

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



**Belfast
City Council**

12th February, 2021

MEETING OF LICENSING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet via Microsoft Teams on Wednesday, 17th February, 2021 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

AGENDA:

1. Routine Matters

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

2. Delegated Matters

- (a) Licences Issued Under Delegated Authority (Pages 1 - 6)
- (b) Houses in Multiple Occupation (HMO) Licenses Issued Under Delegated Authority (Pages 7 - 12)

3. Non-Delegated Matters

- (a) Department for Communities Online Survey as part of the Review of Houses in Multiple Occupation Licensing Scheme (Pages 13 - 52)



| | |
|---------------------------|--|
| Subject: | Licences Issued Under Delegated Authority |
| Date: | 17 February 2021 |
| Reporting Officer: | Stephen Hewitt, Building Control Manager, Ext. 2435 |
| Contact Officer: | James Cunningham, Regulatory Services Manager, Ext. 3375 |

Restricted Reports

Is this report restricted?

Yes

☐

No

☒

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Some time in the future

Never

☐
☐
☐
☐

Call-in

Is the decision eligible for Call-in?

Yes

☐

No

☒

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|------------|---|
| 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 |
|---|---------------------|--|
| Alexandra Park, Castleton Gardens, Belfast, BT15 3BY. | Renewal (Outdoor) | Mr Ryan Black, Belfast City Council |
| Alexandra Park, Castleton Gardens, Belfast, BT15 3BY. | Renewal (Marquee) | Mr Ryan Black, Belfast City Council |
| Botanic Gardens, Stranmillis Embankment, Belfast, BT7. | Renewal (Outdoor) | Mr Ryan Black, Belfast City Council |
| Botanic Gardens, Stranmillis Embankment, Belfast, BT7. | Renewal (Marquee) | Mr Ryan Black, Belfast City Council |
| C.S Lewis Square, Holywood Arches, Newtownards Road, Belfast , BT4 1HE. | Renewal (Outdoor) | Mr Ryan Black, Belfast City Council |
| C.S Lewis Square, Holywood Arches, Newtownards Road, Belfast , BT4 1HE. | Renewal (Marquee) | Mr Ryan Black, Belfast City Council |
| Cathedral Park (Buoys Park), Academy Street, Belfast, BT1. | Renewal (Outdoor) | Mr Ryan Black, Belfast City Council |
| Cathedral Park (Buoys Park), Academy Street, Belfast, BT1. | Renewal (Marquee) | Mr Ryan Black, Belfast City Council |
| Crowne Plaza Hotel, 117 Milltown Road, Shaw's Bridge, Belfast, BT8 7XP. | Renewal | Mr Rajesh Rana, Andras House Ltd |
| Strand Arts Centre, 152-156 Holywood Road, Belfast, BT4 1NY. | Renewal | Ms Linda Smyth |
| Fullerton Park Pavilion, Glenburn Road, Dunmurry, Belfast, BT17 9BJ. | Renewal | Mr Ryan Black, Belfast City Council |
| Gilnahirk Presbyterian Church, Jack Britton Hall, 161 Gilnahirk Road, Belfast, BT5 7QP. | Renewal | Ms Anne Milligan |
| Grand Central Hotel, 9-15 Bedford Street, Belfast, BT2 7FF. | Renewal | Mr Peter Gibson, Moyola Cellars Ltd |
| Hillfoot Glentoran Supporters Club, 126-130 Castlereagh Road, Belfast, BT5 5FS. | Renewal | Mr Stephen Cherry |
| Hunting Lodge, 39 Stewartstown Road, Belfast, BT11 9BZ. | Renewal | Mr Terry Reilly, Beeches Drive Company Ltd |
| Jurys Inn Belfast, Fisherwick Place, Belfast, BT2 7AP. | Renewal | Mr Stephen McMullan, Jurys Inn Group Ltd |

| | <table><tr><th>Premises and Location</th><th>Type of Application</th><th>Applicant</th></tr><tr><td>Katy Dalys, Limelight, & Limelight 2, 17-21 Ormeau Avenue, Belfast, BT2 8HD.</td><td>Renewal</td><td>Mr Alan Simms, The Limelight Belfast Ltd.</td></tr><tr><td>Lavery's Bar, 12-22 Bradbury Place, Belfast, BT7 1RS.</td><td>Renewal</td><td>Mr Bernard Lavery, Lavery Ltd.</td></tr><tr><td>Longfellows Bar, 115-119 My Ladys Road, Belfast, BT6 8FD.</td><td>Renewal</td><td>Mr Maxwell Swain</td></tr><tr><td>Lower Crescent Open Space, Lower Crescent, Belfast, BT7 1NS.</td><td>Renewal (Outdoor)</td><td>Mr Ryan Black, Belfast City Council</td></tr><tr><td>Maldron Hotel, 20 Brunswick Street, Belfast, BT2 7GE.</td><td>Renewal</td><td>Mr Mike Gatt, DHG Brunswick Ltd</td></tr><tr><td>Maverick, 106-110 Donegall Street, Belfast, BT1 2GX.</td><td>Renewal</td><td>Mr John McElhatton, Maverick (NI) Ltd</td></tr><tr><td>Northern Whig House, 2-10 Bridge Street, Belfast, BT1 1LU.</td><td>Renewal</td><td>Mr Stephen Magorrian, Northern Whig Trading Ltd</td></tr><tr><td>Titanic Belfast, 1 Olympic Way, Belfast, BT3 9EP.</td><td>Renewal</td><td>Ms Judith Owens, Titanic Belfast Ltd</td></tr><tr><td>Ormeau Park, Ormeau Embankment, Belfast, BT7.</td><td>Renewal (Outdoor)</td><td>Mr Ryan Black, Belfast City Council</td></tr><tr><td>Ormeau Park, Ormeau Embankment, Belfast, BT7.</td><td>Renewal (Marquee)</td><td>Mr Ryan Black, Belfast City Council</td></tr><tr><td>Falls Park, Falls Road, Belfast, BT12 6AN.</td><td>Renewal (Outdoor)</td><td>Mr Ryan Black, Belfast City Council</td></tr><tr><td>Falls Park, Falls Road, Belfast, BT12 6AN.</td><td>Renewal (Marquee)</td><td>Mr Ryan Black, Belfast City Council</td></tr><tr><td>Woodvale Park, Woodvale Road, Belfast, BT13 3BW.</td><td>Renewal (Outdoor)</td><td>Mr Ryan Black, Belfast City Council</td></tr><tr><td>Woodvale Park, Woodvale Road, Belfast, BT13 3BW.</td><td>Renewal (Marquee)</td><td>Mr Ryan Black, Belfast City Council</td></tr></table> | Premises and Location | Type of Application | Applicant | Katy Dalys, Limelight, & Limelight 2, 17-21 Ormeau Avenue, Belfast, BT2 8HD. | Renewal | Mr Alan Simms, The Limelight Belfast Ltd. | Lavery's Bar, 12-22 Bradbury Place, Belfast, BT7 1RS. | Renewal | Mr Bernard Lavery, Lavery Ltd. | Longfellows Bar, 115-119 My Ladys Road, Belfast, BT6 8FD. | Renewal | Mr Maxwell Swain | Lower Crescent Open Space, Lower Crescent, Belfast, BT7 1NS. | Renewal (Outdoor) | Mr Ryan Black, Belfast City Council | Maldron Hotel, 20 Brunswick Street, Belfast, BT2 7GE. | Renewal | Mr Mike Gatt, DHG Brunswick Ltd | Maverick, 106-110 Donegall Street, Belfast, BT1 2GX. | Renewal | Mr John McElhatton, Maverick (NI) Ltd | Northern Whig House, 2-10 Bridge Street, Belfast, BT1 1LU. | Renewal | Mr Stephen Magorrian, Northern Whig Trading Ltd | Titanic Belfast, 1 Olympic Way, Belfast, BT3 9EP. | Renewal | Ms Judith Owens, Titanic Belfast Ltd | Ormeau Park, Ormeau Embankment, Belfast, BT7. | Renewal (Outdoor) | Mr Ryan Black, Belfast City Council | Ormeau Park, Ormeau Embankment, Belfast, BT7. | Renewal (Marquee) | Mr Ryan Black, Belfast City Council | Falls Park, Falls Road, Belfast, BT12 6AN. | Renewal (Outdoor) | Mr Ryan Black, Belfast City Council | Falls Park, Falls Road, Belfast, BT12 6AN. | Renewal (Marquee) | Mr Ryan Black, Belfast City Council | Woodvale Park, Woodvale Road, Belfast, BT13 3BW. | Renewal (Outdoor) | Mr Ryan Black, Belfast City Council | Woodvale Park, Woodvale Road, Belfast, BT13 3BW. | Renewal (Marquee) | Mr Ryan Black, Belfast City Council |
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| | Katy Dalys, Limelight, & Limelight 2, 17-21 Ormeau Avenue, Belfast, BT2 8HD. | Renewal | Mr Alan Simms, The Limelight Belfast Ltd. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Lavery's Bar, 12-22 Bradbury Place, Belfast, BT7 1RS. | Renewal | Mr Bernard Lavery, Lavery Ltd. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Longfellows Bar, 115-119 My Ladys Road, Belfast, BT6 8FD. | Renewal | Mr Maxwell Swain | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Lower Crescent Open Space, Lower Crescent, Belfast, BT7 1NS. | Renewal (Outdoor) | Mr Ryan Black, Belfast City Council | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Maldron Hotel, 20 Brunswick Street, Belfast, BT2 7GE. | Renewal | Mr Mike Gatt, DHG Brunswick Ltd | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Maverick, 106-110 Donegall Street, Belfast, BT1 2GX. | Renewal | Mr John McElhatton, Maverick (NI) Ltd | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Northern Whig House, 2-10 Bridge Street, Belfast, BT1 1LU. | Renewal | Mr Stephen Magorrian, Northern Whig Trading Ltd | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Titanic Belfast, 1 Olympic Way, Belfast, BT3 9EP. | Renewal | Ms Judith Owens, Titanic Belfast Ltd | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Ormeau Park, Ormeau Embankment, Belfast, BT7. | Renewal (Outdoor) | Mr Ryan Black, Belfast City Council | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Ormeau Park, Ormeau Embankment, Belfast, BT7. | Renewal (Marquee) | Mr Ryan Black, Belfast City Council | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Falls Park, Falls Road, Belfast, BT12 6AN. | Renewal (Outdoor) | Mr Ryan Black, Belfast City Council | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Falls Park, Falls Road, Belfast, BT12 6AN. | Renewal (Marquee) | Mr Ryan Black, Belfast City Council | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Woodvale Park, Woodvale Road, Belfast, BT13 3BW. | Renewal (Outdoor) | Mr Ryan Black, Belfast City Council | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Woodvale Park, Woodvale Road, Belfast, BT13 3BW. | Renewal (Marquee) | Mr Ryan Black, Belfast City Council | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3.2 | Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 there were no Amusement Permits issued since your last meeting. