

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



**Belfast
City Council**

10th June, 2022

LICENSING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in hybrid format, both in the Council Chamber and via Microsoft Teams, on Wednesday, 15th June, 2022 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

AGENDA:

1. Routine Matters

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

2. Delegated Matters

- (a) Licences Issued Under Delegated Authority (Pages 1 - 6)
- (b) Objections received to an application for the Renewal of a 14-Day Occasional Outdoor Entertainments Licence - Boucher Road Playing Fields (Pages 7 - 40)
- (c) Applications for the Variation of a 7-Day Annual Indoor Entertainments Licence for The Dirty Onion, 42 Waring Street. (Pages 41 - 50)
- (d) Application to provide outdoor musical entertainment beyond 11.00 pm at Falls Park (Pages 51 - 56)

- (e) Applications for the Variation of a 7-Day Annual Indoor Entertainments Licence for The Merchant Hotel, 16 Skipper Street (Pages 57 - 72)
- (f) Houses in Multiple Occupation (HMO) Licenses Issued Under Delegated Authority (Pages 73 - 76)
- (g) Application for a New Licence to operate a House of Multiple Occupation for Flat 1, 3 Ireton Street (Pages 77 - 108)
- (h) Application for a New Licence to operate a House of Multiple Occupation for Flat 2, 3 Ireton Street (Pages 109 - 140)
- (i) Application for a New Licence to operate a House of Multiple Occupation for 20 Stranmillis Gardens (Pages 141 - 162)
- (j) Application for a New Licence to operate a House of Multiple Occupation for 19 Sandymount Street (Pages 163 - 186)
- (k) Application for a New Licence to operate a House of Multiple Occupation for 31 Melrose Street (Pages 187 - 210)



Subject:	Licences Issued Under Delegated Authority
Date:	15 June 2022
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	James Cunningham, Senior Licensing Officer, Ext. 3375

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

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

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

3.0Main report

3.1

Key Issues

Under 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 Social Club, 170b Alexandra Park Avenue, Belfast, BT15 3GJ.	Renewal	Mr Samuel Crozier
Aras Mhic Reachtain, 283-289 Antrim Road, Belfast, BT15 2GZ.	Renewal	Mr Ferdia Carson
Ardoyne Community Centre, 40 Herbert Street, Belfast, BT14.	Renewal	Ms Catherine Taggart Belfast City Council
Belfast Boat Club, 12 Lockview Road, Belfast, BT9.	Renewal	Mr Richard Wilkinson
Braniel Community Centre, Warren Grove, Belfast, BT5 7PX.	Renewal	Ms Catherine Taggart Belfast City Council
Clonduff Community Centre, Montgomery Road, Belfast, BT6	Grant	Ms Catherine Taggart Belfast City Council
Crumlin Road Gaol, 53-55 Crumlin Road, Belfast, BT14	Renewal	Mr Phelim Devlin Belfast Tours Ltd
Crumlin Star Social Club, 2-20 Balholm Drive, Belfast, BT14.	Renewal	Mr Patrick McGlinchey
Deane and Decano, 537 Lisburn Road, Belfast, BT7.	Renewal	Mrs Rachel McCreight Deane’s Restaurant Group
Deanes At Queens, 1 College Gardens, Belfast, BT9.	Renewal	Mrs Rachel McCreight Deane’s Restaurant Group
Dee Street Community Centre, 12-16 Dee Street, Belfast, BT4.	Renewal	Ms Catherine Taggart Belfast City Council
Donegall Pass Community Centre, Apsley Street, Belfast, BT7 1BL.	Renewal	Ms Catherine Taggart Belfast City Council
Duncairn Community Centre, Upper Mervue Street, Belfast,BT13	Renewal	Ms Catherine Taggart Belfast City Council
Dundela F C & Social Club, Wilgar Street, Belfast, BT4 3BL.	Renewal	Mr Jim Ferguson
Falls Park, Falls Road, Belfast, BT12 6AN.	Renewal (Marquee)	Mr Ryan Black Belfast City Council
Falls Park, Falls Road, Belfast, BT12 6AN.	Renewal (Outdoor)	Mr Ryan Black Belfast City Council
Glenowen Inn, 108-116 Glen Road, Belfast, BT11 8BH.	Renewal	Ms Anne Quinn The Keg Company (NI) Ltd
Highfield Community Centre, High Green, Belfast, BT13 3SA.	Renewal	Ms Catherine Taggart Belfast City Council

