

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



**Belfast
City Council**

22nd January, 2025

MEETING OF THE LICENSING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room, City Hall on Wednesday, 22nd January, 2025 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) Houses in Multiple Occupation (HMO) Licenses Issued Under Delegated Authority (Pages 1 - 6)
- (b) Licences Issued Under Delegated Authority (Pages 7 - 12)
- (c) Application for a Licence to operate a House of Multiple Occupation for 15 Agincourt Street (Pages 13 - 44)

3. **Non-Delegated Item**

- (a) Issue Raised in Advance by a Member - "Know your rights" information campaign for HMOs (Cllr McKay to raise)



Subject:	Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority
Date:	22 January 2025
Reporting Officer:	Kevin Bloomfield, NIHMO Manager
Contact Officers:	Kevin Bloomfield, NIHMO Manager Helen Morrissey, City Protection Manager

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

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

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

3.0	Main report				
	<u>Key Issues</u>				
3.1	Under the terms of the Houses in Multiple Occupation Act (Northern Ireland) 2016 the following HMO Licences were issued during December 2024.				
	Premise Name	Licensee	Ward	Housing Management Areas (HMAs)	Licence type
	9 Mowhan Street	Ms Fiona Lindsay	MALONE	NONE	Renewal Application
	39 Edinburgh Street	HEATHDENE PROPERTIES LIMITED	WINDSOR	EDINBURGH ST HMO 2/08	New Application
	38 Runnymede Parade	Mr Richard Smyth	BLACKSTAFF	NONE	Renewal Application
	19 Elaine Street	Mr Colum Twomey	CENTRAL	STRANMILLIS HMO 2/19	Renewal Application
	70 Carmel Street	Mr Thomas McElhatton	CENTRAL	HOLYLAND HMO 2/22	Renewal Application
	78 Ulsterville Gardens	Mr Leo Connell	WINDSOR	ULSTERVILLE HMO 2/21	Renewal Application
	39 Landseer Street	SMG EQUITY LTD	CENTRAL	STRANMILLIS HMO 2/19	Renewal Application
	35 St Albans Gardens	Mrs Noelle Hanna	STRANMILLIS	SANDYMOUNT HMO 2/17	Renewal Application
	Flat 3 76 Rugby Avenue	GO2BSA Limited	CENTRAL	HOLYLAND HMO 2/22	Renewal Application
	26 Malone Avenue	Mr Neil McVeigh	WINDSOR	EGLANTINE HMO 2/09	Renewal Application
	17 Stranmillis Gardens	Mrs Sarah Elizabeth Witchell	CENTRAL	STRANMILLIS HMO 2/19	Renewal Application
	31 Sandhurst Gardens	Mr David Smyth	STRANMILLIS	STRANMILLIS HMO 2/19	Renewal Application
	Flat 2, 29 Fitzroy Avenue Belfast Antrim BT7 1HS	Mrs KATHLEEN PHILOMENA ROGERS	CENTRAL	HOLYLAND HMO 2/22	Renewal Application
	Flat 2, 34 University Avenue	Mr Declan Boyle	CENTRAL	HOLYLAND HMO 2/22	Renewal Application
	43 Donnybrook Street	Mr David Smyth	WINDSOR	EDINBURGH ST HMO 2/08	Renewal Application
	30 Tates Avenue	Mr Jonathan Hogg	WINDSOR	EDINBURGH ST HMO 2/08	New Application
	Apartment 30, 1a Fane Street	Dr Leslie Emerson	WINDSOR	ULSTERVILLE HMO 2/21	Renewal Application
	Flat 1 76 Rugby Avenue	GO2BSA Limited	CENTRAL	HOLYLAND HMO 2/22	Renewal Application
	25 Penrose Street	Mr John McGrade	CENTRAL	HOLYLAND HMO 2/22	Renewal Application
	100 Wellesley Avenue	DASEN LTD.	WINDSOR	EGLANTINE HMO 2/09	Renewal Application
	208 Donegall Road	Mrs Joy Dillon	BLACKSTAFF	DONEGALL ROAD HMO 2/07	New Application
	Flat 2, 33 Ulsterville Avenue	Mrs Nancy Leaney	WINDSOR	ULSTERVILLE HMO 2/21	Renewal Application
	70 Melrose Street	Mrs Cecilia Smyth	WINDSOR	EDINBURGH ST HMO 2/08	Renewal Application

