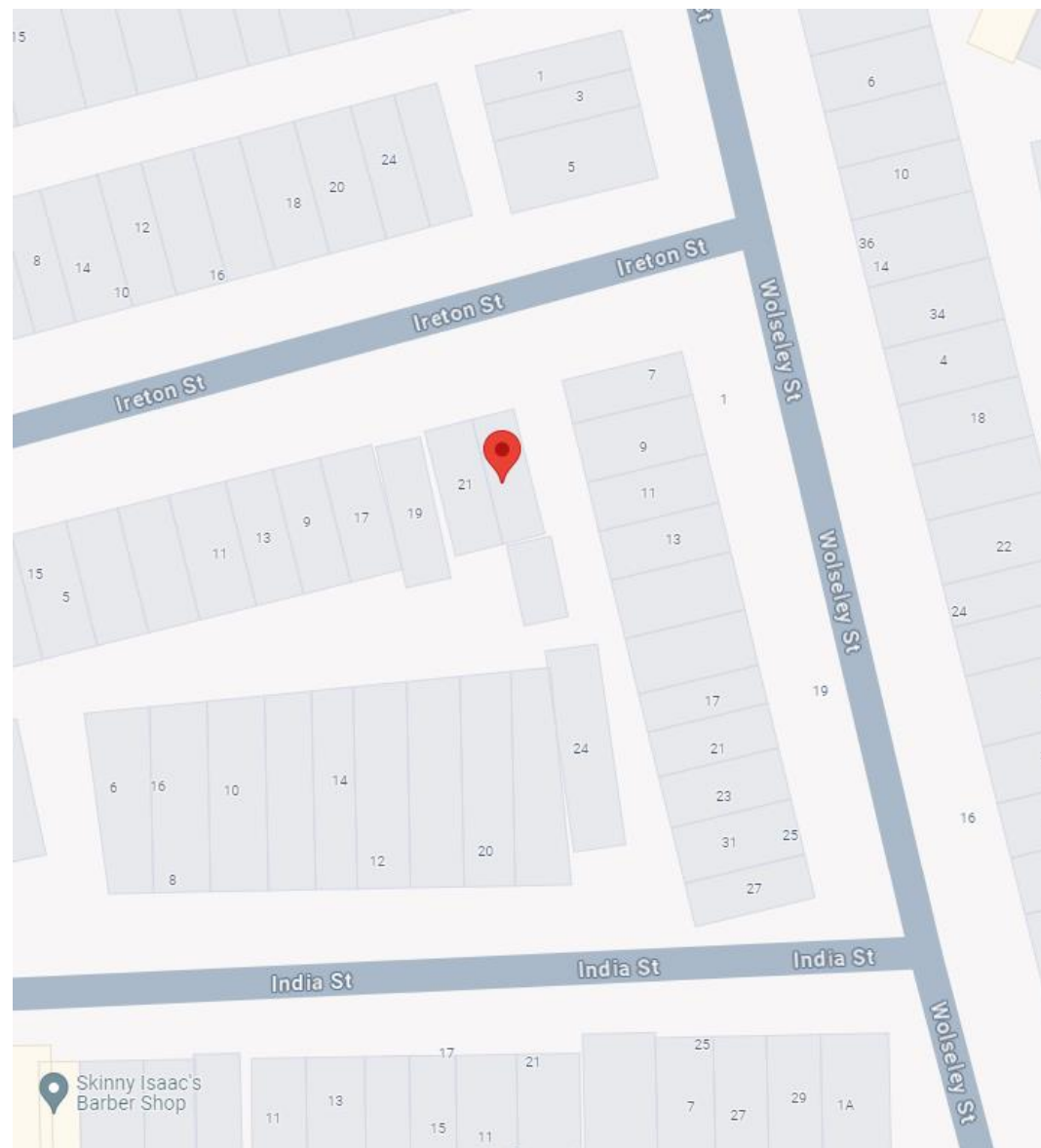
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| | <p>(a) Environmental Protection Unit (“EPU”) - who have confirmed that in relation to night-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(b) Environmental Protection Unit (“EPU”) - who have confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(c) Public Health and Housing Unit (“PHHU”) - who have confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(d) Enforcement Unit (“EU”) - who have confirmed that in relation to litter and waste, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> |
| 3.8 | The applicant has confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.3 of this report. |
| 3.9 | 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. |
| 3.10 | Officers are not aware of any other issues relevant to the Applicant’s fitness. |
| | <u>Overprovision</u> |
| 3.11 | For the purpose of Section 12(2) of the 2016 Act, the Council has determined the locality of the accommodation, Flat 1, 23 Ireton Street, Belfast, BT7 1LH 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. |
| 3.12 | 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. |
| 3.13 | <p>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> |
| 3.14 | 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> |
| 3.15 | <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> |