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3.3 | 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, confectionary, non-alcoholic beverages</td><td>Mon - Sun 10.30 – 20.00</td><td>Mr William Topping</td></tr></table> | | | | | Location | Type of Application | Commodity | Hours Licensed | Applicant | Shaw's Bridge car park | Stationary | Ice cream, confectionary, non-alcoholic beverages | Mon - Sun 10.30 – 20.00 | Mr William Topping | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Location | Type of Application | Commodity | Hours Licensed | Applicant | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Shaw's Bridge car park | Stationary | Ice cream, confectionary, non-alcoholic beverages | Mon - Sun 10.30 – 20.00 | Mr William Topping | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| 3.4 | Under the terms of the Road Traffic Regulation (Northern Ireland) Order 1997 there were no Road Closure Orders made since your last meeting. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---------------------|---|----------|----------|---------------------|-----------|--|----------|-------|---|---|----------|-------|-----------------------------------|---|----------|-------|------------------------------------|---|----------|-------|--|---|----------|-------|--|--|----------|-------|--|--|----------|-------|----------------------------------|--|----------|-------|-----------------------------|---|---------------------------|-------|---|---|----------|-------|--|--|----------|-------|--------------------|---|----------|-------|--|---|----------|-------|--|--|----------|-------|--|
| 3.5 | Under the terms of the Licensing of Pavement Cafés Act (Northern Ireland) 2014 the following Pavement Café Licences were issued since your last meeting. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <table border="1"> <thead> <tr> <th>Premises</th><th>Location</th><th>Type of Application</th><th>Applicant</th></tr> </thead> <tbody> <tr> <td>Bullitt, 40A Church Lane, Belfast, BT1 4QN</td><td>Adjacent</td><td>Grant</td><td>Tim Herron Bullitt Trading Ltd (Beannchor)</td></tr> <tr> <td>The American Bar, 65 Dock Street, Belfast, BT15 1LF</td><td>Adjacent</td><td>Grant</td><td>Pedro Donald The Spare Limited</td></tr> <tr> <td>Bootleggers, 46 Church Lane, Belfast, BT1 4QN</td><td>Adjacent</td><td>Grant</td><td>Christopher Wolsey Lane Inn Ltd</td></tr> <tr> <td>Avoca, 41 Arthur Street, Belfast, BT1 4GB</td><td>Adjacent</td><td>Grant</td><td>Ann Smyth Avoca Handweavers Shops Ltd</td></tr> <tr> <td>Caffé Nero, 377 Ormeau Road, Belfast, BT7 3FP</td><td>Adjacent</td><td>Grant</td><td>Charlotte Griffin Nero Holdings Ltd</td></tr> <tr> <td>Pottingers Café, 5-9 Pottinger's Entry, Belfast, BT1 4DT</td><td>Adjacent</td><td>Grant</td><td>Peita McAlister Pottingers c/o The Morning Star</td></tr> <tr> <td>Flame Restaurant, 46 Howard Street, Belfast, BT1 6PG</td><td>Adjacent</td><td>Grant</td><td>Stephen Kher Flame Restaurant</td></tr> <tr> <td>The Cosy Bar, 44 Omeath Street, Belfast, BT6 8ND</td><td>Adjacent</td><td>Grant</td><td>Colin Bell HillHall Ltd.</td></tr> <tr> <td>Voodoo, 11A Fountain Street, Belfast, BT1 5EA</td><td>Remote in Fountain Street</td><td>Grant</td><td>Ciaran Smyth Phoenix Wine & Spirits Stores Limited</td></tr> <tr> <td>City Picnic, Unit 5 McAuley House, 2- 6 Castle Street, Belfast, BT1 1HB</td><td>Adjacent</td><td>Grant</td><td>Arthur McAnerney Castle Enterprises Ltd</td></tr> <tr> <td>2 Taps, Cotton Court, 42 Waring Street, Belfast, BT1 2ED</td><td>Adjacent</td><td>Grant</td><td>Sid John 2 Taps</td></tr> <tr> <td>Caffé Nero, 2-4 Chichester Street, Belfast, BT1 4LA</td><td>Adjacent</td><td>Grant</td><td>Charlotte Griffin Nero Holdings Ltd</td></tr> <tr> <td>Caffé Nero, 10 Donegall Square West, Belfast, BT1 6JA</td><td>Adjacent</td><td>Grant</td><td>Charlotte Griffin Nero Holdings Ltd</td></tr> <tr> <td>7Spice, 7 St. Anne's Square, Edward Street, Belfast, BT1 2LR</td><td>Adjacent</td><td>Grant</td><td>Luthfur Ahmed Seven Spice Belfast Ltd</td></tr> </tbody> </table> | | | Premises | Location | Type of Application | Applicant | Bullitt, 40A Church Lane, Belfast, BT1 4QN | Adjacent | Grant | Tim Herron Bullitt Trading Ltd (Beannchor) | The American Bar, 65 Dock Street, Belfast, BT15 1LF | Adjacent | Grant | Pedro Donald The Spare Limited | Bootleggers, 46 Church Lane, Belfast, BT1 4QN | Adjacent | Grant | Christopher Wolsey Lane Inn Ltd | Avoca, 41 Arthur Street, Belfast, BT1 4GB | Adjacent | Grant | Ann Smyth Avoca Handweavers Shops Ltd | Caffé Nero, 377 Ormeau Road, Belfast, BT7 3FP | Adjacent | Grant | Charlotte Griffin Nero Holdings Ltd | Pottingers Café, 5-9 Pottinger's Entry, Belfast, BT1 4DT | Adjacent | Grant | Peita McAlister Pottingers c/o The Morning Star | Flame Restaurant, 46 Howard Street, Belfast, BT1 6PG | Adjacent | Grant | Stephen Kher Flame Restaurant | The Cosy Bar, 44 Omeath Street, Belfast, BT6 8ND | Adjacent | Grant | Colin Bell HillHall Ltd. | Voodoo, 11A Fountain Street, Belfast, BT1 5EA | Remote in Fountain Street | Grant | Ciaran Smyth Phoenix Wine & Spirits Stores Limited | City Picnic, Unit 5 McAuley House, 2- 6 Castle Street, Belfast, BT1 1HB | Adjacent | Grant | Arthur McAnerney Castle Enterprises Ltd | 2 Taps, Cotton Court, 42 Waring Street, Belfast, BT1 2ED | Adjacent | Grant | Sid John 2 Taps | Caffé Nero, 2-4 Chichester Street, Belfast, BT1 4LA | Adjacent | Grant | Charlotte Griffin Nero Holdings Ltd | Caffé Nero, 10 Donegall Square West, Belfast, BT1 6JA | Adjacent | Grant | Charlotte Griffin Nero Holdings Ltd | 7Spice, 7 St. Anne's Square, Edward Street, Belfast, BT1 2LR | Adjacent | Grant | Luthfur Ahmed Seven Spice Belfast Ltd |
| Premises | Location | Type of Application | Applicant | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bullitt, 40A Church Lane, Belfast, BT1 4QN | Adjacent | Grant | Tim Herron Bullitt Trading Ltd (Beannchor) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| The American Bar, 65 Dock Street, Belfast, BT15 1LF | Adjacent | Grant | Pedro Donald The Spare Limited | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bootleggers, 46 Church Lane, Belfast, BT1 4QN | Adjacent | Grant | Christopher Wolsey Lane Inn Ltd | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Avoca, 41 Arthur Street, Belfast, BT1 4GB | Adjacent | Grant | Ann Smyth Avoca Handweavers Shops Ltd | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Caffé Nero, 377 Ormeau Road, Belfast, BT7 3FP | Adjacent | Grant | Charlotte Griffin Nero Holdings Ltd | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Pottingers Café, 5-9 Pottinger's Entry, Belfast, BT1 4DT | Adjacent | Grant | Peita McAlister Pottingers c/o The Morning Star | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Flame Restaurant, 46 Howard Street, Belfast, BT1 6PG | Adjacent | Grant | Stephen Kher Flame Restaurant | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| The Cosy Bar, 44 Omeath Street, Belfast, BT6 8ND | Adjacent | Grant | Colin Bell HillHall Ltd. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Voodoo, 11A Fountain Street, Belfast, BT1 5EA | Remote in Fountain Street | Grant | Ciaran Smyth Phoenix Wine & Spirits Stores Limited | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| City Picnic, Unit 5 McAuley House, 2- 6 Castle Street, Belfast, BT1 1HB | Adjacent | Grant | Arthur McAnerney Castle Enterprises Ltd | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 Taps, Cotton Court, 42 Waring Street, Belfast, BT1 2ED | Adjacent | Grant | Sid John 2 Taps | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Caffé Nero, 2-4 Chichester Street, Belfast, BT1 4LA | Adjacent | Grant | Charlotte Griffin Nero Holdings Ltd | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Caffé Nero, 10 Donegall Square West, Belfast, BT1 6JA | Adjacent | Grant | Charlotte Griffin Nero Holdings Ltd | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 7Spice, 7 St. Anne's Square, Edward Street, Belfast, BT1 2LR | Adjacent | Grant | Luthfur Ahmed Seven Spice Belfast Ltd | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| | <u>Financial & Resource Implications</u> |
| 3.6 | None |
| | <u>Equality or Good Relations Implications/Rural Needs Assessment</u> |
| 3.7 | There are no issues associated with this report. |