78 Melrose Street	Mrs Olwen Smyth	WINDSOR	EDINBURGH ST HMO 2/08	Renewal Application
44 Sandymount Street	Mrs Rose Handley	STRANMILLIS	SANDYMOUNT HMO 2/17	Renewal Application
7 Meadowbank Street	Miss Julia Herron	WINDSOR	MEADOWBANK HMO 2/15	New Application
Flat 3, 33 Ulsterville Avenue	Mrs Nancy Leaney	WINDSOR	ULSTERVILLE HMO 2/21	Renewal Application
41 Donnybrook Street	Mr David Smyth	WINDSOR	EDINBURGH ST HMO 2/08	Renewal Application
37 Donnybrook Street	Mr David Smyth	WINDSOR	EDINBURGH ST HMO 2/08	Renewal Application
Flat 2, 31 Chlorine Gardens	BANDAR LIMITED	STRANMILLIS	SANDYMOUNT HMO 2/17	Renewal Application
Flat 2, 76 Rugby Avenue	GO2BSA Limited	CENTRAL	HOLYLAND HMO 2/22	Renewal Application
Flat 1, 31 Chlorine Gardens	BANDAR LIMITED	STRANMILLIS	SANDYMOUNT HMO 2/17	Renewal Application
Apartment 2 16 Magdala Street	D.M PROPERTY ESTATES LIMITED	CENTRAL	HOLYLAND HMO 2/22	Renewal Application
Flat 2, 1 Carmel Street	D.M PROPERTY ESTATES LIMITED	CENTRAL	HOLYLAND HMO 2/22	Renewal Application
46 Palestine Street	Mr Declan Boyle	CENTRAL	HOLYLAND HMO 2/22	Renewal Application
13 Agincourt Street	Mr Declan Boyle	CENTRAL	HOLYLAND HMO 2/22	Renewal Application
29 Donnybrook Street	Mr William Howard	WINDSOR	EDINBURGH ST HMO 2/08	Renewal Application
Apartment 3, 16 Magdala Street	D.M PROPERTY ESTATES LIMITED	CENTRAL	HOLYLAND HMO 2/22	Renewal Application
Flat 2, 59 Wellesley Avenue	Mr Alyn McKee	WINDSOR	EGLANTINE HMO 2/09	Renewal Application
Flat 2, 5 Ashley Avenue	GLENBURN ESTATES LTD	WINDSOR	ULSTERVILLE HMO 2/21	New Application
82 Palestine Street	Mr Rodney Woods	CENTRAL	HOLYLAND HMO 2/22	Renewal Application
9 University Avenue	Mr Gerard Gray	CENTRAL	HOLYLAND HMO 2/22	Renewal Application
61 Donegall Avenue	Mr Jason Vanderburg	BLACKSTAFF	NONE	Renewal Application
81 Rugby Avenue	Mr Patrick Gerard Daly	CENTRAL	HOLYLAND HMO 2/22	Renewal Application
42 Elaine Street	Mr Austin Campbell	CENTRAL	STRANMILLIS HMO 2/19	Renewal Application
15 University Avenue	Mr Gerard Gray	CENTRAL	HOLYLAND HMO 2/22	Renewal Application
46 Nansen Street	Mr Donal Kennedy	FALLS	NONE	Renewal Application
90 Malone Avenue	Mr Ciaran Doherty	WINDSOR	EGLANTINE HMO 2/09	Renewal Application
Flat 3, 42 Rugby Avenue	D.M PROPERTY ESTATES LIMITED	CENTRAL	HOLYLAND HMO 2/22	Renewal Application
28 The Cloisters	Mr Patrick Grant	CENTRAL	HOLYLAND HMO 2/22	Renewal Application