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| 3.16 | <p>On the date of assessment, 15 February 2024, 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 1122 (45%) licensed HMOs with a capacity of 4780 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> |
| 3.17 | <p>The total number of dwelling units in a HMA is measured by Ordnance Survey’s Pointer database. There are a total of 2473 dwelling units HMA 2/22 Botanic, Holylands, Rugby.</p> |
| 3.18 | <p>On the 15 February 2024 out of 92 premises available for rent within the BT7 area on the website PropertyNews.com there were 52 licensed HMOs which from the information presented on the website represented 229 bed spaces. The HMO accommodation was available immediately to September 2024.</p> |
| 3.19 | <p>The fact that the use of the property as an HMO is permitted for planning purposes is a relevant consideration in determining whether the grant of this licence will result in overprovision.</p> |
| 3.20 | <p>The Council recognises that there is a need for intensive forms of housing and to meet this demand, HMOs are an important component of this housing provision. HMOs, alongside other accommodation options within the private rented sector, play an important role in meeting the housing needs of people who are single, who have temporary employment, students, low-income households and, more recently, migrant workers.</p> |
| 3.21 | <p>In September 2017 the Housing Executive published the document “Housing Market Analysis Update – Belfast City Council Area” which states “HMOs form an important element of the PRS, particularly for younger people on low incomes and for single people, under the age of 35, affected by the limitation of housing benefit to the shared room rate. Anecdotal evidence also indicates that this has been a popular sector with migrant workers.”</p> |
| 3.22 | <p>Anecdotal evidence from previous conversations with HMO managing agents suggest that that there is currently a lack of HMO accommodation available in this locality.</p> <p>Students moving out of HMO accommodation.</p> |
| 3.23 | <p>On the 7 December 2022 Ulster University Director of Campus Life told members of the Council’s City Growth and Regeneration Committee that there was an “increase in competition for HMO’s particularly from NIHE, Immigration Services and statutory agencies and there were increasing accommodation issues across the housing sector which required a holistic view and should include the consideration of international students, families and graduates looking for professional accommodation.”</p> |
| 3.24 | <p>However, QUB Director of Student Plus confirmed to members that the current trend indicated a significant move of students to purpose-built student accommodation blocks. She told members that there were 7,000 purpose built managed student accommodation (PBMSA) rooms in the city – the majority built since 2018 and approximately 5,000 in the city centre.</p> |
| 3.25 | <p>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.</p> |

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| 3.26 | <p>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.</p> <p>Section 8(2)(d) of the 2016 Act</p> |
| 3.27 | <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> |
| 3.29 | <p>No objections were received in relation to this application.</p> <p><u>Attendance</u></p> |
| 3.30 | <p>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> |
| 3.31 | <p>The accommodation was certified as complying with the physical standards for an HMO for 5 persons by a technical officer from the NIHMO service, on the 01 February 2023.</p> <p><u>Notice of proposed decision</u></p> |
| 3.32 | <p>On the 15 February 2024, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016, Officers issued a Notice of Proposed Decision to the Applicant setting out the terms of the proposed licence. Appendix 2</p> |
| 3.33 | <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>Applicant's response to the notice of proposed decision</u></p> |
| 3.34 | <p>On the 7 March 2024 representations were received from McCann & McCann solicitors on behalf of the applicant. Appendix 3</p> <p><u>Financial and Resource Implications</u></p> |
| 3.35 | <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> |
| 3.36 | <p>There are no equality or good relations issues associated with this report.</p> |

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| | Appendices – Documents Attached |
| | Appendix 1 – Location Map Appendix 2 – Notice of Proposed Decision. Appendix 3 – Representations on behalf of the applicant |

Appendix 1 – External Photograph and Location Map – 23 Ireton Street, Belfast, BT7 1LH



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| Subject: | Application for a New Licence to operate a House of Multiple Occupation for Flat 2, 23 Ireton Street, Belfast, BT7 1LH |
| Date: | 20 March 2024 |
| Reporting Officer: | Kevin Bloomfield, HMO Unit Manager, Ext. 5910 |
| Contact Officer: | Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, City Solicitor, Ext. 6049 |