Premises and Location	Type of Application	Applicant
House, 59-65 Botanic Avenue, Belfast, BT7 1JJ.	Renewal	Mr Paul Kelly Botanic Way Ltd
Katy Dalys, Limelight & Limelight 2, 17-21 Ormeau Avenue, Belfast, BT2 8HD.	Renewal	Mr Alan Simms The Limelight Belfast Ltd
Knocknagoney Community Centre, 41A Knocknagoney Drive, Belfast, BT4 2QF.	Renewal	Ms Catherine Taggart Belfast City Council
Larionad An Droichid, 20 Cooke Street, Belfast, BT7 2EP.	Renewal	Mr Pól Deeds
Ligoniel Community Centre, 144 Ligoniel Road, Belfast, BT14.	Renewal	Ms Catherine Taggart Belfast City Council
Markets Community Centre, Market Street, Belfast, BT2 8JA.	Renewal	Ms Catherine Taggart Belfast City Council
Maverick, 106-110 Donegall Street, Belfast, BT1 2GX.	Renewal & Variation	Mr John McElhatton Maverick (NI) Ltd.
McHughs Bar, 29-31 Queens Square, Belfast, BT1 3FG.	Renewal	Mr Henry Downey Eagle-Glen Ltd.
North Queen Street Community Centre, 46A Victoria Parade, Belfast, BT15 2EN.	Renewal	Ms Catherine Taggart Belfast City Council
QUB, Centre for Drama & Film Studies, 20 University Square, Belfast, BT7 1PA.	Renewal	Ms Joanne Clague Queens University Belfast
Radisson Blu Hotel, The Gasworks, 3 Cromac Place, Belfast, BT7 1JB.	Renewal	Mr David Donnelly Inislyn Ltd.
Royal British Legion, 30 Montgomery Road, Belfast, BT6 9JD.	Renewal	Mr Paul Telford
Sandy Row Community Centre, Sandy Row, Belfast, BT12 5ET.	Renewal	Ms Catherine Taggart Belfast City Council
Strand Arts Centre, 152-156 Hollywood Road, Belfast, BT4 1NY.	Renewal	Ms Linda Smyth
Sunflower Bar, 65 Union Street, Belfast, BT1 2JG.	Renewal	Mr Pedro Donald Yellow Brick Road (NI) Ltd.
The Fitzwilliam Hotel Belfast, Great Victoria Street, Belfast, BT2 7BQ.	Renewal	Mr Cian Landers Graffan Properties Ltd.
The Jeggy Nettle, 12 Stranmillis Road, Belfast, BT9 5AA.	Renewal	Ms Janine Kane JK Pubs Ltd.
The Malone, 54-64 Eglantine Avenue, Belfast, BT9 6DY.	Renewal	Ms Suzanne McIlhatton Malone Lodge Hotel Ltd.
The Merchant Hotel, 16 Skipper Street, Belfast, BT1 2DZ.	Renewal	Mr James Sinton The Merchant Hotel Ltd.

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3.2	Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 no Amusement Permits were issued since your last meeting.																														
3.3	Under the terms of the Cinemas (Northern Ireland) Order 1991 the following Cinema Licences were issued since your last meeting.																														
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3.4	Under the terms of the Petroleum Consolidation Act 1929 the following Petroleum Licences were issued since your last meeting.																														
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	Premises and Location	Type of Application	Applicant
	Go Twin Spires, 5 Falls Road, Belfast, BT13 2JF.	Renewal	Mr Daniel Loughran LCC Group Ltd.
	Go Yorkgate, 1 Brougham Street, Belfast, BT15 1JG.	Renewal	Mr Daniel Loughran LCC Group Ltd.
	Landscape Service Station, 95-117 Crumlin Road, Belfast, BT14 6AD.	Renewal	Mr Gavan Wall
	Moorpark Filling Station, 120 Blacks Road, Belfast, BT10.	Renewal	Ms Elizabeth McGranaghan P J McGranaghan Ltd.
	Rosetta Service Station, 569 Ormeau Road, Belfast, BT7.	Transfer	Mr Feargal Woods Woods Stores NI Ltd.