	Flat 2, 42 Rugby Avenue	D.M PROPERTY ESTATES LIMITED	CENTRAL	HOLYLAND HMO 2/22	Renewal Application
	30 Pretoria Street	Mrs Carmel McLaughlin	CENTRAL	STRANMILLIS HMO 2/19	Renewal Application
	32 Carmel Street	Mrs Carmel McLaughlin	CENTRAL	HOLYLAND HMO 2/22	Renewal Application
	20 Templemore Avenue	Mr Matthew Gray	BALLYMACARR ETT	NONE	Renewal Application
	137 Dunluce Avenue	Mr James Murray	WINDSOR	ULSTERVILLE HMO 2/21	Renewal Application
	55 Carmel Street	Mr Rory Doyle	CENTRAL	HOLYLAND HMO 2/22	Renewal Application
	3 Stranmillis Street	Mr Terence McManus	STRANMILLIS	STRANMILLIS HMO 2/19	Renewal Application
	52 Chadwick Street	Mr Cary Peter Grant	WINDSOR	MEADOWBANK HMO 2/15	New Application
	52 Damascus Street	Mr Ronan Clarke	CENTRAL	HOLYLAND HMO 2/22	Renewal Application
	22 Ballygomartin Road	Mr Stephen Bell	BALLYGOMART IN	NONE	New Application
	13 Chadwick Street	Mr Thomas Mallon	WINDSOR	MEADOWBANK HMO 2/15	New Application
	7a Donnybrook Street	Mr Christopher David Blayney	WINDSOR	EDINBURGH ST HMO 2/08	Renewal Application
	7 Donnybrook Street	Mr Christopher David Blayney	WINDSOR	EDINBURGH ST HMO 2/08	Renewal Application
	7 Sandhurst Gardens	Mr Daniel Rice	STRANMILLIS	STRANMILLIS HMO 2/19	Renewal Application
	32 Sandhurst Gardens	Mr Samuel Hardy	CENTRAL	STRANMILLIS HMO 2/19	Renewal Application
	15 Sydenham Drive	Mr John O'Callaghan	BELMONT	NONE	Renewal Application
	22 Sydenham Drive	Mr John O'Callaghan	BELMONT	NONE	Renewal Application
	Flat 2, 2 Rugby Avenue	M.C.M. PROPERTY SERVICES LIMITED	CENTRAL	HOLYLAND HMO 2/22	New Application
	Flat 1, 2 Rugby Avenue	M.C.M. PROPERTY SERVICES LIMITED	CENTRAL	HOLYLAND HMO 2/22	New Application
	51 Ulsterville Avenue	Mr Martin Mackin	WINDSOR	ULSTERVILLE HMO 2/21	Renewal Application
	Flat 3 19 Ulsterville Avenue	Mr John Gibson	WINDSOR	ULSTERVILLE HMO 2/21	Renewal Application
	27 Stranmillis Gardens	BLUEHILL CONTRACTS PROPERTY LTD	CENTRAL	STRANMILLIS HMO 2/19	New Application

Financial & Resource Implications

3.2 None

Equality or Good Relations Implications/Rural Needs Assessment

3.3 There are no issues associated with this report.

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Subject:	Licences Issued Under Delegated Authority
Date:	22 January 2025
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	Laura Hillis, Principal Building Control Surveyor, Ext. 2469