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| Subject: | Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority |
| Date: | 17 February 2021 |
| Reporting Officer: | Kevin Bloomfield, NIHMO Manager, 07584 270820 |
| Contact Officer: | Valerie Brown, City Services Manager, Tel. 9027 0668 Kevin Bloomfield, NIHMO Manager, 07584 270820 |

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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. |

| 3.0 | Main report | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|------------------------------|--|------------|--|-------|------------|---------|----------|----|---------|--------|-------------------|----|-----------------|-------|-----------------------------|----|-----------------|-------|-----------------------------|----|--------|--------|-----------------|-----|-----------|-----------|-------------------|-------------------------|--|--|-------------------|-------------------------|--|--|------------------------------|----|----------|---------|----------------------------|---------------------|--|--|---------------------|----|---------|-------|----------------------------------|----|---------|-------|----------------------------------|----|---------|-------|-------------------|---------------------------|--|--|--------------------|----|------|-------|----------------------|----|-------|--------|-----------------------|----|------|------------|--|----|-------|---------|---------------------|----|-------|---------|----------------------|----|---------|---------|---------------------------|----|--------|-------|----------------------|----|--------|-------|--------------------|----|--------|---------|-------------------|----|----------|----------|----------------------|------------------------------|--|--|-----------------------------|----|-------|-------|-----------------|----|------|--------|------------------------|---------------------|--|--|-----------------------|------------------|--|--|-------------------------------|----|-------------------|----------|-----------------------------|----|---------|-----------|-----------------|----|--------|------|-------------------------|----------------------|--|--|--------------------------|----|-------|------------|--------------------|----|---------|------|----------------------------|----|--------|----------|--------------------|-----|--------|------|------------------|----|--------|----------|----------------------|----|--------|---------|---------------------------------|
| 3.1 | <p><u>Key Issues</u></p> <p>Under the terms of the Houses in Multiple Occupation Act (Northern Ireland) 2016 the following HMO Licences were issued during January 2020.</p> <table border="1"> <thead> <tr> <th>Title</th><th>First name</th><th>Surname</th><th>Premises</th></tr> </thead> <tbody> <tr><td>Mr</td><td>William</td><td>Penton</td><td>22 Rathgar Street</td></tr> <tr><td>Mr</td><td>Robert Carlisle</td><td>Greer</td><td>Flat 3, 27 Wellesley Avenue</td></tr> <tr><td>Mr</td><td>Robert Carlisle</td><td>Greer</td><td>Flat 2, 27 Wellesley Avenue</td></tr> <tr><td>Mr</td><td>Andrew</td><td>Parkes</td><td>61 Delhi Street</td></tr> <tr><td>Mrs</td><td>Clarerose</td><td>McDermott</td><td>92 Dunluce Avenue</td></tr> <tr><td colspan="3">McHugh Developments Ltd</td><td>25 Colenso Parade</td></tr> <tr><td colspan="3">McHugh Developments Ltd</td><td>Flat B, 28 University Street</td></tr> <tr><td>Mr</td><td>John Leo</td><td>Mc Gurk</td><td>Flat 2, 30 Wolseley Street</td></tr> <tr><td colspan="3">Castle Pharmacy Ltd</td><td>60 Edinburgh Street</td></tr> <tr><td>Mr</td><td>Richard</td><td>Smyth</td><td>Flat c, 47 Camden Street Belfast</td></tr> <tr><td>Mr</td><td>Richard</td><td>Smyth</td><td>Flat b, 47 Camden Street Belfast</td></tr> <tr><td>Mr</td><td>Richard</td><td>Smyth</td><td>47a Camden Street</td></tr> <tr><td colspan="3">SOBE Developments Limited</td><td>43 Ridgeway Street</td></tr> <tr><td>Mr</td><td>John</td><td>Dooey</td><td>28 Strandview Street</td></tr> <tr><td>Mr</td><td>Peter</td><td>O'Hare</td><td>28 Stranmillis Street</td></tr> <tr><td>Mr</td><td>Colm</td><td>McCandless</td><td>Flat 2, 48 College Park Avenue Belfast</td></tr> <tr><td>Mr</td><td>Peter</td><td>Calvert</td><td>74 Agincourt Avenue</td></tr> <tr><td>Mr</td><td>James</td><td>Heagney</td><td>62 Sandymount Street</td></tr> <tr><td>Mr</td><td>Michael</td><td>McGowan</td><td>Flat 2, 9 Lawrence Street</td></tr> <tr><td>Ms</td><td>Teresa</td><td>Short</td><td>4 Collingwood Avenue</td></tr> <tr><td>Ms</td><td>Teresa</td><td>Short</td><td>65 Sandhurst Drive</td></tr> <tr><td>Mr</td><td>Robert</td><td>Jackson</td><td>33 Colenso Parade</td></tr> <tr><td>Ms</td><td>Patricia</td><td>O'Rourke</td><td>3 Westminster Street</td></tr> <tr><td colspan="3">D.M PROPERTY ESTATES LIMITED</td><td>Flat 2, 31 Agincourt Avenue</td></tr> <tr><td>Ms</td><td>Marie</td><td>Lynch</td><td>29 Tates Avenue</td></tr> <tr><td>Mr</td><td>Mark</td><td>Danton</td><td>76 Stranmillis Gardens</td></tr> <tr><td colspan="3">JMC Rentals Limited</td><td>20 Stranmillis Street</td></tr> <tr><td colspan="3">MGK Property Ltd</td><td>Flat B, 43 Fitzwilliam Street</td></tr> <tr><td>Mr</td><td>Christopher Barry</td><td>McAlpine</td><td>Flat 2, 85 Wellesley Avenue</td></tr> <tr><td>Mr</td><td>Desmond</td><td>Patterson</td><td>24 Tates Avenue</td></tr> <tr><td>Mr</td><td>Martin</td><td>King</td><td>Flat 2, 27 India Street</td></tr> <tr><td colspan="3">M&M King Partnership</td><td>Flat 1, 17 Cromwell Road</td></tr> <tr><td>Mr</td><td>Simon</td><td>Montgomery</td><td>4 Riverview Street</td></tr> <tr><td>Mr</td><td>Raymond</td><td>King</td><td>Flat 3, 111 Fitzroy Avenue</td></tr> <tr><td>Mr</td><td>Kieran</td><td>Campbell</td><td>30 Hatfield Street</td></tr> <tr><td>Mrs</td><td>Teresa</td><td>Shaw</td><td>14 Eblana Street</td></tr> <tr><td>Mr</td><td>Adrian</td><td>Loughran</td><td>126 Agincourt Avenue</td></tr> <tr><td>Mr</td><td>Trevor</td><td>Breadon</td><td>Flat 2, 12 Lower Windsor Avenue</td></tr> </tbody> </table> | | | Title | First name | Surname | Premises | Mr | William | Penton | 22 Rathgar Street | Mr | Robert Carlisle | Greer | Flat 3, 27 Wellesley Avenue | Mr | Robert Carlisle | Greer | Flat 2, 27 Wellesley Avenue | Mr | Andrew | Parkes | 61 Delhi Street | Mrs | Clarerose | McDermott | 92 Dunluce Avenue | McHugh Developments Ltd | | | 25 Colenso Parade | McHugh Developments Ltd | | | Flat B, 28 University Street | Mr | John Leo | Mc Gurk | Flat 2, 30 Wolseley Street | Castle Pharmacy Ltd | | | 60 Edinburgh Street | Mr | Richard | Smyth | Flat c, 47 Camden Street Belfast | Mr | Richard | Smyth | Flat b, 47 Camden Street Belfast | Mr | Richard | Smyth | 47a Camden Street | SOBE Developments Limited | | | 43 Ridgeway Street | Mr | John | Dooey | 28 Strandview Street | Mr | Peter | O'Hare | 28 Stranmillis Street | Mr | Colm | McCandless | Flat 2, 48 College Park Avenue Belfast | Mr | Peter | Calvert | 74 Agincourt Avenue | Mr | James | Heagney | 62 Sandymount Street | Mr | Michael | McGowan | Flat 2, 9 Lawrence Street | Ms | Teresa | Short | 4 Collingwood Avenue | Ms | Teresa | Short | 65 Sandhurst Drive | Mr | Robert | Jackson | 33 Colenso Parade | Ms | Patricia | O'Rourke | 3 Westminster Street | D.M PROPERTY ESTATES LIMITED | | | Flat 2, 31 Agincourt Avenue | Ms | Marie | Lynch | 29 Tates Avenue | Mr | Mark | Danton | 76 Stranmillis Gardens | JMC Rentals Limited | | | 20 Stranmillis Street | MGK Property Ltd | | | Flat B, 43 Fitzwilliam Street | Mr | Christopher Barry | McAlpine | Flat 2, 85 Wellesley Avenue | Mr | Desmond | Patterson | 24 Tates Avenue | Mr | Martin | King | Flat 2, 27 India Street | M&M King Partnership | | | Flat 1, 17 Cromwell Road | Mr | Simon | Montgomery | 4 Riverview Street | Mr | Raymond | King | Flat 3, 111 Fitzroy Avenue | Mr | Kieran | Campbell | 30 Hatfield Street | Mrs | Teresa | Shaw | 14 Eblana Street | Mr | Adrian | Loughran | 126 Agincourt Avenue | Mr | Trevor | Breadon | Flat 2, 12 Lower Windsor Avenue |
| Title | First name | Surname | Premises | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mr | William | Penton | 22 Rathgar Street | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mr | Robert Carlisle | Greer | Flat 3, 27 Wellesley Avenue | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mr | Robert Carlisle | Greer | Flat 2, 27 Wellesley Avenue | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mr | Andrew | Parkes | 61 Delhi Street | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mrs | Clarerose | McDermott | 92 Dunluce Avenue | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| McHugh Developments Ltd | | | 25 Colenso Parade | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| McHugh Developments Ltd | | | Flat B, 28 University Street | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mr | John Leo | Mc Gurk | Flat 2, 30 Wolseley Street | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Castle Pharmacy Ltd | | | 60 Edinburgh Street | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mr | Richard | Smyth | Flat c, 47 Camden Street Belfast | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mr | Richard | Smyth | Flat b, 47 Camden Street Belfast | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mr | Richard | Smyth | 47a Camden Street | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SOBE Developments Limited | | | 43 Ridgeway Street | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mr | John | Dooey | 28 Strandview Street | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mr | Peter | O'Hare | 28 Stranmillis Street | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mr | Colm | McCandless | Flat 2, 48 College Park Avenue Belfast | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mr | Peter | Calvert | 74 Agincourt Avenue | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mr | James | Heagney | 62 Sandymount Street | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mr | Michael | McGowan | Flat 2, 9 Lawrence Street | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ms | Teresa | Short | 4 Collingwood Avenue | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ms | Teresa | Short | 65 Sandhurst Drive | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mr | Robert | Jackson | 33 Colenso Parade | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ms | Patricia | O'Rourke | 3 Westminster Street | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| D.M PROPERTY ESTATES LIMITED | | | Flat 2, 31 Agincourt Avenue | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ms | Marie | Lynch | 29 Tates Avenue | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mr | Mark | Danton | 76 Stranmillis Gardens | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| JMC Rentals Limited | | | 20 Stranmillis Street | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| MGK Property Ltd | | | Flat B, 43 Fitzwilliam Street | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mr | Christopher Barry | McAlpine | Flat 2, 85 Wellesley Avenue | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mr | Desmond | Patterson | 24 Tates Avenue | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mr | Martin | King | Flat 2, 27 India Street | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| M&M King Partnership | | | Flat 1, 17 Cromwell Road | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mr | Simon | Montgomery | 4 Riverview Street | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mr | Raymond | King | Flat 3, 111 Fitzroy Avenue | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mr | Kieran | Campbell | 30 Hatfield Street | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mrs | Teresa | Shaw | 14 Eblana Street | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mr | Adrian | Loughran | 126 Agincourt Avenue | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mr | Trevor | Breadon | Flat 2, 12 Lower Windsor Avenue | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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|--|--|-----------------|--------------|---------------------------------|--|
| | Mr | Trevor | Breadon | Flat 2, 10 Lower Windsor Avenue | |
| | Mr | Trevor | Breadon | Flat 2, 8 Lower Windsor Avenue | |
| | Mr | Trevor | Breadon | 75 Lower Windsor Avenue | |
| | Dr | Bob | Cummings | 12 Annadale Square | |
| | Mr | Christopher | McCann | 68 Fitzroy Avenue | |
| | Mr | Christopher | McCann | 68 Fitzroy Avenue | |
| | Mr | Eamonn | Gillan | 55 Agincourt Avenue | |
| | Norton Cross Limited | | | Flat 2, 32 Candahar Street | |
| | Mr | David | Bell | 55 Sandhurst Gardens | |
| | SIKKIM PROPERTIES LTD | | | 184 Upper Newtownards Road | |
| | Mr | Martin | Lyons | 81 Wellesley Avenue | |
| | Seaforth Property Developement company ltd | | | 11b Cameron Street | |
| | Seaforth Property Developement company ltd | | | 11 Cameron Street | |
| | Ms | Ann-Marie | Benson | 82 Agincourt Avenue | |
| | Ms | Angela W K | Lee | 31 Ridgeway Street | |
| | Dr | Jacqueline | Bates-Gaston | 60 Agincourt Avenue | |
| | Mr | John Francis | Martin | 15 Stranmillis Park | |
| | Mr | Eamonn | Gribben | 67 Agincourt Avenue | |
| | Mr | John | McGovern | 142 Agincourt Avenue | |
| | Mr | Dairmid | Laird | Flat 2, 14 Westminster Street | |
| | Mr | Dairmid | Laird | 2 Lawrence Street | |
| | Ms | Fionnuala | Oliver | 13 Stranmillis Street | |
| | Mr | Dermot | Murphy | Flat 2, 1 Wolseley Street | |
| | Mr | Declan | O'Neill | 27 Agincourt Avenue | |
| | Mr. | Stephen | McGinnity | 83 Agincourt Avenue | |
| | Mr | Jerome | McGinnity | 81 Agincourt Avenue | |
| | Mr | David | Mills | 147 Dunluce Avenue | |
| | Mr | Roy | McCoy | Flat 2, 24 Wolseley Street | |
| | Mr | John | Montgomery | 41c Dunluce Avenue | |
| | Mr | John | Montgomery | 41b Dunluce Avenue | |
| | Mr | John | Lynch | 8 Lawrence Street | |
| | Mr | William | Walsh | 18 Westminster Street | |
| | Mr | Robert Carlisle | Greer | 22 India Street | |
| | Ms | Marion | Hood | 2 Elaine Street | |
| | Mr | William | Crabbe | 13 Ashley Avenue | |
| | Ms | Pauline | Mason | 25 Riverview Street | |
| | Mr | Desmond | Patterson | 4 Pandora Street | |
| | Mr | Richard | Garvey | 18 Palestine Street | |
| | Mr | Dermot | McCrystal | 109 Wellesley Avenue | |
| | Mrs | Orlagh | McGleenan | 8 Annadale Square | |
| | Mr | Sam | Shephard | 65 Tates Avenue | |
| | Ms | Jessica | Magnier | 42 Sandhurst Gardens | |
| | Mr | Patrick | Macfarlane | 17 Collingwood Avenue | |
| | Derrylodge Property Management Ltd | | | Flat 2, 33 Ashley Avenue | |
| | Mr | Richard | Smyth | Flat 3, 51 Camden Street | |