3.5

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

Location	Type of Application	Commodity	Hours Licensed	Applicant
Cupar Way, Belfast.	Stationary	Books, leather goods, novelty items, souvenirs, stationary	Sun: 10:00 – 16:00 Mon - Fri: 09:00 – 17:00 Sat: 08:00 – 16:00	Mrs Julia Davidson

3.6

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

Location	Type of Activity	Date and Hours permitted	Applicant
Cupar Way & Turf Lodge	Filming	23, 24, 25 May 2022 and 06, 07, 08 June 2022 08:00 - 20:00 27, 28, 30 May 2022 and 17, 18, 20 June 2022 07:00 - 21:00	Mr David Cooke
Corporation Street, Corporation Square, Donegall Quay, Great Patrick Street, Gamble Street	Filming	02 to 08 June 2022 09:30 - 16:30 18:30 - 22:00	Mr David Cooke
Gainsborough Drive, Esther Street, Alexander Park Avenue	Filming	31 May 2022 1, 2, 13, 14 June 2022 09:30 - 22:30	Mr David Cooke
Galway Street, Barrack Street, John Street, Institution Place, Hamill Street	Filming	6, 7, 8, 20, 21, 22 June 2022 07:00 - 21:00	Mr David Cooke
Middle Braniel Road, Castlemore Avenue	Filming	24, 25, 26 May 2022 8, 9, June 2022 06:00 - 22:00 19 to 21 June 2022 08:00 - 17:00	Mr David Cooke
Sandy Row	Street Party	03 June 2022 12:00 - 16:00	Ms Danielle Burrows

3.7	Carmel Street	Street Party	19 Jun 2022 09:00 - 16:00	Ms Joan Vaughan
	Twaddell Avenue	Street Party	03 Jun 2022 12:00 - 17:00	Ms Gillian Megarry
	Under the terms of the Licensing of Pavement Cafés Act (Northern Ireland) 2014 the following Pavement Café Licences were issued since your last meeting.			
	Premises	Location	Type of Application	Applicant
	Fountain Lane, 16 Fountain Street, Belfast, BT1 5ED	Adjacent	Grant	Paul Langsford
	Whites Tavern, 3 Winecellar Entry, Belfast, BT1 2QN	Adjacent	Grant	Paul Langsford
	Beehive, 193 Falls Road, Belfast, BT12 6FB	Adjacent	Grant	Philip Bannon
	Spuds, 19 Donegall Road, Belfast, BT12 5JJ	Adjacent	Grant	Gladys Sayers
	Caffé Nero, 328-330 Lisburn Road, Belfast, BT9 6GH	Adjacent	Grant	Charlotte Griffin
	Hadskis, 33 Donegall Street, Commercial Court, Belfast, BT1 2NB	Adjacent	Grant	Joanne McKenna
3.8	<u>Financial & Resource Implications</u>			
	None			
3.9	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>			
	There are no issues associated with this report.			



Belfast
City Council

LICENSING COMMITTEE

Subject:	Objections received to an application for the Renewal of a 14-Day Occasional Outdoor Entertainments Licence
Date:	15 June 2022
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	Quintin Thompson, Senior Building Control Surveyor, Ext 2570

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

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

1.0	Purpose of Report or Summary of main Issues		
1.1	To consider an application for the renewal of a 14-Day Occasional Outdoor Entertainments Licence for Boucher Road Playing Fields.		
	Area and Location	Ref. No.	Applicant
	Boucher Road Playing Fields Boucher Road Belfast, BT12 6EU	WK/2020/01572	Ms Rose Crozier City and Neighbourhoods Services Dept. Belfast City Council
1.2	A location map is attached as Appendix 1.		