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| 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"/> |

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|-----|--|-----------------|------------------|-----------------|
| 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 2, 23 Ireton Street, Belfast, BT7 1LH | 10862 | Mr Gerard Treacy | 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 15 February 2024, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 (“the 2016 Act”), officers issued a Notice of Proposed Decision. Appendix 2 | | | |
| 2.3 | | | | |

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| 2.4 | <p>The Notice of Proposed Decision stated that the council proposed to refuse the licence on the grounds of overprovision. A statement of reasons for the proposal was included in the Notice of Proposed Decision.</p> <p>If the application is refused, the Applicant has a right of appeal to the County Court. An appeal must be lodged within 28 days of formal notification of the Council's decision.</p> |
| 3.0 | Main report |
| 3.1 | <p><u>Background</u></p> <p>The property had the benefit of an HMO licence issued by the Housing Executive in the name of the Applicant which expired on the 04 September 2023. Reminder letters were sent to the applicant on 17 May 2023 and 21 August 2023 informing him of the need to renew the HMO licence before the expiry of the existing licence.</p> |
| 3.2 | An application for a Temporary exemption Notice was granted on the 12 October 2023 with an expiry date of 12 January 2024 |
| 3.3 | On the 03 January 2024 an HMO licence application was received from the owner of the accommodation. |
| 3.4 | <p><u>Key Issues</u></p> <p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that:</p> <ul style="list-style-type: none"> a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control; b) the owner, and any managing agent of it, are fit and proper persons; c) the proposed management arrangements are satisfactory); d) the granting of the licence will not result in overprovision of HMOs in the locality; e) the living accommodation is fit for human habitation and— <ul style="list-style-type: none"> (i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or (ii) can be made so suitable by including conditions in the licence. |
| 3.5 | <p><u>Planning</u></p> <p>As this is a new application the Council's Planning Service was consulted. It confirmed that full planning permission for use as an HMO was granted on 07 January 2008 with the planning reference Z/2006/0500/F.</p> |
| 3.6 | <p><u>Fitness</u></p> <p>When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.</p> |
| 3.7 | <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, |