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|--|------------------------------------|----------------|----------------------|-------------------------------|--|
| | Mr | Richard | Smyth | Flat 2, 51 Camden Street | |
| | Mr | Richard | Smyth | Flat 1, 51 Camden Street | |
| | Miss. | Rachel | Smyth | Flat 3, 120 Malone Avenue | |
| | Mr | Michael | Smyth | Flat 2, 120 Malone Avenue | |
| | Methodist Church in Ireland | | | 72b Earlswood Road | |
| | Mrs | Karen | Barkley | 74 Sandhurst Gardens | |
| | L&E Properties Ltd | | | Flat 2, 30 Canterbury Street | |
| | Miss. | Rachel | Smyth | Flat 2, 150 University Street | |
| | Miss. | Rachel | Smyth | Flat 1, 150 University Street | |
| | Miss. | Rachel | Smyth | 24 Rathcool Street | |
| | Mr | Gerard | Lundy | 44 St Albans Gardens | |
| | Mr | Colin | Shields | 28 Agincourt Street | |
| | Mr | Aiden | Daly | 102 Tates Avenue | |
| | Mr | Aidan | Rooney | 7 College Place North | |
| | Mr | John Bradley | Hanna | Flat 2, 2 Canterbury Street | |
| | Croob Properties Limited | | | 23 Stranmillis Gardens | |
| | Mrs | Judith | Dunlop | 110 Ulsterville Avenue | |
| | Mr | Bernard Brian | Campbell | 33 Stranmillis Park | |
| | Derrylodge Property Management Ltd | | | 24 Camden Street | |
| | Mr | Ferdia | Byard | 79 Palestine Street | |
| | Mr | Charles | Corcoran | 45 Agincourt Avenue | |
| | Ms | Mary | Yarr | 8 Fitzwilliam Square | |
| | Mr | David | Allison | 76 Tates Avenue | |
| | Mr | John | McCarney | 6 Ulsterville Gardens | |
| | Ms. | Mary Louise | McMahon | 36 Eblana Street | |
| | | Reps of | Tommy Egerton Dec\'d | 1a Dudley Street | |
| | Mr | Christopher | Neely | 123 Agincourt Avenue | |
| | McGivern Properties Ltd | | | 86 Agincourt Avenue | |
| | Mr | Thomas | Lenahan | 2 Stranmillis Gardens | |
| | Mr | Robert Anthony | Curry | 40 Elaine Street | |
| | Mr | Trevor | Breadon | 88 Edinburgh Street | |
| | Ms | Brigitte | Heim | 44 Broadway | |
| | Mr | Brian | McLeigh | 170 Dunluce Avenue | |
| | Mr | James | McElduff | 24 Eblana Street | |
| | Mr | Michael | McQuillan | 11 Penrose Street | |
| | Ms | Dervla | McGrann | 68 Agincourt Avenue | |
| | Mr | Martin | McVeigh | 76 University Avenue | |
| | Mr | Liam | Young | 40 Ulsterville Gardens | |
| | Mr | David | Hutchinson | 286 Donegall Road | |
| | Lynntara Ltd | | | 51 Agincourt Avenue | |
| | Mr | John | McGovern | 128 Agincourt Avenue | |
| | Mr | Rodney | Woods | 27 Stranmillis Road | |
| | Derrylodge Property Management Ltd | | | 48 Stranmillis Gardens | |
| | Mr | Shane | McKeown | 143b University Avenue | |
| | Enagh Investments Ltd | | | Flat 2, 22 Wolseley Street | |

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|--|----------------------------|---------------------|------------|------------------------------------|--|
| | Mr | Patrick | McKillop | Flat 2, 23 Rugby Avenue | |
| | Mr | Patrick | McKillop | flat 1, 23 Rugby Avenue | |
| | Mr | John | McGovern | 41 Sandymount Street | |
| | L&E Properties Ltd | | | 74 Stranmillis Gardens | |
| | Mr | Stephen | Ball | 117 Ulsterville Avenue | |
| | Mr | Raymond | Fawcett | 77 Upper Newtownards Road | |
| | Mrs | Elizabeth | Farley | Flat 2, 18 Camden Street | |
| | Mr | Classon | Porter | 73 Bates Avenue | |
| | Ms | Lisa | Brown | 27 Elaine Street | |
| | M&M King Partnership | | | Flat 6, 12 Ashley Avenue | |
| | M&M King Partnership | | | Flat 5, 12 Ashley Avenue | |
| | M&M King Partnership | | | Flat 4, 12 Ashley Avenue | |
| | M&M King Partnership | | | Flat 3, 12 Ashley Avenue | |
| | Mr | Andrew | Eakins | 16 Eblana Street | |
| | Mrs | Mary | McIntyre | 53 Ashley Avenue | |
| | Mrs | Valerie | Nicholson | 52 Haypark Avenue | |
| | Mr | Peter | Crymble | 66 Ulsterville Gardens | |
| | SOBE Developments Limited | | | Apartment 4, 50 - 52 Cromwell Road | |
| | Mr | Callum | Anderson | 2 Lisburn Avenue | |
| | Mr | James | Harkness | Flat 2, 5 Ashley Avenue | |
| | Mr | Paul | McCusker | Flat 2, 12 Camden Street | |
| | Ms | Jessica | Magnier | 30 Sandhurst Gardens | |
| | Mr | Eamonn | McCann | 15 Ashley Avenue | |
| | McKay Property Services | | | 132 Dunluce Avenue | |
| | Mr | Richard | Lindsay | 42 Ulsterville Gardens | |
| | Mrs | Barbara | Blundell | Flat 2, 14 Ashley Avenue | |
| | Mrs | Sandra | Lynas | Flat 2, 14 Wolseley Street | |
| | Mrs | Nicola | Parker | 5 Eblana Street | |
| | Mr | Sean | McGovern | 42 Sandymount Street | |
| | Ms | Jill | Hughes | 42 Carmel Street | |
| | Mr | Paul | McKeever | 19 Riverview Street | |
| | Kendale Limited | | | Flat 2, 15 Camden Street | |
| | Mr | Jonathan | Kinnear | 125 Donnybrook Street | |
| | Mrs | Patricia Bernadette | Donohoe | 103 Malone Avenue | |
| | Mr | Neil | Rafferty | 32 Stranmillis Gardens | |
| | Mrs | Sandra | Irvine | 38 College Park Avenue | |
| | Ms | Jennifer | Poon | 22 Stranmillis Gardens | |
| | Mr | Steven | McKenna | 134 Fitzroy Avenue | |
| | Cleland Family Partnership | | | 18 Sandymount Street | |
| | Ms | Christina | O'Brien | 27 Sandhurst Gardens | |
| | Ms | Margaret | O'Gara | 37 Donegall Pass | |
| | Ms | Maire | McCandless | Flat 2, 1 Malone Avenue | |
| | Ms | Maire | McCandless | Flat 1, 1 Malone Avenue | |
| | Mr | Paul | Donnelly | 74 Rugby Avenue | |
| | Mrs | Teresa | McQuade | 29 Damascus Street | |

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|-----|--|--------------|---------|--------------------------|--|
| | Mrs | Noreen | Taggart | 22 Rathcool Street | |
| | Mr | Shane P | Murray | 137 University Avenue | |
| | Mr | Mark Michael | McGarry | 14b Chlorine Gardens | |
| | Tullyquin Properties Limited | | | Flat 3, 40 Cromwell Road | |
| 3.2 | <u>Financial & Resource Implications</u> None | | | | |
| | <u>Equality or Good Relations Implications/Rural Needs Assessment</u> | | | | |
| 3.3 | There are no issues associated with this report. | | | | |



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| Subject: | Department for Communities On-Line Questionnaire as part of the Review of Houses in Multiple Occupation Licensing Scheme |
| Date: | 17 th February 2021 |
| Reporting Officer: | Vivienne Donnelly |
| Contact Officer: | Kevin Bloomfield, HMO Unit Manager, Ext. 5910 |

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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 | <p>The Houses in Multiple Occupation Act (Northern Ireland) 2016 came into effect in April 2019 following the transfer from Northern Ireland Housing Executive's (NIHE) HMO Registration scheme to Councils under a new licensing regime. The purpose of bringing forward this new HMO licencing regime was to properly and effectively regulate HMOs to ensure the health, safety and well-being of the occupants and at the same time minimising any negative impacts on the neighbourhood and surrounding area. As part of the transfer arrangements, the Department for Communities (DFC) undertook to undertake a review of the implementation of the HMO licensing scheme within two years of the transfer. DFC wrote to the Council on the 22nd December 2020 to seek views from the Council via an online questionnaire as part of their review with a response deadline of the 5th February 2021. The Council sought an extension of time from DFC to provide a response and DFC have agreed to an extension of two weeks until 19th February 2021.</p> <p>(Appendix 1)</p> |
| 2.0 | Recommendations |
| 2.1 | <p>Taking into account the information presented, Committee is asked to note the Council's response to the survey issued by the Department for Communities (DFC) who are commencing a review of the implementation of the Houses in Multiple Occupation (HMO) licensing scheme, together with an additional submission highlighting legislative anomalies and omissions with suggested amendments to improve the delivery and administration of the HMO licensing scheme.</p> |

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| 3.0 | Main report |
| | <u>Key Issues</u> |
| 3.1 | The Houses in Multiple Occupation (HMO) Act NI 2016 was commenced on 1 st April 2019 which coincided with officers from the Northern Ireland Housing Executive (NIHE) transferring to Belfast City Council to administer and deliver the new HMO Licencing Scheme function for all councils in Northern Ireland. |
| 3.2 | As part of the transfer arrangements, DFC undertook to review the implementation of the new licensing scheme within 2 years of the transfer taking place from the NIHE to Belfast City Council. |
| 3.3 | DFC have written to the Councils on 22 nd December 2020 to indicate that it wished to seek views in relation the review by means of an online survey on the NI Direct website on the following link https://consultations.nidirect.gov.uk/dfc-analytical-services-unit/review-of-houses-of-multiple-occupation-hmo-licenc/ which is publically available. The survey poses 9 questions and the answers to the questions have been provided in Appendix 2 Cover Report and Appendix 3 Online Survey response, however they are summarised as follows; |
| 3.4 | <p>Q1. Has the HMO licensing scheme improved the management of Houses in Multiple occupation?</p> <p>Belfast City Council agrees that the new HMO licensing scheme has improved the management of HMOs by ensuring that owners and managing agents have a broader range of responsibilities and arrangements in place as part of their undertaking in respect of managing HMO properties. This includes enhanced measures to address fire safety, energy performance, prioritised repairs schedule and anti-social behaviour management. Since the 1st April 2019, the HMO Service has engaged with 241 landlords/managing agents in relation to antisocial issues within the curtilage of their properties following receipt of complaints resulting in a more cohesive approach to dealing with anti-social issues associated with HMO properties and their occupiers.</p> |
| 3.5 | <p>Q2. Has the HMO licensing scheme improved the overall standards of this type of accommodation?</p> <p>The standards imposed by the new licensing scheme are to a large part a replication former NIHE HMO Registration scheme, although it is acknowledged that there are some improvements in relation to fire safety, bedroom sizes and energy performance/ thermal comfort.</p> |
| 3.6 | <p>Q3. Has the HMO licensing scheme improved the current fitness standards expected in HMOs?</p> <p>It is noted that the current fitness standard for the private rented sector including HMOs is over forty years old and therefore the standard licensing conditions under the HMO licensing regime offer a higher standard of fitness than is afforded to other private rented sector properties.</p> <p>The current fitness standard is in urgent need of review and should be replaced by a comprehensive fitness standard which assesses the suitability of the dwelling for the occupant in line with modern day living standards such as the Housing Health and Safety Rating System used in England and Wales or a similar equivalent model.</p> |
| 3.7 | Q4 Do you agree the HMO licensing scheme addresses the risk to safety associated with living in an HMO? |

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| | <p>Belfast City Council agrees that the HMO licensing scheme addresses safety associated with a HMO through a range of management responsibilities and the addition of the hazard enforcement powers.</p> |
| 3.8 | <p>Q5 Do you agree the HMO licensing scheme provides value for money?</p> <p>The current level of fee payable per occupant is set at £37 per person per year with the full fee payable on renewal and it was estimated that this rate would ensure full cost recovery based on the deferred income from the NIHE and proposed income figures at the time of the transfer from the NIHE to Councils. It was considered that setting a maximum amount at £45 in the regulations gave Councils scope to increase the fee if required to ensure full cost recovery without requiring an amendment to the subordinate regulations.</p> <p>The impact of the Covid-19 pandemic and a reduction in the number of HMO properties, particularly the smaller three bedroom properties as a result of the changes in the legislation including the new HMO definition along with the operating model and additional support provided by BCC has had a financial impact on the revenues estimated at the outset of this transfer. Belfast City Council will seek to engage with DFC on this matter to ensure the scheme continues to operate on a cost neutral basis as stated below in para 3.13 and 3.14. Therefore as part of this review BCC is calling for DFC to set up an urgent work stream on the resource and financial model potentially entailing increasing the fee threshold currently set at a maximum amount of £45 in the regulations to future proof the fee structure and reduce the burden on the rate payers as a consequence of the transfer of this function.</p> |
| 3.9 | <p>Q6 Do you agree the HMO licensing scheme guidance and assistance is easy to access and understand?</p> <p>Belfast City Council would welcome the opportunity to work with DFC to review aspects of the DFC Guidance to Councils with the aim of obtaining some further clarity on a number of particular points, when administering the new HMO licensing scheme. An example which the Council would wish to highlight in particular is the guidance in relation to room sizes which the Council believes may not reflect the legislative stance in some aspects.</p> <p>The Council is currently reviewing the information and guidance on its website and plans to include “A Frequently Asked Questions” section to assist owners of HMO properties with the application process.</p> <p>The Council is also reviewing the online HMO application form to make it more intuitive for users.</p> |
| 3.10 | <p>Q7 Do you agree the communication between councils and landlords and councils and Department for Communities effective and timely?</p> <p>Belfast City Council has regular and on-going communication with agents, landlords and LANI since the transfer of the HMO Licensing function to Councils. Following feedback from a LANI meeting in March 2020, the on-line HMO application form and the website is currently being re-designed to assist users through the application process.</p> <p>The need for on-going communication is recognised and accept that the messaging between landlords and the Council can be improved.</p> <p>Communication between Belfast City Council/ lead cluster Councils and the Department of Communities is maintained on a regular basis through quarterly review meetings with ongoing contact maintained between Council officers and DFC officers as and when issues arise.</p> |

3.11

Q8 Please provide your views on the administration and delivery of the scheme:

Belfast City Council is the lead Council for the delivery of the HMO Licensing scheme and delivers this service on behalf of all Councils operating a cluster model with two lead Councils Causeway Coast & Glen and Derry & Strabane District Council. Belfast City hosts 2953 licensed HMOs which represents 76% of the total number of HMOs in Northern Ireland, Cluster 2 has 561 licensed HMOs (14%) and cluster 3 has 388 licensed HMO (10%).