2.0	Recommendations
2.1	<p>Taking into account the information presented and any representations received Members are required to consider the application and to:</p> <ul style="list-style-type: none"> a) Approve the application for the renewal of the 14-Day Occasional Outdoor Entertainments Licence, or b) Approve the application for the renewal with special conditions, or c) Refuse the application for the renewal of the 14-Day Occasional Outdoor Entertainments Licence.
2.2	<p>If an application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court. In the case that the applicant subsequently decides to appeal the existing Licence will continue with its present conditions until the appeal is determined.</p>
3.0	Main report
	Representations
3.1	<p>The application was received on 10th August 2021. Subsequently, an objection was received outside the 28-day statutory period on 29th September 2021. The nature of the objection relates to intolerable noise disturbance caused by outdoor concerts in Boucher Road Playing Fields which is harming the objector's quiet enjoyment of their property and their health. The email of objection is attached as Appendix 2.</p>
3.2	<p>Members are reminded that, at your meeting on 16 March 2022, you agreed to consider the objection that had been received outside the 28-day statutory period.</p>
3.3	<p>This objection was as a result of noise nuisance arising from a number of concerts in September 2021. Following a noise complaint to the Council an Officer from Building Control contacted the objector by telephone on 25 September. The objector explained that when concerts take place in Boucher Road Playing fields he is disturbed by loud music.</p>
3.4	<p>The objector asked about the action he could take to prevent further concerts from taking place and was advised that he could write to the People and Communities Committee in relation to their leasing of the land to promoters or object to the renewal of the Entertainments Licence.</p>
3.5	<p>Further to the objection both parties were invited to attend a liaison meeting to discuss the issues and ascertain if any measures could be implemented to alleviate the objector's concerns. The director of the City and Neighbourhood Services Department agreed to attend but the objector advised that he did not wish to attend the meeting.</p>
	<u>Details of the Premises</u>
3.6	<p>Boucher Road Playing Fields has been used to provide large outdoor concerts for approximately 10 years.</p>
3.7	<p>Boucher Road Playing Fields is owned by Belfast City Council and currently holds both a 14-Day Occasional Outdoor Entertainments Licence and a 14-Day Marquee Entertainments Licence.</p>
3.8	<p>The current days and hours during which entertainment can be provided are:</p>

	<ul style="list-style-type: none"> Monday to Saturday: 11.30am to 11.00pm and Sunday: 12.30pm to 11.00pm
3.9	<p>In addition, the following special conditions are attached to the licence:</p> <ol style="list-style-type: none"> Maximum numbers will be agreed at the discretion of the Building Control Service and will vary depending upon individual concert set up proposals. Prior to any event taking place the promoters are required to demonstrate evidence of early consultation and have in place a robust system of dealing with any complaints, which has been agreed in advance with the Council. Any requests to provide entertainment later than 11.00 pm must be considered by the Licensing Committee and therefore must be made at least 3 months in advance of the proposed event. Should an application to provide entertainment beyond 11.00 pm be granted and the Council then receive a significant number of complaints regarding noise or the complaint is of such significant impact, authority is granted to the Director of Planning and Building Control, in consultation with the City Solicitor, to reduce the finishing time for any subsequent nights of the event, in which case the promoter will be required to make contingency arrangements. <p><u>Booking an Event Space</u></p>
3.10	<p>If an event promoter wishes to host a large-scale music event in a Council park or open space, they must make application to the Council's City and Neighbourhood Services Department. The applicant must provide details of the event which are then submitted to the People and Communities Committee for consideration in principle. Any subsequent approval is subject to an appropriate lease agreement being prepared by Legal Services.</p> <p><u>PSNI</u></p>
3.11	<p>The Police Service of Northern Ireland have been consulted and has confirmed that they have no objection to the application.</p>
3.12	<p>A copy of their correspondence is attached at Appendix 3.</p> <p><u>NIFRS</u></p>
3.13	<p>The Northern Ireland Fire and Rescue Service have been consulted in relation to the application and has confirmed that they have no objection to the application.</p> <p><u>Health, safety and welfare</u></p>
3.14	<p>Pre-event planning meetings are held with all relevant services, agencies and promoters for all large outdoor music events within the Boucher Road Playing Fields.</p>
3.15	<p>The meetings are attended by Officers of the Council, Police Service of Northern Ireland, Northern Ireland Fire and Rescue Service, Department of Infrastructure, Translink, Northern Ireland Ambulance Service, Promoters and their relevant service providers.</p>
3.16	<p>Officers from Belfast City Council assess the Event Planning documents submitted by the promoter and carry out site inspections prior to and throughout the events to ensure compliance with relevant guidance in relation to fire safety, structures, access, egress and facilities for all.</p>