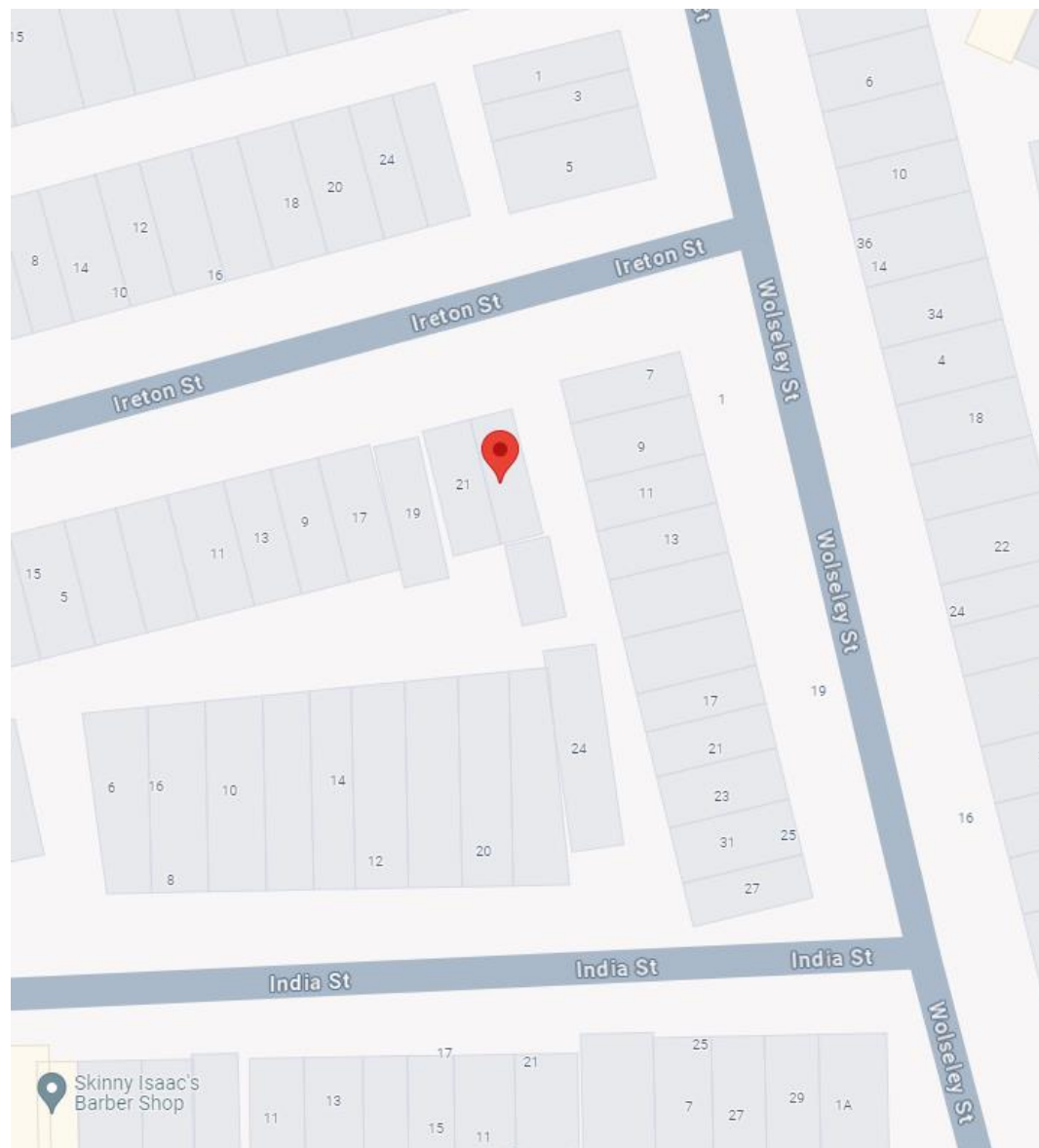
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| | <p>(b) Environmental Protection Unit (“EPU”) - who have confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(c) Public Health and Housing Unit (“PHHU”) - who have confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(d) Enforcement Unit (“EU”) - who have confirmed that in relation to litter and waste, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>The applicant has confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.3 of this report.</p> |
| 3.8 | The Applicant has not been convicted of any HMO related offences by the Council. The EPU, PHHU and EU, solely in respect of their statutory functions, have confirmed that there are no relevant, previous convictions in respect of the Applicant, Managing Agent or occupants. |
| 3.9 | Officers are not aware of any other issues relevant to the Applicant’s fitness. |
| 3.10 | <u>Overprovision</u> |
| 3.11 | For the purpose of Section 12(2) of the 2016 Act, the Council has determined the locality of the accommodation, Flat 2, 23 Ireton Street, Belfast, BT7 1LH 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. |
| 3.12 | 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. |
| 3.13 | In making this decision the Council has had regard to: <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> |
| 3.14 | 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> |
| 3.15 | In particular, the Council has considered Policy HOU10:- <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> <p>On the date of assessment, 15 February 2024, 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</p> |

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| 3.16 | <p>exceeds the 20% development limit as set out at Policy HOU10. There are 1122 (45%) licensed HMOs with a capacity of 4780 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> <p>The total number of dwelling units in a HMA is measured by Ordnance Survey's Pointer database. There are a total of 2473 dwelling units HMA 2/22 Botanic, Holylands, Rugby.</p> |
| 3.17 | <p>On the 15 February 2024 out of 92 premises available for rent within the BT7 area on the website PropertyNews.com there were 52 licensed HMOs which from the information presented on the website represented 229 bed spaces. The HMO accommodation was available immediately to September 2024.</p> |
| 3.18 | |
| 3.19 | <p>The fact that the use of the property as an HMO is permitted for planning purposes is a relevant consideration in determining whether the grant of this licence will result in overprovision.</p> |
| 3.20 | <p>The Council recognises that there is a need for intensive forms of housing and to meet this demand, HMOs are an important component of this housing provision. HMOs, alongside other accommodation options within the private rented sector, play an important role in meeting the housing needs of people who are single, who have temporary employment, students, low-income households and, more recently, migrant workers.</p> |
| 3.21 | <p>In September 2017 the Housing Executive published the document "Housing Market Analysis Update – Belfast City Council Area" which states "HMOs form an important element of the PRS, particularly for younger people on low incomes and for single people, under the age of 35, affected by the limitation of housing benefit to the shared room rate. Anecdotal evidence also indicates that this has been a popular sector with migrant workers."</p> |
| 3.22 | <p>Anecdotal evidence from previous conversations with HMO managing agents suggest that that there is currently a lack of HMO accommodation available in this locality.</p> <p>Students moving out of HMO accommodation.</p> |
| 3.23 | <p>On the 7 December 2022 Ulster University Director of Campus Life told members of the Council's City Growth and Regeneration Committee that there was an "increase in competition for HMO's particularly from NIHE, Immigration Services and statutory agencies and there were increasing accommodation issues across the housing sector which required a holistic view and should include the consideration of international students, families and graduates looking for professional accommodation."</p> |
| 3.24 | <p>However, QUB Director of Student Plus confirmed to members that the current trend indicated a significant move of students to purpose-built student accommodation blocks. She told members that there were 7,000 purpose built managed student accommodation (PBMSA) rooms in the city – the majority built since 2018 and approximately 5,000 in the city centre.</p> |
| 3.25 | <p>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.</p> <p>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-</p> |