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.	
Insert number <input style="width: 30px; height: 20px;" type="text"/>	
<ol style="list-style-type: none"> 1. Information relating to any individual 2. Information likely to reveal the identity of an individual 3. Information relating to the financial or business affairs of any particular person (including the council holding that information) 4. Information in connection with any labour relations matter 5. Information in relation to which a claim to legal professional privilege could be maintained 6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction 7. Information on any action in relation to the prevention, investigation or prosecution of crime 	
If Yes, when will the report become unrestricted?	
After Committee Decision After Council Decision Sometime in the future Never	<input style="width: 30px; height: 20px;" type="checkbox"/> <input style="width: 30px; height: 20px;" type="checkbox"/> <input style="width: 30px; height: 20px;" type="checkbox"/> <input style="width: 30px; height: 20px;" 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.																																								
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	<u>Key Issues</u>																																								
3.1	Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the following Entertainments Licences were issued since your last meeting.																																								
	<table border="1"> <thead> <tr> <th>Premises and Location</th> <th>Type of Application</th> <th>Applicant</th> </tr> </thead> <tbody> <tr> <td>AC Hotel by Marriott Belfast, 90 Donegall Quay, Belfast, BT1 3FE.</td> <td>Renewal</td> <td>Ms Holly Quinn, City Quays Hotel Ltd</td> </tr> <tr> <td>Ardoyne Working Mens Club, 9b Kerrera Street, Belfast, BT14 7FL.</td> <td>Renewal</td> <td>Mr Brendan Mailey</td> </tr> <tr> <td>Balmoral Hotel, Blacks Road, Belfast, BT10 0ND.</td> <td>Renewal</td> <td>Mr Ryan Ace, HTH Hospitality Ltd</td> </tr> <tr> <td>Beechlawn House Hotel, 4 Dunmurry Lane, Belfast, BT17 9RR.</td> <td>Renewal</td> <td>Mrs Roisin McIlhone, Ethril Ltd</td> </tr> <tr> <td>Belfast Castle, 698 Antrim Road, Belfast, BT15 5GR.</td> <td>Renewal</td> <td>Ms Cathryn McOscar</td> </tr> <tr> <td>Benedicts Hotel, 7-21 Bradbury Place, Belfast, BT7 1RQ.</td> <td>Renewal</td> <td>Mr Edmund Simpson, Elmoreton Ltd</td> </tr> <tr> <td>Brennans Bar, 48-50 Great Victoria Street, Belfast, BT2 7BB.</td> <td>Renewal</td> <td>Mr Padraic Brennan, Pacon Inns Ltd</td> </tr> <tr> <td>Campbell College, Belmont Road, Belfast, BT4 2ND.</td> <td>Renewal</td> <td>Mr Wayne Harper</td> </tr> <tr> <td>Church House, 2-10 Fisherwick Place, Belfast, BT1 6DW.</td> <td>Renewal</td> <td>Mr Liam McDonagh</td> </tr> <tr> <td>City Hall, Donegall Square, Belfast, BT1 5GS.</td> <td>Renewal</td> <td>Ms Joanne Murray, Belfast City Council</td> </tr> <tr> <td>Clayton Hotel Belfast, 22 Ormeau Avenue, Belfast, BT2 8HS.</td> <td>Renewal</td> <td>Mr Jonathan Topping</td> </tr> <tr> <td>Cresta Golf and Social Club, 156-158 Castlereagh Road, BT5 5FS.</td> <td>Renewal</td> <td>Mr Mervyn H. Hamilton</td> </tr> </tbody> </table>		Premises and Location	Type of Application	Applicant	AC Hotel by Marriott Belfast, 90 Donegall Quay, Belfast, BT1 3FE.	Renewal	Ms Holly Quinn, City Quays Hotel Ltd	Ardoyne Working Mens Club, 9b Kerrera Street, Belfast, BT14 7FL.	Renewal	Mr Brendan Mailey	Balmoral Hotel, Blacks Road, Belfast, BT10 0ND.	Renewal	Mr Ryan Ace, HTH Hospitality Ltd	Beechlawn House Hotel, 4 Dunmurry Lane, Belfast, BT17 9RR.	Renewal	Mrs Roisin McIlhone, Ethril Ltd	Belfast Castle, 698 Antrim Road, Belfast, BT15 5GR.	Renewal	Ms Cathryn McOscar	Benedicts Hotel, 7-21 Bradbury Place, Belfast, BT7 1RQ.	Renewal	Mr Edmund Simpson, Elmoreton Ltd	Brennans Bar, 48-50 Great Victoria Street, Belfast, BT2 7BB.	Renewal	Mr Padraic Brennan, Pacon Inns Ltd	Campbell College, Belmont Road, Belfast, BT4 2ND.	Renewal	Mr Wayne Harper	Church House, 2-10 Fisherwick Place, Belfast, BT1 6DW.	Renewal	Mr Liam McDonagh	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	Cresta Golf and Social Club, 156-158 Castlereagh Road, BT5 5FS.	Renewal	Mr Mervyn H. Hamilton
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Premises and Location	Type of Application	Applicant
Cyprus Avenue, 228-234 Upper Newtownards Road, Belfast, BT4 3ET.	Renewal	Mr Richard McCracken, Cyprus Avenue Ltd
Dunmurry Young Men Football Club, 250 Glenburn Road, Belfast, BT17 9BB.	Renewal	Mr Daryl Irwin
Ewarts Bowling Club, 21 Somerdale Park, Belfast, BT14	Renewal	Mr David Lavery
Filthy McNastys, 41-45 Dublin Road, Belfast, BT2 7HD.	Renewal	Ms Catherine McCrory, Bachus Inns Ltd
Flame Restaurant, 3 Bedford Square, Belfast, BT2 7ES.	Renewal	Mr Gaurav Kher
Kelly's Cellars, 30-32 Bank Street, Belfast, BT1 1HL.	Renewal	Mr Henry Downey, Eagle-Glen Ltd
Kitchen Bar, Unit 42 UG, 1 Victoria Square, Belfast, BT1 4QG.	Renewal	Mr Henry Downey, Eagle-Glen Ltd
Knock Methodist Centre, 17 Knock Road, Belfast, BT5 6LA.	Grant	Rev Fiona McCrea
Lagan Village Rangers Supporters Club, 36-40 Castlereagh Place, Belfast, BT5 4NN.	Renewal	Mr William Robert Ferguson
Ligoniel Community Centre, 144 Ligoniel Road, Belfast, BT14 8DT.	Renewal	Ms Catherine Taggart, Belfast City Council
Malone House, 300 Malone Road, Belfast, BT9 5PB.	Renewal	Ms Ciara Glennon
Markets Community Centre, Market Street, Belfast, BT2 8JA.	Renewal	Ms Catherine Taggart, Belfast City Council
McHughs Bar, 29 Queens Square, Belfast, BT1 3FG.	Renewal	Mr Henry Downey, Eagle-Glen Ltd
National Club, 19 Queen Street, Belfast, BT1 6EA.	Renewal	Mr Jim Mulholland
Print Hall, 124-144 Royal Avenue, Belfast, BT1 1DN.	Renewal	Mr Alan Simms, SD Event Management Ltd
Revolucion de Cuba, 25-39 Arthur Street, Belfast, BT1 4GA.	Renewal	Mr Daniel McGee
Ryans, 116-118 Lisburn Road, Belfast, BT9 6AH.	Renewal	Mr Gavin Bates, Barel Ltd
Taughmonagh Social Club, 31 Finwood Park, Belfast, BT9 6QR.	Renewal	Mr Colin Geary
Ten Square, 10 Donegall Square South, Belfast, BT1 5JD.	Renewal	Mr Christopher Kearney, Loughview Leisure Group
The Black Box, 18-22 Hill Street, Belfast, BT1 2LA.	Renewal	Mr Neil Jacques, The Black Box Trust