The transfer of the HMO Licensing function to Councils was a complex, logistical exercise, involving the transfer of staff from the Northern Ireland Housing Executive to Belfast City Council, the implementation of a new licensing scheme underpinned by a new complex legislative regime, the procurement of a new IT system to manage the application process and to enable the administration of the scheme. The combination of managing, interpreting and enforcing complex new legislation and the use of a new IT system has brought many challenges for Council officers in delivering this service.

3.12

Since April 2019, the following table highlights the work that has been undertaken by the NIHMO team

| Activity 1 st April 2019 up until 25 January 2021 | Belfast | Cluster 1 Causeway Coast & Glens lead | Cluster 2 Derry & Strabane lead |
|---|----------------------|--|---|
| HMO Licences issued | 1135 | Causeway = 96 Lisburn & Castlereagh = 1 Mid & East Antrim = 1 Antrim & Newtownabbey = 12 Ards & North Down = 2 Total = 112 | Derry & Strabane = 47 ABC = 11 Fermanagh & Omagh = 2 Mid Ulster = 3 Newry, Mourne & Down = 2 Total = 65 |
| Inspections (Initial & management) | 2034 | 235 | 204 |
| FPN issued | 23 | 1 | 0 |
| Prosecutions | 1 (2 pending) | 0 | 0 |

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| 3.13 | <p>In summary, the Council acknowledges that the new HMO licensing scheme has improved the overall management responsibilities of the owners of such properties resulting in better standards for tenants, however, there has been a number of emerging issues arising from the transfer of the function from the NIHE to Councils and the implementation of new legislation namely:</p> <ul style="list-style-type: none"> • Belfast City Council has had an increased number of complaints/ legal challenges from landlords that are challenging decisions and interpretations of the legislation. • Significant legal support is required on an on-going basis to deal with complex cases. • There is significantly increased administration associated with the HMO licensing process and requires more resources to administer than the previous registration scheme which was not apparent during the appraisal of the transfer of this function. • The re-development of the new IT system to manage the HMO licensing process, requires on-going resources to re-design and configure to ensure that the system is fit for purpose. • The new licensing process requires Belfast City Council to work in partnership with a range of staff across all 11 Councils and in addition, a number of different agencies, which results in increased administration and can lead to delays in processing applications. • The Covid-19 pandemic has resulted in a back log of cases and is more difficult to administer when staff are operating under a working from home business model. Technical officers are also working under controlled operating models to protect their health and safety which can result in delays to inspections. • The number of HMO properties has reduced due to a variety of reasons since the economic appraisal was undertaken prior to the transfer of this function to Councils and will require the fee currently set at £37 per person per year to be kept under review to ensure that the delivery of scheme remains cost neutral to Councils. |
| 3.14 | <p>At the start of the transfer of this function, it would have been difficult to foresee these emerging issues and Belfast City Council would welcome recognition of these factors when considered in the current review undertaken by DFC. Furthermore, Belfast City Council would welcome a separate urgent review to be commissioned by DFC as a priority work stream to examine the adequacy of the resource transfer from NIHE to deal with the new licensing regime for Councils in NI to support the effective governance, oversight and the financial strategy that underpins the delivery model ensuring that it is a quality fit for purpose function that meets stakeholder needs including the expectations of DFC.</p> |
| 3.15 | <p>In addition to the questions that have been tabled by DFC as part of the review, Officers believe that the review also affords the Council the opportunity to raise some of the issues that have come to light as a result of implementing the HMO licensing scheme in terms of legislative omissions and areas where clarity is required to assist the Council to regulate and administer the scheme more effectively. Officers have compiled a table detailing the relevant sections of the HMO Act 2016 that have been identified for consideration as part of the review. These are listed at Appendix 4.</p> |
| 3.16 | <p><u>Financial and Resource Implications</u></p> <p>There are additional costs that have been borne by BCC in the administration, support and governance of the new regime that have impacted on budgets and resources. Therefore as part of this review BCC is urgently calling for DFC to undertake a review of the financial and resource elements as highlighted in the response.</p> |

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| 3.17 | <p><u>Equality and Good Relations Implications</u></p> <p>There are no equality or good relations issues associated with this report.</p> |
| 4.0 | Appendices |
| | <p>Appendix One – DfC correspondence dated 22nd December 2020</p> <p>Appendix Two – Cover report</p> <p>Appendix Three – On Line response to DFC Review of Houses in Multiple Occupation dated 11th February 2021</p> <p>Appendix Four – List of suggested legislative amendments to the HMO Act (NI)2016</p> |

Appendix 1

Private Rented Branch
Level 3
Causeway Exchange
1-7 Bedford Street
Belfast
BT2 7EG

22 December 2020

Dear All

As you are aware the Houses in Multiple Occupation Act (Northern Ireland) 2016 came into effect in April 2019. The purpose of bringing forward this new HMO licencing regime was to properly and effectively regulate HMOs to ensure the health, safety and well-being of the occupants and at the same time minimise any negative impacts on the neighbourhood and surrounding area. While aspects remain similar to the previous regime, there are notable differences such as additional enforcement powers for Councils and increased penalties for criminal offences.

We are now commencing a review of the implementation of the licencing scheme and would be grateful for any views you or your organisation may have. Please see the link to the survey below:

<https://consultations.nidirect.gov.uk/dfc-analytical-services-unit/review-of-houses-of-multiple-occupation-hmo-licenc>

Your response by 5 February 2021 would be much appreciated.

Yours sincerely,

Private Rented Branch

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Appendix 2

Summary Cover Report

Department for Community (DFC)

On-Line Questionnaire - Review of the Houses in Multiple Occupation Licensing Scheme

The Houses in Multiple Occupation Act (Northern Ireland) 2016 came into effect in April 2019 following the transfer from Northern Ireland Housing Executive's (NIHE) HMO Registration scheme to Councils under a new licensing regime. The new HMO licencing regime aims to effectively regulate HMOs to ensure the health, safety and well-being of the occupants and at the same time minimising any negative impacts on the neighbourhood and surrounding area. Since the commencement of the scheme, Belfast City Council acting in its capacity as lead Council delivering the service on behalf of all Councils in Northern Ireland is responding to the review of the implementation of the HMO licensing scheme being undertaken by the Department for Communities (DFC) via a online survey as part of their review.

The following is a summary of the full on line submission;

- Belfast City Council agrees that the new HMO licensing scheme has improved the management of HMOs by ensuring that owners and managing agents have a broader range of responsibilities and arrangements in place as part of their undertaking in respect of managing HMO properties. This includes enhanced measures to address fire safety, energy performance, prioritised repairs schedule and anti-social behaviour management.
- The standards imposed by the new licensing scheme are to a large part a replication of the former NIHE HMO Registration scheme, although it is acknowledged that there are some improvements in relation to fire safety, bedroom sizes and energy performance/ thermal comfort.
- The current fitness standard is in urgent need of review and should be replaced by a comprehensive fitness standard which assesses the suitability of the dwelling for the occupant in line with modern day living standards such as the Housing Health and Safety Rating System used in England and Wales or a similar equivalent model.
- Belfast City Council agrees that the HMO licensing scheme addresses safety associated with a HMO through a range of management responsibilities and the addition of the hazard enforcement powers.
- The current level of fee payable per occupant is set at £37 per person per year with the full fee payable on renewal. The impact of the Covid-19 pandemic and a reduction in the number of HMO properties under the new

licensing scheme may have a financial impact on the revenues estimated at the outset of this transfer. Belfast City Council will keep under review the funding of the scheme to ensure that it continues to operate on a cost neutral basis. It may be prudent for DFC to consider increasing the fee threshold currently set at a maximum amount of £45 in the regulations to future proof the fee structure.

- Belfast City Council would welcome the opportunity to work with DFC to review aspects of the DFC Guidance to Councils with the aim of obtaining some further clarity for Councils and HMO property owners. The Council is currently reviewing the information and guidance on its website and plans to include “A Frequently Asked Questions” section to assist owners of HMO properties with the application process. The Council is also reviewing the online HMO application form to make it more streamlined and intuitive for users.
- The legislation that underpins the HMO licensing scheme namely the Houses in Multiple Act (NI) 2016 is complex and interpreting this new legislation has resulted in a number of legal challenges, often requiring the Council to obtain legal advice to adjudicate and provide clarity on the intent and interpretation of the legislation. The Council has identified a number of areas in the legislation whereby amendments would be helpful to address omissions that have come to light since the commencement and implementation of the HMO 2016 Act. An urgent review of The HMO Act (NI) 2016 by DFC would be welcomed by Belfast City Council which would provide greater clarity and reduce some the administrative burden that currently exists.
- The administration required to deliver the new licensing scheme as opposed to the NIHE’s registration scheme has increased significantly by virtue of the need to engage with a range of statutory partners, deliver the function on behalf of 11 Councils and apply new administrative processes set out by the legislative requirements of the HMO Act 2016. The increased burden associated with the administration of the scheme was not properly realised until after the transfer of NIHE resources and the commencement of the scheme. The additional administration combined with the processing of complex cases has highlighted that the three months’ timescale to process HMO applications is insufficient particularly for those cases which must be presented to the Councils’ committees and must adhere to Committee schedules. The Council would welcome a review of the HMO Act 2016 in respect of timescales required to process HMO applications. If DfC are not prepared to remove this provision in its entirety, the Council would request that this time limit is extended to 6 months.
- The Covid-19 pandemic has resulted in a back log of cases and it has been more challenging to administer when staff are operating under a working from home business model. Technical officers are also working under controlled operating models to protect their health and safety which can also result in delays to inspections of HMOs.

- In light of the significant resource implications associated with the delivery of the new licensing scheme, Belfast City Council has been required to provide additional resources to oversee the management and administration of the scheme. Belfast City Council would welcome a separate review to be commissioned by DFC as a priority work stream to examine the adequacy of the resource transfer from the NIHE and the financial model to deal with the new licensing regime for Councils in NI to support the effective governance, oversight and the financial strategy that underpins the delivery model ensuring that it is a quality fit for purpose function that's meets stakeholder needs including the expectations of DFC.

11th February 2021

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Appendix 3

11th February 2021

Review of Houses of Multiple Occupation (HMO) Licencing Scheme Questionnaire

The HMO Act 2016 introduced a new licensing scheme operational from April 2019 which transferred responsibility for the HMO regulatory function from the Northern Ireland Housing Executive to Councils and linked the new HMO regime with other critical local government functions, such as planning, building control and environmental health. This questionnaire is part of the review of the transfer of responsibility and the change from a registration scheme to a licencing scheme.

Please give your responses to the questions below, and the reasons for your response.

1. Has the HMO licencing scheme improved the management of Houses in Multiple occupation?

☐ significantly improved ☒ somewhat improved ☐ has not improved

Please give the reasons for your answer

Belfast City Council agrees that the new HMO licensing scheme has improved the management of HMOs by ensuring that owners and managing agents have a broader range of responsibilities and arrangements in place as part of their undertaking in respect of managing HMO properties. This includes;

- **Enhanced measures to address fire safety, emergency lighting, personal evacuation plans.**
- **Energy performance certificates.**
- **Antisocial behaviour management.**
- **Environmental management**
- **Prioritised Repairs schedule giving tenants a reasonable expectation of timescales for when repairs will be carried out by the owner.**

Overall the scope of management responsibilities is broader under the new licensing regime when compared to the former registration scheme.