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| 3.26 | <p>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.</p> <p>Section 8(2)(d) of the 2016 Act</p> <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</p> |
| 3.27 | <p>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> <p>No objections were received in relation to this application.</p> |
| 3.29 | <p><u>Attendance</u></p> <p>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> |
| 3.30 | <p><u>Suitability of the premises</u></p> <p>The accommodation was certified as complying with the physical standards for an HMO for 5 persons by a technical officer from the NIHMO service, on the 01 February 2023.</p> |
| 3.31 | <p><u>Notice of proposed decision</u></p> <p>On the 15 February 2024, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016, Officers issued a Notice of Proposed Decision to the Applicant setting out the terms of the proposed licence. Appendix 2</p> |
| 3.32 | <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> |
| 3.33 | <p><u>Applicant's response to the notice of proposed decision</u></p> <p>On the 7 March 2024 representations were received from McCann & McCann solicitors on behalf of the applicant. Appendix 3</p> |
| 3.34 | <p><u>Financial and Resource Implications</u></p> <p>None. The cost of assessing the application and officer inspections are provided for within existing budgets.</p> |
| 3.35 | <p><u>Equality and Good Relations Implications</u></p> <p>There are no equality or good relations issues associated with this report.</p> |
| 3.36 | |
| | Appendices – Documents Attached |
| | Appendix 1 – Location Map |

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| | Appendix 2 – Notice of Proposed Decision. Appendix 3 – Representations on behalf of the applicant |
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Appendix 1 – External Photograph and Location Map – 23 Ireton Street, Belfast, BT7 1LH



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| Subject: | Application for a New Licence to operate a House of Multiple Occupation for Flat 3, 23 Ireton Street, Belfast, BT7 1LH |
| Date: | 20 March 2024 |
| Reporting Officer: | Kevin Bloomfield, HMO Unit Manager, Ext. 5910 |
| Contact Officer: | Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, City Solicitor, Ext. 6049 |

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| 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"/> |

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| 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, 23 Ireton Street, Belfast, BT7 1LH | 10863 | Mr Gerard Treacy | 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 15 February 2024, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 (“the 2016 Act”), officers issued a Notice of Proposed Decision. Appendix 2 | | | |

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| 2.3 | The Notice of Proposed Decision stated that the council proposed to refuse the licence on the grounds of overprovision . A statement of reasons for the proposal was included in the Notice of Proposed Decision. |
| 2.4 | If the application is refused, the Applicant has a right of appeal to the County Court. An appeal must be lodged within 28 days of formal notification of the Council's decision. |
| 3.0 | Main report |
| | <u>Background</u> |
| 3.1 | The property had the benefit of an HMO licence issued by the Housing Executive in the name of the Applicant which expired on the 04 September 2023. Reminder letters were sent to the applicant on 17 May 2023 and 21 August 2023 informing him of the need to renew the HMO licence before the expiry of the existing licence. |
| 3.2 | An application for a Temporary Exemption Notice was granted on the 23 January 2024 with an expiry date of 23 April 2024 |
| 3.3 | On the 03 January 2024 an HMO licence application was received from the owner of the accommodation. |
| | <u>Key Issues</u> |
| 3.4 | 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> |
| 3.5 | As this is a new application the Council's Planning Service was consulted. It confirmed that full planning permission for use as an HMO was granted on 07 January 2008 with the planning reference Z/2006/0500/F . |
| | <u>Fitness</u> |
| 3.6 | 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. |
| 3.7 | The NIHMO Unit has consulted with the following units within the Council's City and Neighbourhood Services Department – |