	<u>Noise</u>
3.17	The Promoter of large outdoor music events must submit a Noise Management Plan which is provided to the Environmental Protection Unit (EPU) for evaluation. Council Officers work with the promoter in order to assess the noise that may be generated from the event and to minimise the potential for noise disturbance.
3.18	Members should also recognise that noise generated by large scale outdoor concerts is likely to lead to some level of disturbance for local residents. Even if guideline levels are met there is no guarantee that complaints will not be received. Conversely, if a recommended level is exceeded this may not necessarily lead to complaints as people may be prepared to tolerate the event because it will only last for a limited period of time.
3.19	On 24 September 2021 the objector contacted the Night Time Noise Team at 21.18hrs complaining of noise disturbance caused by loud music from the AVA concert at Boucher Road. The Night Time Noise Team called to the complainant's premises at 22.05hrs and witnessed audible music from the direction of Boucher Road. They took an indicative noise measurement, and it showed an Leq of 47Db(A) which was well within agreed guidelines.
3.20	The objector also complained about the sound test for the Base event which took place on 28 October 2021 and the sound test for the recent Ed Sheeran concert which took place on 12 May 2022. Indicative readings were taken in the Malone Road area whilst the Ed Sheeran concert was taking place and showed the LAeq 15 Mins to be 56.3Db(A) which was again within agreed guidelines. However, the Night Time Noise Team Officer noted that during the song 'Shape of you' he could hear the lyrics and during 'Bad Habits', which was the last song, the bass beat was very fast and the lyrics were audible.
3.21	The summary of noise complaints relating to the AVA concerts on 24 and 25 September 2021 is attached as Appendix 4.
	<u>Objectors Representation</u>
3.22	The objector's Representation Form is attached as Appendix 5 and it has been provided to the applicant, as required by the protocol.
3.23	In general, the representation relates to concerns as follows: <ul style="list-style-type: none"> • The objector has complained numerous times over the years regarding noise disturbance caused by concerts at Boucher Road Playing Fields. • The noise disturbs the objector's quiet enjoyment of his home and disrupts his sleep. • The frequency of noise disturbance from concerts. • The objector would like the concerts to be moved to an indoor venue.
3.24	The objector has been invited to attend your meeting to discuss any matters relating to the objections should they arise.
	<u>Applicants Representation</u>
3.25	The applicant has provided their Representation Form, as required by the Protocol, and a copy of their response is attached as Appendix 6.
3.26	The applicants Representation Form has also been provided to the objector, as required by the protocol.

3.27	<p>A summary of the applicant's representation is as follows:</p> <ul style="list-style-type: none"> • The Night Time Noise Team react to noise complaints and the externally monitored sound levels were within the levels set within the CoP for the Control of Noise from Outdoor events guidelines. • The Council Noise Team has not reported any breaches of noise legislation with regards to noise from any of the large events at the site. • Any learning is applied from events and recommendations for improvements are communicated to future event organisers and mitigations are built into event planning for future event delivery. • The licence agreement between the Council and the event promoter, prepared by the City Solicitor, includes a number of clauses to ensure the least disruption as possible to residents living and businesses operating in the surrounding area and to ensure public safety. These include matters relating to: <ul style="list-style-type: none"> ○ Engagement with residents and local businesses ○ Event planning ○ Stewarding and traffic management.
3.28	<p>The applicant and/or their representatives will be available at your meeting to answer any queries you may have in relation to the application.</p> <p><u>Counter representations</u></p>
3.29	<p>No counter representations have been received at the time of writing this report. A copy of the report has been provided to the applicant and objector and a verbal update will be provided in respect of any further representations which are received.</p>
3.30	<p>Further to receiving the Applicants Representation form the Objector requested all the relevant documents generated by the noise team and in particular details of the tests they carried out in relation to the noise nuisance complaint for all and any of the concerts.</p>
3.31	<p>The objector advised that he required this information as it is vital to any fair and comprehensive examination of this issue.</p>
3.32	<p>Following clarification on the scope of the information requested, the Environmental Protection Unit responded, disclosing information concerning the noise complaints made by the objector, including the result of sound monitoring carried out, which was well within agreed levels.</p>
4.0	<p>Financial & Resource Implications</p> <p>None.</p>
5.0	<p>Equality or Good Relations Implications/Rural Needs Assessment</p> <p>There are no issues associated with this report.</p>
6.0	<p>Appendices – Documents Attached</p>
	<ul style="list-style-type: none"> • Appendix 1 – Location Map • Appendix 2 – Email of objection