The addition of antisocial behaviour conditions has resulted in proactive management of antisocial behaviour in HMO properties and the HMO Service has engaged with 241 landlords/managing agents in relation to antisocial issues within the curtilage of their properties following receipt of complaints concerning anti-social behaviour. In addition, it has resulted in the addition of an “out of hours” contact number being added as a standard licensing condition for all HMO properties in Belfast which will be an additional measure to help the Council and other statutory agencies when dealing with antisocial behaviour issues.

2. Has the HMO licencing scheme improved the overall standards of this type of accommodation?

☐ significantly improved ☒ somewhat improved ☐ has not improved

Please give the reasons for your answer

The standards imposed by the Houses in Multiple Occupation(Living Accommodation Standard) Regulations (Northern Ireland) 2019 is to a large part a replication of the 1993 HMO Management Regulations and the standards adopted by the Northern Ireland Housing Executive under the former registration scheme. There has been some improvement to the standards of HMO properties in terms of fire safety and bedroom sizes. Physical standards for all other room types eg living room/kitchen has not changed under this scheme. However the Council would welcome a review of the new DFC guidance in relation to room sizes to ensure compatibility with the wording and intention of the Regulations.

The most significant impact on standards to a small number of HMO properties is in relation to the energy performance and thermal comfort, whereby some owners of HMO properties have been required to upgrade heating systems, insulation and double glazing to meet the requirements of the scheme. In these cases, the overall thermal standards have improved for the tenants of these affected properties, thereby contributing to a reduction in fuel poverty.

The requirement to have a repair categorization system as outlined in question 1 provides a level of reassurance and reasonable expectation to HMO tenants and results in a quicker turnaround time for repairs to be carried out.

3. Has the HMO licencing scheme improved the current fitness standards expected in HMOs?

☐ significantly improved ☒ somewhat improved ☐ has not improved

Please give the reasons for your answer

Please refer to question 2 in relation to overall standards as determined by the HMO standard licensing conditions. In addition, it is noted that the current fitness standard for the private rented sector including HMO properties is over forty years old and therefore the standard licensing conditions under the HMO

licensing regime offer a higher standard of fitness than is afforded to other private rented sector properties. The current Fitness Standard (Housing (NI) Order 1992) is a pass or fail model and dwellings are either fit or unfit. It does not give an indication of whether a dwelling has just failed or if it is grossly unfit. It is no longer a comprehensive measure of the suitability of a dwelling for occupation. It fails to address the areas of thermal comfort and safety standards in line with modern day expectations. An example of this is that it only requires a fixed heat source in the main living-room and a socket in any other living/bedroom in order to pass the heating element of the standard.

The current statutory fitness standard also does not take into account health and safety issues such as a risk of falls. HMO properties often provide a home to the most vulnerable people in society who would be at a higher risk from falls. Whilst there is scope within the HMO legislation to deal with such hazards, these should be primarily addressed through the fitness standard.

The current fitness standard is in urgent need of review and should be replaced by a comprehensive fitness standard which assesses the suitability of the dwelling for the occupant such as the Housing Health and Safety Rating System used in England and Wales or a similar equivalent model.

4. Do you agree the HMO licencing scheme addresses the risk to safety associated with living in an HMO?

☐ agree strongly ☒ agree ☐ disagree ☐ disagree strongly

Please give the reasons for your answer

Belfast City Council agrees that the HMO licensing scheme addresses safety associated with a HMO, however there is an anomaly within the scheme in relation to fire safety in that Council officers cannot take enforcement action to address fire safety concerns identified during the assessment process. Such matters must be referred to the Northern Ireland Fires and Rescue Service (NIFRS). It would be more streamlined process if the Council were in a position to take enforcement action for noncompliance, however, this would require the Fire Services Order (Northern Ireland) Order 2006 to be reviewed.

The requirement for carbon monoxide monitors and the testing of chimney flues are welcome additional controls under the new licensing scheme which further enhances safety within HMO properties.

The Hazard Regulations introduced under the licensing regime provides an additional control mechanism in relation to a number of risks/hazards that weren't previously considered under the HMO management regulation under the registration scheme. This covers a range of hazards such as a risk of falling and is helpful when addressing safety concerns.

Belfast City Council also wishes to highlight concerns in relation to lack of fire safety legislative controls in the private rented sector in properties which do not fall within the definition of a HMO.

There is currently no legislation in place to address fire safety issues in 2 bedroom flats. These types of properties are likely to house vulnerable adults and it is extremely concerning that the current statutory fitness standard does not address fire safety and no enforcement action can be taken in relation to these matters.

5. Do you agree the HMO licencing scheme provides value for money?

☐ agree strongly ☒ agree ☐ disagree ☐ disagree strongly

Please give the reasons for your answer

During the transfer of the function for regulating Houses in Multiple Occupation (HMOS) to Councils, it was agreed that the new licensing scheme would operate on a cost neutral basis, with no cost to the ratepayer.

In advance of the transfer of this function to Councils, a draft budget was prepared by the lead councils, reviewed by external consultants and approved by the HMO Regional Programme Board. The estimated expenditure included full staff costs, non-staff costs and overhead costs to include the costs of a solicitor to provide the additional legal support required to support the licensing regime. The estimated income included deferred income from the NIHE's Registration Scheme and future estimated income from licence fees post April 2019.

The current level of fee payable per occupant is set at £37 per person per year with the full fee payable on renewal and it was estimated that this rate would ensure full cost recovery based on the deferred and proposed income figures. It was considered that setting a maximum amount at £45 in the regulations gave councils scope to increase the fee if required to ensure full cost recovery without requiring an amendment to the subordinate regulations.

The impact of the Covid-19 pandemic and a reduction in the number of HMO properties, particularly the smaller three bedroom properties as a result of the changes in the legislation including the new HMO definition along with the operating model and additional support provided by BCC has had a potential financial impact on the revenues estimated at the outset of this transfer. Belfast City Council will seek to engage with DFC on this matter to ensure the scheme continues to operate on a cost neutral basis. Therefore as part of this review BCC is calling for DFC to set up an urgent work stream on the resource and financial model potentially entailing increasing the fee threshold currently set at a maximum amount of £45 in the regulations to future proof the fee structure and reduce the burden on the rate payers as a consequence of the transfer of this function.

6. Do you agree the HMO licencing scheme guidance and assistance is easy to access and understand?

☐ agree strongly ☒ agree ☐ disagree ☐ disagree strongly

Please give the reasons for your answer

Belfast City Council would welcome the opportunity to work with DFC to review aspects of the DFC Guidance to Councils with the aim of obtaining some further clarity on a number of particular points, when administering the new HMO licensing scheme. An example which the Council would wish to highlight in particular is the guidance in relation to room sizes which the Council believes may not reflect the legislative stance in some aspects. The formatting and linkages to the relevant legislative sections would be a helpful addition in the Guidance.

The Council is currently reviewing the information and guidance on its website and will include “a frequently asked questions” section to assist owners of HMO properties with the application process.

The Council is also reviewing the online HMO application form to make it more intuitive for users based on feedback from a landlords forum.

7. Do you agree the communication between councils and landlords and councils and Department for Communities effective and timely?

☐ agree strongly ☒ agree ☐ disagree ☐ disagree strongly

Please give the reasons for your answer

The Council acknowledge that this is a new licensing scheme

Belfast City Council has regular and on-going communication with agents, landlords and LANI since the transfer of the HMO Licensing function to Councils. Following feedback from LANI meeting in March 2020, the on-line HMO application form and the website is currently being re-designed to assist users through the application process.

Additional means of communication with landlords such as the use of texting service is currently under development as a means of reminding landlords to submit renewal applications on time and before their licence expires.

The need for on-going communication is recognised and accept that the messaging between landlords and the Council can be improved.

Communication between Council/ lead cluster Councils and the Department of Communities is maintained on a regular basis through quarterly review meetings with ongoing contact maintained between council officers and DFC officers as and when issues arise.

8. Please provide your views on the administration and delivery of the scheme:

Belfast City Council is the lead Council for the delivery of the HMO Licensing scheme and delivers this service on behalf of all Councils operating a cluster model with two lead Councils Causeway Coast & Glen and Derry & Strabane District Council. Belfast City hosts 2953 licensed HMOs which represents 76% of the total number of HMOs in Northern Ireland, Cluster 2 has 561 licensed HMOs (14%) and cluster 3 has 388 licensed HMO (10%)

The transfer of the HMO Licensing function to Councils was a complex, logistical exercise, involving the transfer of staff from the Northern Ireland Housing Executive to Belfast City Council, the implementation of a new licensing scheme underpinned by a new legislative regime and the procurement of a new IT system to manage the application process and the administration of the scheme. The combination of managing, interpreting and enforcing complex new legislation with additional administrative requirements and the use of a new IT system has brought many challenges for Council officers in delivering this service.

Interpreting new and complex legislation has resulted in a number of legal challenges, often requiring the Council to obtain legal advice to adjudicate and provide clarity on the intent and interpretation of the legislation. The Council has identified a number of areas in the legislation whereby amendments would be helpful to address omissions and anomalies that have come to light since the commencement of the HMO 2016 Act. Belfast City Council would welcome the opportunity to highlight areas within the HMO legislation where an urgent review would be beneficial to assist Councils and to address areas of concern which would help improve the overall administration of the HMO licensing scheme and provide greater clarity to both Councils, owners of HMO properties and their managers.

A table outlining comments and suggestions in relation to the legislation will be forwarded to DFC as part of this submission.

The administration required to deliver the new licensing scheme as opposed to the NIHE's Registration Scheme has increased significantly by virtue of the need to engage with a range of statutory partners, different departments within the 10 Councils, in addition to new processes set out by the legislative requirements of the HMO Act 2016 when processing HMO applications. The increased burden associated with the administration of the scheme was not properly realised until after the transfer and commencement of the scheme. The additional administration combined with the processing of complex cases has highlighted that the three months' timescale to process a HMO applications is insufficient particularly for those cases which must be presented to the Councils' committees and must adhere to Committee schedules. In such cases where the

Council cannot process the applications within the 3 months' timescale, the Council has to seek an extension of time to consider an application through the Magistrate's Court which significantly increases the costs incurred by the Council by creating additional administration and legal work in addition to generating work for the Court system. The costs incurred for each application to be extended via an application for an extension of time to the Magistrate's court are £130 per application plus officers' time with the Court Service also querying the number of applications received in this regard. It is the Council's view that this is the result of the overly onerous 3 month time period for determining applications. The Council would welcome an urgent review of the HMO Act 2016 in respect of timescales required to process HMO applications. If DfC are not prepared to remove this provision in its entirety, the Council would request that this time limit is extended to 6 months. This would be beneficial by not only reducing administration but would reduce costs and Court time.

Since the commencement of the new licensing scheme on 1st April 2019, it has become apparent taking into account the complexities of the legislation and the increased administrative burden that the staff resources transferred from the NIHE has been insufficient and has placed an additional burden on the existing staff resources. Consequently, Belfast City Council has been required to provide additional resources to oversee the management and administration of the scheme including additional staffing resources to assist with the on-going development and configuration of the IT system, the management of anti-social behaviour associated with HMOs, a new management post, additional administrative and financial post/s, on-going policy support and a dedicated technical officer from Digital Services to assist with the on-going development of the IT system.

Since April 2019, the following table highlights the work that has been undertaken by the NIHMO team

| Activity 1 st April 2019 up until 25 January 2021 | Belfast | Cluster 1 – Causeway Coast & Glens lead | Cluster 2 – Derry & Strabane lead |
|--|---------|--|--|
| Licences issued | 1135 | Causeway = 96 Lisburn & Castlereagh = 1 Mid & East Antrim = 1 Antrim & Newtownabbey = 12 Ards & North Down = 2 | Derry & Strabane = 47 ABC = 11 Fermanagh & Omagh = 2 Mid Ulster = 3 Newry, Mourne & Down = 2 |

| | | | |
|---|------------------|--------------------|-------------------|
| | | Total = 112 | Total = 65 |
| Inspections (Initial & management) | 2034 | 235 | 204 |
| FPN issued | 23 | 1 | 0 |
| Prosecutions | 1 (2 pending) | 0 | 0 |

A new element of the HMO Act 2016 is the introduction of new enforcement powers which includes a range of fixed penalties to address contraventions that were previously brought to Court, thereby saving both Council and Court time and money.