Premises and Location	Type of Application	Applicant
The Devenish Complex, 33-37 Finaghy Road North, Belfast, BT10 0JB.	Renewal & Variation	Mr James Conlon
The Ivy Belfast Brasserie, Cleaver House, 56 Donegall Place, Belfast, BT1 5BB.	Grant	Ms Anabel Newman, Troia (UK) Restaurants Ltd
The Rusty Saddle and Shake or Stir, 21 Howard Street, Belfast, BT1 6NB.	Renewal	Mr Eamon Diamond, Braidview Trading Ltd
The Stadium Bar, 346-348 Shankill Road, Belfast, BT13 3AB.	Grant	Mr Warren McAdam, Lucia Rose Properties Ltd
Ulster Reform Club, 4 Royal Avenue, Belfast, BT1 1DA.	Renewal	Mr Matthew Laird
West Belfast HPS Club, 19 Bootle Street, Belfast, BT13 3GQ.	Renewal	Mr Hugh Stockman

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 no Cinema Licences were issued since your last meeting.

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

Premises and Location	Type of Application	Applicant
Centra Blacks Road, 120 Blacks Road, Belfast, BT10 0NF.	Renewal	Mr Connor Fitzgerald, Musgrave Retail Stores NI Ltd
Edenderry Filling Station, 298 Crumlin Road, Belfast, BT14 7EE.	Renewal	Mr John Bailey
Rosetta Service Station, 569 Ormeau Road, Belfast, BT7 3JB.	Renewal	Mr Feargal Woods, Woods Stores NI Ltd
Tates Avenue Filling Station, 252 Tate Avenue, Belfast, BT12 6NB.	Renewal	Mr Alan Armstrong, Henderson Retail Ltd

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

Location	Type of Application	Commodity	Hours Licensed	Applicant
Donegall Quay, Belfast.	Stationary	Hot & Cold food & beverages	Sun – Sat: 09:00 – 21:00	Aaron McClelland
Queens Quay (1), Belfast.	Stationary	Artwork, Clothing, Cold food, Hot beverages, Groceries, Flowers & plants, Souvenirs	Mon – Fri: 07:00 – 23:00 Sat: 08:00 – 23:00 Sun: 09:00 – 23:00	Aine McBeth
Queens Quay (2), Belfast.	Stationary	Hot & Cold food & beverages	Mon – Fri: 07:00 – 23:00 Sat: 08:00 – 23:00 Sun: 09:00 – 23:00	Aine McBeth

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

Location	Type of Activity	Date and Hours permitted	Applicant
Beverley Street	Filming	10 - 11 December 2024 09:30 – 17:00	Mr David Cooke
Queens Parade, Victoria Parade, Duncairn Parade, North Queen Street	Filming	12 – 13 & 16 December 2024 09:00 – 21:00	Mr Andrew Wilson

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.