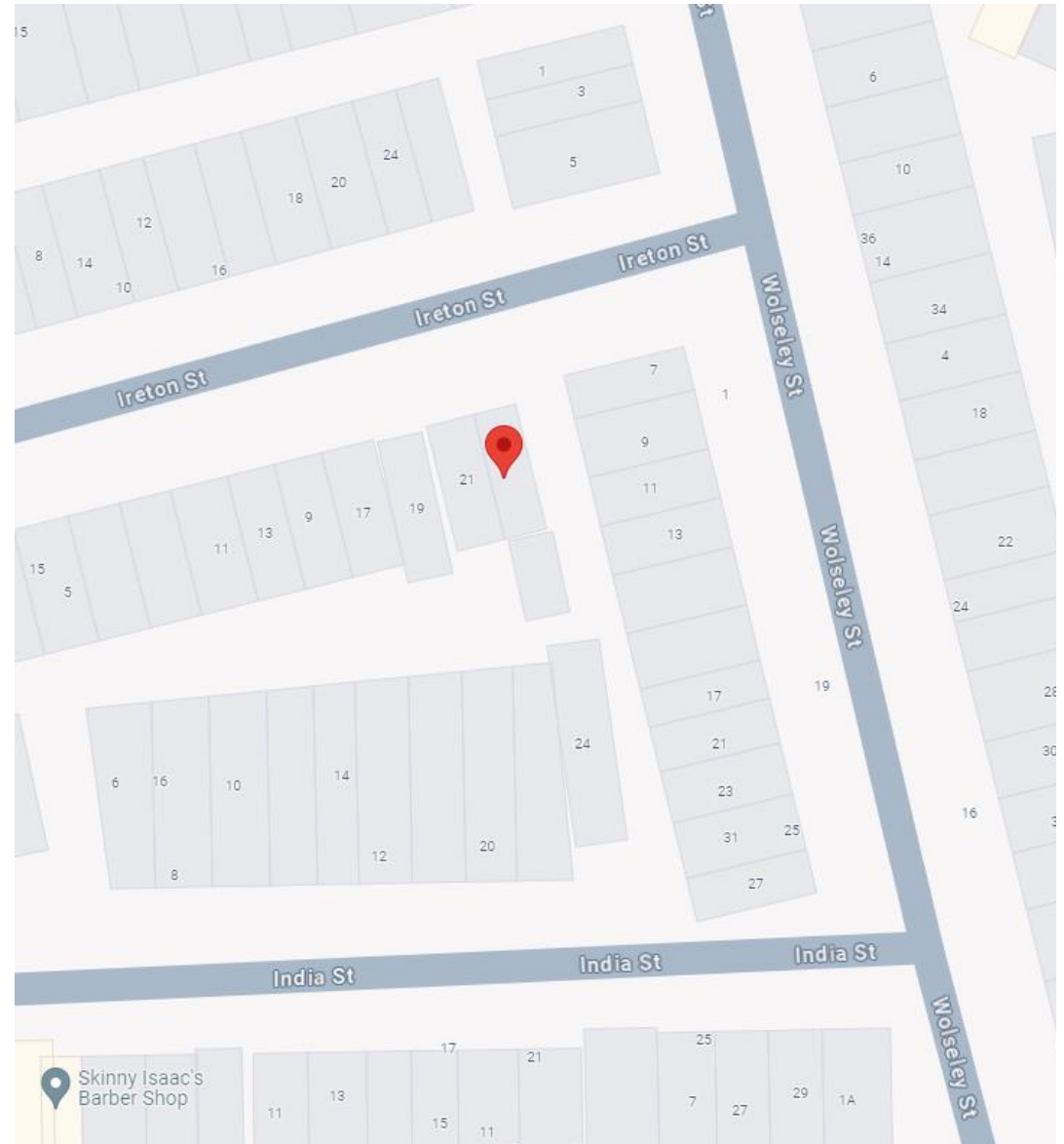
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| | <p>(a) Environmental Protection Unit (“EPU”) - who have confirmed that in relation to night-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(b) Environmental Protection Unit (“EPU”) - who have confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(c) Public Health and Housing Unit (“PHHU”) - who have confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(d) Enforcement Unit (“EU”) - who have confirmed that in relation to litter and waste, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> |
| 3.8 | The applicant has confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.3 of this report. |
| 3.9 | 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. |
| 3.10 | Officers are not aware of any other issues relevant to the Applicant’s fitness. |
| | <u>Overprovision</u> |
| 3.11 | For the purpose of Section 12(2) of the 2016 Act, the Council has determined the locality of the accommodation, Flat 3, 23 Ireton Street, Belfast, BT7 1LH 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. |
| 3.12 | 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. |
| 3.13 | <p>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> |
| 3.14 | 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> ” |
| 3.15 | <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> |