	<ul style="list-style-type: none">• Appendix 3 - PSNI Response• Appendix 4 – Summary of Noise Complaints• Appendix 5 – Objectors Representation form• Appendix 6 – Applicants Representation form
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By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

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By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 6
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Complaint Record Sheet- complaints received

Event: AVA, Boucher Playing Fields

23.09.2021 Sound test

SRU	Received	Type	Address	Action/ Noise levels recorded/subjective notes
558637	16:24 via email to EHS	Complaint re Loud music from sound test	Thornhill, Malone	Complainant wished to log complaint regarding excessive noise and frequency of events. Complainants details passed onto BC on 23.09.21 Visit carried out to complainant's property at 17:23 – no music audible at time of visit
558638	16:31 via email to EHS	Complaint re Loud music from sound test	Cairnshill Avenue	Advice given on sound test and times of event. Provided with contact for NTNT should excessive noise be witnessed during event.

24.09.2021 Day 1 of event

SRU	Received	Type	Address	Action/ Noise levels recorded/subjective notes
558754	13:13 via email to EHS	Complaint re Loud music from event	Deramore Park	Complainant wished to log complaint regarding music noise. Complaint followed up by NTNT at 20:30 – complainant stated they were satisfied that noise levels had reduced.
558741	14:25 via email to EHS	Complaint re Loud music from event	Osbourne Gardens	Complainant wished to log complaint regarding excessive noise and frequency of events. Complainants details passed onto BC on 27.09.21

558768	14:56 via email to EHS	Complaint re Loud music and bass beat from event	Lisburn Road	<p>Complainant wished to log complaint regarding music noise and thumping bass beat.</p> <p>NTNT followed up at 20:42 when complainant advised that noise levels had been reduced – no visit requested.</p>
558780	20:02 via noise hotline	Enquiry re finish times	Upper Malvern Park	<p>Wished complaint to be logged regarding loud music from AVA.</p> <p>Advice given. Advised her enquiry would be passed to BCL.</p>
558993	20:23 via EHS email	Complaint about noise	Bladon Park	Complaint about repetitive beats coming from Boucher Road area.
558598	20:35 via EHS email	Complaint about noise	Glencregagh Road	Complaint about bass beat from event at Boucher Road.
558782	20:37 via noise hotline	Complaint re loud music	Glencregagh Drive	<p>Comp wished to register her disapproval of the event.</p> <p>Advice given.</p>
558783	20:55 via noise hotline	Enquiry re finish times	Cairnburn Gardens	<p>Complaint regarding loud music at Ava festival. Just wanted to log complaint but more to enquire when concert was licenced until.</p> <p>Advice given.</p>
558784	21:00 via noise hotline	Complaint re loud music	Piney Lane	<p>Complaint about loud music from AVA.</p> <p>Visit made at 21:37 - NT witnessed audible music while at facade of comp's property, indicative SLM showed 44dB(A)</p>

558975	21:07 via EHS email	Complaint about event noise	Knightsbridge Park	Complaint regarding loud music and banging most of the day. Can be heard over TV.
558785	21:08 via noise hotline	Enquiry re event	Knockbreda park	Complaint regarding loud music at Ava festival. Just wanted to log complaint but more to enquire when concert was licenced until. Advice given.
558981	21:11 via EHS email	Complaint re loud music	Baronsgrange Rise	Complaint re excessive noise late at night. Also enquiring as to why this event is permitted.
558984	21:12 via EHS email	Complaint re loud music	Cairnshill Road	Complaint that levels of noise too loud and too late at night.
558786	21:18 via noise hotline	Complaint re loud music	Thornhill, Malone	Complainant requested visit due to excessive noise. Visit carried out at 22:05 - NT witnessed audible music while at the facade of comp's property, indicative SLM showed 47dB(A)
558787	21:33 via noise hotline	Complaint re loud music	Cairnshill Avenue	Complaint regarding loud music at Ava festival. Angry at noise levels, specially living so far away from event. Advice given
558789	21:50 via noise hotline	Enquiry re event	Ballyrussell Road	Just wanted to log complaint but more to enquire when concert was licenced until. Advice given.