Financial & Resource Implications

3.8 None

Equality or Good Relations Implications/Rural Needs Assessment

3.9 There are no issues associated with this report.

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Subject:	Addendum report relating to an application for a Licence to operate a House of Multiple Occupation for 15 Agincourt Street, Belfast, BT7 1RB
Date:	22 January, 2025
Reporting Officer:	Kevin Bloomfield HMO Unit Manager
Contact Officer:	Kevin Bloomfield HMO Unit Manager Helen Morrissey, City Protection Manager

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	<p>The Committee, at its 20 November 2024 meeting, was asked to consider whether it would grant or refuse the application for a new HMO licence at 15 Agincourt Street, Belfast, BT7 1RB.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 25%;">Premises</th> <th style="width: 25%;">Application No.</th> <th style="width: 25%;">Applicant(s)</th> <th style="width: 25%;">Managing Agents</th> </tr> </thead> <tbody> <tr> <td>15 Agincourt Street, Belfast, BT7 1RB</td> <td>11261</td> <td>Mr John Macauley</td> <td>360 Residential Ltd</td> </tr> </tbody> </table>	Premises	Application No.	Applicant(s)	Managing Agents	15 Agincourt Street, Belfast, BT7 1RB	11261	Mr John Macauley	360 Residential Ltd
Premises	Application No.	Applicant(s)	Managing Agents						
15 Agincourt Street, Belfast, BT7 1RB	11261	Mr John Macauley	360 Residential Ltd						
1.2	At the November 2024 meeting, the Committee agreed to defer consideration of the application to enable officers to explore some of the issues raised in relation to this application, particularly relating to property ownership and the previous licence application., and to present this information at a future meeting.								
1.3	This report should be read in conjunction with the report presented to Committee at its November 2024 meeting. Appendix 1.								
1.4	In addition to the submission made on the applicants' behalf by McCann and McCann Solicitors the applicant made oral representations at the November 2024 meeting, a copy of those representation are at Appendix 2.								

	<p>NIHE Statutory Registration</p> <p>1.5 The property had the benefit of an HMO Registration issued by the Housing Executive with a commencement date of the 02 June 2014 in the name of Mr. John Macauley with an expiry date of the 02 June 2019. Registrations issued by the NIHE became licenses on the 1 April 2019 by virtue of the Transitional Provisions Order 2019.</p> <p>1.6 For the purposes of the NIHE Statutory Registration Scheme the person obliged to register the house (the specified person) could have been either –</p> <ul style="list-style-type: none"> • The owner of the house; or • Where the house in multiple occupation comprises a building (or part of a building) which has no discrete owner, the person in ownership of each part of the building; or • The person having control of the house; or • The person managing the house. <p>19 April 2019 licence application</p> <p>1.7 On the 19 April 2019 an application was received from Ms. Mary Macauley which was subsequently granted in her name with an expiry date of the 02 June 2024.</p> <p>1.8 In discussions prior to the introduction of the Houses in Multiple Occupation Act (Northern Ireland) 2016 (“2016 Act”) the Department for Social Development (now the Department for Communities) expressed the view that regulation that is disproportionate and unduly onerous could impact costs, increase rents, and ultimately deter some HMO owners from applying for HMO licenses, putting occupiers at risk. It was therefore decided at that time that for renewal application proof of ownership from a solicitor or financial institution would not be required and would be based on a self-declaration in the application form. The NIHMO Unit carry out a 10% random check of HMO ownership.</p> <p>1.9 The HMO licence was granted to Mrs. Macauley based on the self-declaration contained in the application form.</p> <p>08 May 2024 licence application.</p> <p>1.10 On the 08 May 2024 an application was received from Mr. John Macauley, and confirmation was received from the applicant’s solicitor that Mrs. Macauley never owned the accommodation and ownership has been in the sole name of Mr. Macauley since 29 July 2005.</p> <p>New – v – renewal application</p> <p>1.11 Mr Macauley submits that having regard to the specific circumstances of his application the Council should exercise discretion and treat his application as a renewal.</p> <p>1.12 Senior Counsel’s advice was sought, and having considered same, legal services have advised that while this is not a straightforward area of interpretation, given the particular circumstances of this application and in order to give effect to the proper legislative intent of the 2016 Act as well as the need to avoid the Council being left vulnerable to Judicial Review challenge, the application should be considered a renewal of the existing licence. The result of this is <u>not to exercise a discretion</u> but to give effect to the true meaning of section 20 of the 2016 Act in these particular circumstances.</p>
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2.0	Recommendations
2.1	Taking into account the information presented Committee is asked to grant the application in the terms applied for.
	Appendices – Documents Attached
	Appendix 1 – Report and appendices presented to committee on 20 November 2024. Appendix 2 – Oral representations made to the committee on 20 November 2024.

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