In the main, there are a range of enforcement notices available to the Council to address structural and safety issues, however, most property owners address these matters on advice and guidance from officers within the HMO Unit during the assessment and processing of HMO applications and negates the need to issue enforcement notices with the result that such notices have only been issued on an infrequent basis. Fixed penalty notices have been issued in respect of a number of offences since 1st April 2019 as indicated the above table.

At the time of the transfer of the HMO licensing scheme to Councils, a new IT system was procured to administer the system. It is acknowledged that the online application form and the back office administration has experienced teething problems and the Council is working with the IT systems provider to update elements of the system to provide a more user friendly and intuitive online application form. Such improvement will not only be beneficial to customers but also will greatly assist with the administration of the scheme by supporting officers with back office systems and thereby resulting in greater efficiencies. As outlined in question 6 above the website and online HMO form are to be updated.

Due to resourcing issues and the backlog created during to the initial lockdown due to the Covid-19 pandemic, the Council acknowledges that the development of a training programme for landlords and managing agent remains an outstanding issue which remains to be addressed.

In summary, the Council acknowledges that the new HMO licensing scheme has improved the overall management responsibilities of the owners of such properties resulting in better standards for tenants, however, there has been a

number of emerging issues arising from the transfer of the function from the NIHE to Councils and the implementation of new legislation namely:

- Belfast City Council has had an increased number of complaints/ legal challenges from landlords that are challenging decisions and interpretations of the legislation.
- Significant legal support is required on an on-going basis to deal with complex cases.
- There is a significant increase in administrative processes associated with the delivery of licensing scheme which in turn requires greater resources to administrator than the previous NIHE registration scheme. This factor was not evident in advance of the transfer of the function and NIHE resources to the Council.
- The re-development of the new IT system to manage the HMO licensing process, requires on-going resources to re-design, develop and configure to ensure that the system is fit for purpose.
- The new licensing process also requires Belfast City Council to work in partnership with a range of staff across all 11 Councils and in addition, a number of different agencies, which results in increased administration and can lead to delays in processing applications.
- The Covid-19 pandemic has resulted in a back log of cases and is more difficult to administer when staff are operating under a working from home business model. Technical officers are also working under controlled operating models to protect their health and safety which can also result in delays to inspections.
- The number of HMO properties has reduced due to a variety of reasons since the economic appraisal was undertaken prior to the transfer of this function from the NIHE to Councils and will require the fee of £37 per person per year to be kept under review to ensure that the delivery of scheme remains cost neutral to Councils.

In conclusion, there are additional costs that have been bourn by Belfast City Council in the administration, support and governance of the new licensing regime that have impacted on budgets and resources. At the start of the transfer of this function, it would have been difficult to foresee these emerging issues and Belfast City Council would welcome recognition of these factors when considering the outcome of this review undertaken by DFC.

Belfast City Council would welcome a separate review to be commissioned by DFC as a priority work stream to examine the adequacy of the resource transfer from the NIHE and financial model to deal with the new licensing regime for Councils in NI to support the effective governance, over sight and the financial strategy that underpins the delivery model ensuring that it is a quality fit for purpose function that's meets stakeholder needs including the expectations of DFC.

9. What is your role regarding Houses of Multiple Occupation?

☐ landlord/managing agent ☒ council ☐ tenant ☐ other



Appendix 4

Review of the [Houses in Multiple Occupation Act \(Northern Ireland\) 2016](#)

| <u>PART 1: Meaning of “House in Multiple Occupation”</u> | | |
|---|--|--|
| Section | Description | Comments |
| Section 1 | Meaning of “house in multiple occupation” | <p>See comments in relation to schedule 1</p> <p>Regulations should be laid pursuant to paragraph 9(c) to restrict the number of other persons who can share accommodation with the owner or any member of the owner’s household without it being licensed. This will ensure that loopholes allowing the owners of properties to live in the house and negate the need for the house to be subject to HMO licensing.</p> |
| Section 2 | Definition of living accommodation | <p>The Council would welcome the insertion of provisions in Section 2(4)(c) to deal with circumstances in which meals are provided (when no other kitchen facilities are available). Under the existing definition, the Council is concerned that a number of properties that would previously have been subject to the licensing regime may fall out of the definition resulting in no regulation for such properties where communal catering arrangements are provided e.g. for temporary shelters for homelessness or displaced persons.</p> <p>(4) For the purposes of subsection (1)(b)(ii), the “basic amenities” are—</p> <p>(a) a toilet,</p> <p>(b) personal washing facilities, and</p> <p>(c) facilities for the preparation or provision of cooked food.</p> |
| Section 3 | Cases where person is treated as occupying accommodation as only or main residence | The council does not believe that there is currently a need for regulations to be made pursuant to section 3(5). |
| Section 4 | Persons who are members of | The council does not believe that there is currently a need for regulations to be made pursuant to section 4(1)(c). |



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| | the same household | |
| Section 5 | Notice regarding evidence of household | This section applies if the council believes, “on reasonable grounds”..., the council recognises the need for reasonable grounds, however such a threshold is very hard to achieve when the co-operation of the owner / manager / occupants isn’t forthcoming. The Council would welcome some discussion about how this can be improved with the Department, to include a general power of obstruction where a person intentionally obstructs an officer in the exercise of powers under the Act |
| Section 6 | Notice regarding continuation of occupation | The council would request that the 4 month period referred to in Section 6(1)(b) & 6(4) is extended to 6 months, as large numbers of students leave in the first week of May and don’t in some cases return to the beginning of October. |

PART 2: Licensing of Houses in Multiple Occupation

Requirement for and issue of licences

| Section | Description | Comments |
|---------------------------|-------------------------------------|--|
| Section 7 | Requirements of HMOs to be licensed | No comments |
| Section 8 | Applications for HMO licence | <p>Council believes that Section 8 2(a) should be amended.</p> <p>As the Department will be aware, there are a significant number of HMO premises which have not been assessed through the planning permission process (which assesses applications against The Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015 and do not have the benefit of a Certificate of Lawful Use. This provision has created uncertainty and it is respectfully submitted that the only reasonable basis upon which it can be determined that the operation of the premises would not be a breach of planning control is through the determination of a formal application for a Certificate of Lawful Use by Planning Service.</p> <p>Council would therefore recommend that this provision should be amended to state that the Council must be satisfied that the property has planning permission or a Certificate of Lawful Use. It is also recommended that this</p> |



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| | | <p>amended test must apply to both new and renewal applications.</p> <p>Section 8(2)(e) – states that when considering an application for a HMO licence, the property must be fit for habitation. It has been widely acknowledged that the current statutory fitness standard is out of date and should be replaced by a modern standard. The current Fitness Standard (Housing (NI) Order 1992) is a pass or fail model and dwellings are either fit or unfit. It does not give an indication of whether a dwelling has just failed or if it is grossly unfit. With fitness levels currently at 1.6 % in the privately rented sector (NIHE, 2016) it doesn't provide useful data to inform Housing strategies or policy. It is no longer a comprehensive measure of the suitability of a dwelling for occupation. It fails to address the areas of thermal comfort and safety among others. An example of this is that it only requires a fixed heat source in the main living-room and a socket in any other living/bedroom in order to pass the Heating element of the standard.</p> <p>The fitness standard should be replaced by an updated fitness standard or Housing Health and Safety Rating system in due course.</p> <p>See comments in Schedule 2 regarding the procedural requirements relating to an application for an HMO licence.</p> |
| Section 9 | Breach of planning control | See comments re Section 8 |
| Section 10 | Fit & proper persons | No comments |
| Section 11 | Satisfactory management arrangements | No comments |
| Section 12 | Overprovision | <p>Under this section, the Council is under a mandatory obligation to have regard to the issue of overprovision when assessing “new” applications. Moreover it must be satisfied that the grant of the licence will not result in overprovision of HMO accommodation in the locality.</p> <p>The wording of this particular provision should be reviewed by DFC to provide greater clarity for those seeking to purchase existing licensed HMO properties. This would also impact on Section 29(5)(b).</p> |
| Section 13 | Suitability of living accommodation | No comments in relation to Section 13, however there is an error in the regulations made in exercise of the powers conferred by section 13(3) & 13(7) |



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|---|--|--|
| | for multiple occupation | See Regulation 7 of The Houses in Multiple Occupation (Living Accommodation Standard) Regulations (Northern Ireland) 2016. |
| Licence conditions | | |
| Section | Description | Comments |
| Section 14 | Licence conditions | No comments |
| Temporary exemption from licensing requirements | | |
| Section | Description | Comments |
| Section 15 | Temporary exemption notice | <p>The council should have the ability to charge for a temporary exemption notice – See Section 84.</p> <p>This is currently a free service and charging should be allowed under this provision to bring it into line with the other Notices under the scheme for which there is a charge to cover the administrative costs associated with issuing such notices.</p> <p>The decision should also be served on the managing agent (if any)</p> <p>The 3 month minimum period specified in Section 15(7)(a) should be increased to 6 months to take in account extended notice periods for tenants to vacate the accommodation as provided for under Coronavirus regulations and any future plans the department may have for increased tenant protection.</p> <p>There should be powers to compel the owner to provide contact details for the occupants of the accommodation in order that the council can comply more effectively with subsection 5.</p> |
| Section 16 | Extension of temporary exemption notice | <p>The council should have the ability to charge for an extension to a temporary exemption notice.</p> <p>The decision should also be served on the managing agent (if any)</p> |
| Section 17 | Safety and security requirements | No comments |
| Section 18 | Revocation of temporary exemption notice | No comments |



| <u>Duration and renewal</u> | | |
|--|--|--|
| Section | Description | Comments |
| Section 19 | Duration of HMO licence | <p>In subsection 19.1 the date on which a renewal application has effect should be the date of expiry of the previous licence.</p> <p>Currently licences are renewed on the date of issue resulting in HMO properties having licences extending beyond five years and having a potential impact on income to support the scheme. To ensure that licences are retained with the 5 year cycles, the date on which a renewal application has effect should be the date of expiry of the previous licence. There is no detriment to the owner whilst a HMO licence is being processed and determined as the HMO continues to be licensed under the existing licence arrangements</p> |
| Section 20 | Renewal of licence | See comments re Section 8 |
| Section 21 | Application to renew: effect on existing licence | See comments in relation to subsection 19(1) |
| <u>Variation and revocation</u> | | |
| Section | Description | Comments |
| Section 22 | Variation of licences | <p>The process as specified in the legislation in Schedule 4 is overly complex in relation to applications to vary the licence by the owner or by someone named on the licence, when the council is in agreement with the proposal. The Council would welcome a more streamlined process under this provision to reduce administrative time and to enable the Council to provide a swifter response to applicants who wish to vary their licences for straightforward matters such as a change of managing agent who is previously known and assessed to be a fit and proper person by the Council.</p> |
| Section 23 | Revocation of licences | No comments |
| Section 24 | Variation and revocation: procedure | See comment in relation to section 22 |
| <u>Other provisions about licences</u> | | |
| Section | Description | Comments |



| | | |
|--|--|--|
| Section 25 | Restriction on applications | No comments |
| Section 26 | Joint licence holders | Section 26(5) should be treated as a variation of the existing licence rather than a renewal |
| Section 27 | Surrender of HMO licence | No comments |
| Section 28 | Change of ownership: effect on licence | See comments in Section 12. The Department should also consider whether its guidance on this issue complies with the wording of this Section and whether for example the wording of Section 28(2) should be revised. |
| Section 29 | Death of sole licence holder: effect on licence | The 3 months period referred to in section 29 (1)(b) should be extended to 6 months (as it frequently takes longer to 3 months to put in place personal representatives and for them to put arrangements in place to manage the estate). |
| PART 3: Enforcement of Licensing Requirements | | |
| Offences | | |
| Section | Description | Comments |
| Section 30 | Unlicensed HMO | No comments |
| Section 31 | Exceeding licensed occupancy or breach of licence conditions | No comments |
| Section 32 | Untrue claim that HMO is licensed | No comments |
| Section 33 | Agents not named in licence | No comments |
| Section 34 | Reasonable excuse | It would be helpful if a more comprehensive list of reasonable excuses was provided in guidance whilst still retaining the ability of councils to exercise its own discretion in all scenarios. |
| Rectification of breaches of conditions | | |
| Section | Description | Comments |
| Section 35 | Power to require rectification of breach of conditions | No comments |