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| 3.16 | <p>On the date of assessment, 15 February 2024, 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 1122 (45%) licensed HMOs with a capacity of 4780 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> |
| 3.17 | <p>The total number of dwelling units in a HMA is measured by Ordnance Survey’s Pointer database. There are a total of 2473 dwelling units HMA 2/22 Botanic, Holylands, Rugby.</p> |
| 3.18 | <p>On the 15 February 2024 out of 92 premises available for rent within the BT7 area on the website PropertyNews.com there were 52 licensed HMOs which from the information presented on the website represented 229 bed spaces. The HMO accommodation was available immediately to September 2024.</p> |
| 3.19 | <p>The fact that the use of the property as an HMO is permitted for planning purposes is a relevant consideration in determining whether the grant of this licence will result in overprovision.</p> |
| 3.20 | <p>The Council recognises that there is a need for intensive forms of housing and to meet this demand, HMOs are an important component of this housing provision. HMOs, alongside other accommodation options within the private rented sector, play an important role in meeting the housing needs of people who are single, who have temporary employment, students, low-income households and, more recently, migrant workers.</p> |
| 3.21 | <p>In September 2017 the Housing Executive published the document “Housing Market Analysis Update – Belfast City Council Area” which states “HMOs form an important element of the PRS, particularly for younger people on low incomes and for single people, under the age of 35, affected by the limitation of housing benefit to the shared room rate. Anecdotal evidence also indicates that this has been a popular sector with migrant workers.”</p> |
| 3.22 | <p>Anecdotal evidence from previous conversations with HMO managing agents suggest that that there is currently a lack of HMO accommodation available in this locality.</p> <p>Students moving out of HMO accommodation.</p> |
| 3.23 | <p>On the 7 December 2022 Ulster University Director of Campus Life told members of the Council’s City Growth and Regeneration Committee that there was an “increase in competition for HMO’s particularly from NIHE, Immigration Services and statutory agencies and there were increasing accommodation issues across the housing sector which required a holistic view and should include the consideration of international students, families and graduates looking for professional accommodation.”</p> |
| 3.24 | <p>However, QUB Director of Student Plus confirmed to members that the current trend indicated a significant move of students to purpose-built student accommodation blocks. She told members that there were 7,000 purpose built managed student accommodation (PBMSA) rooms in the city – the majority built since 2018 and approximately 5,000 in the city centre.</p> |
| 3.25 | <p>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.</p> |

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| 3.26 | <p>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.</p> <p>Section 8(2)(d) of the 2016 Act</p> |
| 3.27 | <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> |
| 3.29 | <p>No objections were received in relation to this application.</p> <p><u>Attendance</u></p> |
| 3.30 | <p>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> |
| 3.31 | <p>The accommodation was certified as complying with the physical standards for an HMO for 5 persons by a technical officer from the NIHMO service, on the 01 February 2023.</p> <p><u>Notice of proposed decision</u></p> |
| 3.32 | <p>On the 15 February 2024, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016, Officers issued a Notice of Proposed Decision to the Applicant setting out the terms of the proposed licence. Appendix 2</p> |
| 3.33 | <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>Applicant's response to the notice of proposed decision</u></p> |
| 3.34 | <p>On the 7 March 2024 representations were received from McCann & McCann solicitors on behalf of the applicant. Appendix 3</p> <p><u>Financial and Resource Implications</u></p> |
| 3.35 | <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> |
| 3.36 | <p>There are no equality or good relations issues associated with this report.</p> |

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| | Appendices – Documents Attached |
| | Appendix 1 – Location Map Appendix 2 – Notice of Proposed Decision. Appendix 3 – Representations on behalf of the applicant |

Appendix 1 – External Photograph and Location Map – 23 Ireton Street, Belfast, BT7 1LH



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