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| Section 36 | Revocation of rectification notice | No comments |
| Section 37 | Failure to comply with rectification notice | No comments |
| Orders of the court: revocation and disqualifications | | |
| Section 38 | Revocation orders and disqualification orders | No comments |
| Section 39 | Revocations and disqualifications: appeals | No comments |
| Section 40 | Discharge of disqualification orders | No comments |
| PART 4: Standards of Housing | | |
| CHAPTER 1: Overcrowding | | |
| Definitions | | |
| Section | Description | Comments |
| Section 41 | Definition of overcrowding | No comments |
| Section 42 | The room standard | No comments |
| Section 43 | The space standard | Council anticipates that representations may be received to amend the legislation so that these standards do not apply to renewals. The Council considers that this is fundamentally an issue for councils to determine having regard to the legislation, guidance issued by DfC and all other material considerations recognising the importance of space standards for tenants from a health and safety and general wellbeing perspective. |
| Overcrowding notices | | |
| Section | Description | Comments |
| Section 44 | Overcrowding notices | No comments |
| Section 45 | Contents of overcrowding notice | No comments |
| Section 46 | Requirement as to overcrowding generally | No comments |



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| Section 47 | Requirement not to permit new residents | No comments |
| Section 48 | Notice requiring further information | No comments |
| Section 49 | Information notice: supplementary provisions | No comments |
| CHAPTER 2: Suitability for numbers in occupation | | |
| Section | Description | Comments |
| Section 50 | Suitability notice | No comments |
| Section 51 | Contents of suitability notice | No comments |
| Section 52 | Occupancy requirements | No comments |
| Section 53 | Statement of remedial work | Section 53(3) the council recognises that fire safety measurers within the meaning of the Fire and Rescue Services (northern Ireland) Order 2006 cannot be included, this can cause operational delays in correcting issues of fire safety if the licensee is not cooperative. |
| CHAPTER 3: Hazards | | |
| Section | Description | Comments |
| Section 54 | Definition of hazard | No comments |
| Section 55 | Hazard notice | No comments – please note the council has not served any Hazard notices to date |
| Section 56 | Contents of hazard notice: prohibitions | No comments |
| Section 57 | Contents of hazard notices: other matters | No comments |
| Section 58 | Works requirements | No comments |
| Section 59 | Approvals as to use of premises | No comments |
| CHAPTER 4: Further provisions about notices under this part | | |
| Section | Description | Comments |
| Section 60 | Offences | No comments |
| Section 61 | Further provision | See schedule 5 |



PART 5: Supplementary

HMO register

| Section | Description | Comments |
|-----------------------------------|--------------------|--|
| <u>Section 62</u> | HMO register | <p>Belfast City Council is of the view that the restrictions on public access to the Register should be removed. These restrictions are at odds with the licensing regime which at its heart requires better management of HMOs and a more proactive resolution of issues or anti-social behaviour. A publically accessible register would allow for resolution of issues at a community level at an early stage before they are escalated to councils.</p> <p>These restrictions also seem at odds with the requirement to publically advertise notice of applications and the requirement for councils to properly assess the fitness of an applicant.</p> <p>Council notes that HMO Registers must be publically available in England and Wales by virtue of Section 231 of the Housing Act 2004 and also that the name of landlords is published within same (Section 11 of The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 and Section 11 of The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Wales) Regulations 2006.</p> |

Code of practice

| Section | Description | Comments |
|-----------------------------------|--------------------|-----------------|
| <u>Section 63</u> | Code of practice | No comments |

Fixed penalty as alternative to prosecution

| Section | Description | Comments |
|-----------------------------------|---------------------------------------|-----------------|
| <u>Section 64</u> | Fixed penalty: service of notice | No comments |
| <u>Section 65</u> | Fixed penalty: effect of notice | No comments |
| <u>Section 66</u> | Fixed penalty: power to alter amounts | No comments |

Appeals

| Section | Description | Comments |
|-----------------------------------|--|---|
| <u>Section 67</u> | Appeals | No comments |
| <u>Section 68</u> | Council's statement of reasons for decisions which | As a matter of practice the council includes the statement of reasons with any decision subject to Section 67 |



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| | may be appealed | |
| Section 69 | Powers of court on appeal | No comments |
| Information | | |
| Section | Description | Comments |
| Section 70 | Powers to require information and documents: introductory | No comments |
| Section 71 | Power to obtain information from persons connected to premises | No comments |
| Section 72 | Power to require persons connected to premises to produce documents | No comments |
| Section 73 | Power to obtain information from other persons | No comments |
| Section 74 | Sharing of information between councils | No comments |
| Section 75 | Failure to provide information or provision of false information | The level of fine should be increased from level 2 on the standard scale |
| Section 76 | Unauthorised disclosure of information obtained under section 73 or 74 | No comments |
| Section 77 | Court to inform council of convictions | No comments |
| Powers of entry | | |
| Section 78 | Powers of entry: without warrant | No comments |
| Section 79 | Powers of entry: with warrant | No comments |
| Section 80 | Powers of entry: supplementary provisions | No comments |



| Other supplementary provisions | | |
|--------------------------------|---|--|
| Section 81 | Applications by persons required to take action where consent withheld | No comments |
| Section 82 | Obstruction etc | No comments |
| Section 83 | Effect of moving from accommodation for works to be carried out | No comments |
| | | |
| Section 84 | Fees | A separate fee should be considered for Section 15 Temporary Exemption Notices |
| Section 85 | Guidance | The guidance needs reviewed to consider issues around room sizes and valid applications |
| Section 86 | Regulations and Order | No comments |
| Section 87 | General notices | No comments |
| Section 88 | Interpretation | No comments |
| Section 89 | Consequential amendments and repeals | No comments |
| Section 90 | Commencement | No comment |
| Section 91 | Short title | No comments |
| | | |
| Schedule 1 | Buildings or parts of buildings which are not houses in multiple occupation | Paragraph 9 – Regulations should be laid pursuant to paragraph 9(c) to restrict the number of other persons who can share accommodation with the owner or any member of the owner's household without it being licensed. |
| Schedule 2 | Applications for HMO licences: requirements and procedure | Paragraph 3 – Notice to statutory authorities This paragraph should be amended to provide a statutory basis upon which other authorities can disclose information in relation to any information they hold in relation to the "fit and proper" person status of the proposed licensee or managing agent. This would assuage concerns on their part regarding potential breach of data protection legislation. Currently, the Council is required to notify the statutory authorities concerning all HMO applications, however there is no requirement for statutory agencies to provide any information they hold in respect of the owner or managing agent under the fit and proper definition. |



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| | | <p>Paragraph 12 –</p> <p>The current time limit for processing an application for a HMO licence is 3 months from that date that it is deemed a “valid” application. The current 3 months limit is overly difficult to achieve given a number factors to be considered for example allowing the owner sufficient time to undertake remedial works and accommodating the management of Committee agendas where representations are received. It is considered that the licensing regime is complicated and cumbersome. The time limit only creates more difficulties and has no practical benefit for councils and landlords alike. Given the requirements of the licensing scheme, particularly the fact that there is a requirement to assess the fitness of an applicant, it is not appropriate to have deemed licences in any event.</p> <p>Furthermore, the Council is incurring significant expenditure in respect of applications made to the magistrates’ court for an extension of time to consider a licence application, with the court service also querying the number of applications received in this regard. It is the Council’s view that this is the result of the overly onerous 3 month time period for determining applications.</p> <p>If DfC are not prepared to remove this provision in its entirety, the Council would request that this time limit is extended to 6 months.</p> <ul style="list-style-type: none">• For example – Application received on day 1 with all documentations and fee, therefore a valid application• Notice of application received on day 8, representations from day 9 to 37.• Inspection to be scheduled, property assessed and if necessary works completed before the licence would be granted. (The council acknowledges that it can include work as a condition of licence, however it would be very reluctant to grant a new licence without all necessary works being completed). Also being mindful that the council could not include fire safety works as a condition of licence.• If representations are received these needed to be considered and if they relate to the fitness of the applicant additional enquiries may need to be made.• Proposed decision needs to be issued for a minimum of 14 days.• Representations in relation to the proposed decision needs to be considered• Notice of hearing needs to be issued – minimum of 7 days before the hearing (bearing in mind council committees only sit monthly and the number of items |
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| | | <p>already on the committee agenda needs to be considered.</p> <p>Paragraph 12 should clearly indicate that the time limit starts from the date the application is valid (this is currently only in guidance).</p> <p>Paragraph 13 – A review of the need to serve a notice of determination on all statutory authorities should be undertaken.</p> <p>This is administratively burdensome and the Council would suggest that It may be more appropriate to regularly update the statutory authorities with the HMO register.</p> |
| Schedule 3 | Further provision about notices that specify works | No comments |
| Sch 3: Part 1 | Provision applying to all notices that specify works | No comments |
| Sch 3: Part 2 | Failure to carry out works required by rectification notice or hazard notice | No comments |
| Schedule 4 | Variation and revocation of HMO licences: procedure | <p>Paragraph 1(2)(c) – Notice to statutory authorities, this paragraph should be reviewed to ensure that statutory authorities are obliged to reply with any information they hold in relation to the fit and proper person status of the proposed licensee or managing agent.</p> <p>Paragraph 5 (1)(c) – This should be removed as it has no practical benefit. If another agency wishes to obtain information in relation to a HMO they can do so under the provisions relating to access to the Register or through FOI legislation.</p> |
| Schedule 5 | Part 4 notices: further provisions | |
| Sch 5: Part 1 | Service and date of effect of notices | There should be powers to compel the owner to provide contact details for the occupants of the accommodation in order that the council can comply more effectively with paragraph 1(2) |
| Sch 5: Part 2 | Suspension of effect of notices | No comments |
| Sch 5: Part 3 | Variation and revocation | No comments |



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| Schedule 6 | Definitions for the purpose of section 73 | No comments |
| Schedule 7 | Consequential amendments | No comments |
| Schedule 8 | Repeals | No comments |



Review of the [HMO \(Living accommodation Standard\) Regulations \(Northern Ireland\) 2019](#)

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| Regulation 7 | Personal Washing Facilities | <p>Firstly within Table 1 of Regulation 7 it states that 1 bathroom or shower is required for 5 occupants. However within the NIHE guidance it states that it should be 1-5.</p> <p><i>Table 1</i></p> <table><tr><td colspan="2"><i>Household</i></td></tr><tr><td>1-5 occupants</td><td><i>1 bathroom or shower room</i></td></tr><tr><td><i>6-10 occupants</i></td><td><i>2 bathrooms or shower rooms</i></td></tr><tr><td><i>11-15 occupants</i></td><td><i>3 bathrooms or shower rooms</i></td></tr></table> <p>Secondly paragraph 5, in Regulation 7, refers to paragraph 4. We believe that this should refer to paragraph 1.</p> <p>(5) Where paragraph (4) does not apply and the bathroom or shower room is shared, each occupant shall have an accessible water closet compartment, separate from the bathroom or shower room, and containing a water closet and a wash hand basin in the following ratios as per Table 2:—</p> <p>Please also see NIHE guidance to compare the equivalent paragraph which is paragraph 7.4. Paragraph 7.4 refers to Paragraph 7.1.</p> <p>The consequences of these two anomalies is that the Regulation 7 can be interpreted as a single combined bathroom (Shower/bath, w.h.b. and toilet) and a W.C. ,which may not be communal, being adequate for 4no persons.</p> <p>Added to DfC HMO legislation issues log as per email of the 04 September 2020</p> | <i>Household</i> | | 1-5 occupants | <i>1 bathroom or shower room</i> | <i>6-10 occupants</i> | <i>2 bathrooms or shower rooms</i> | <i>11-15 occupants</i> | <i>3 bathrooms or shower rooms</i> |
| <i>Household</i> | | | | | | | | | | |
| 1-5 occupants | <i>1 bathroom or shower room</i> | | | | | | | | | |
| <i>6-10 occupants</i> | <i>2 bathrooms or shower rooms</i> | | | | | | | | | |
| <i>11-15 occupants</i> | <i>3 bathrooms or shower rooms</i> | | | | | | | | | |

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