558790	22:13 via noise hotline	Complaint re loud music	Carnbrae Avenue	Complainant being disturbed by loud music, coming from Ava Festival. Advice given.
558916	22:13 via EHS email	Complaint re loud music	Castlehulme Gardens	Noise from AVA is so loud it is preventing sleep.
558791	22:20 via noise hotline	Enquiry re event	Belvoir Park	Enquiry as to finish times. Advice given.
558794	22:21 via noise hotline	Anonymous complaint	Four Winds Area	Complaint left on VM re loud music – no contact details provided.
558793	22:20 via noise hotline	Enquiry re event	Cairnshill Road	Complainant unsure of noise source but loud bass beat all around in distance. Complainant just wanted to lodge complaint. Advice given
558795	22:25 via noise hotline	Complaint re loud music	Palmerston Road	Complaint about loud music from AVA event. Advice given

25.09.2021 Day 2 of event

SRU	Received	Type	Address	Action/ Noise levels recorded/subjective notes
558827	18:14 via noise hotline	Anonymous complaint	Hollywood Area	Complaint about AVA event on VM. No contact details provided

558826	18:55 via noise hotline	Cllr enquiry re event	Lisburn & Castlereagh City Council Area	Enquiry as to duration and licensing of event. Advice given.
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Belfast City Council Licensing Committee

Representation Form for Applicants

INFORMATION ABOUT MAKING REPRESENTATION TO COMMITTEE

YOU MUST READ AND REFER TO THIS GUIDANCE WHEN COMPLETING YOUR APPLICATION

- Your comments should outline the reasons why you consider the application should be granted. It should also confirm if you have already been made aware of the objectors concerns and if you have implemented any measures to resolve them. You should provide all relevant information and attach any relevant supporting documents or photographs.
- Each person or deputation shall have five minutes to make their presentation to Committee. Where more than one member of the deputation wishes to address the Committee the five minutes should be shared among them.
- Your deputation should consist of no more than three persons.
- Further details shall be provided in due course and as this matter progresses to Committee.
- If you require assistance in filling out this application, please contact the Building Control Service on 028 90 270650.

Information you may Include

- Be selective and only include documents and photographs which are clearly supportive of your application.
- Any relevant correspondence from the PSNI or other agencies (e.g. e-mails or letters) which has not already been provided to the Council.
- You do not have to provide photographs but if you do, please number them and give a brief description of what they show and how they support your case, either by listing them in numerical order at the beginning of your representation or by cross-referencing them in the course of your representation.

Information you should leave out

- Communications (e-mails, letters, etc.) sent to you by Council officers (including details of noise complaints, etc.).
- It is not necessary to include copies of complaints where the Council has already been made aware of them.
- It is not necessary to include Community Safety Reports unless you wish to draw the Committee's attention to a specific item on it, in which case you should only include the section containing the item.
- You do not need to submit multiple copies for other parties as the Council shall make copies where required and shall be responsible for circulating information to relevant parties.

SECTION 1a – Declaration and Consent – to be completed by the applicant

Before submitting your completed form to us please tick and sign below to show that you understand and accept the implications of submitting this Representation Form to us:

☒

I understand that the submission of the objection and this counter representation form may result in a hearing before the Council's Licensing Committee for the purpose of determining my licensing application and that I will have an opportunity to attend this hearing to address the Committee.

Are you are prepared to attend the Licensing Committee meeting and to make a representation to the Committee?

Yes

☒

No

☐

Please note that the proceedings of the meeting will be audio-recorded, except where the Committee is considering any confidential matters. A copy of the recording of the meeting will be made available on the Council Website within two working days of the minutes being ratified by the Council.

Please indicate whether you consent to your speech being recorded and made available online by marking 'X' in the appropriate box:

IMPORTANT: In ticking and signing this part of the form you are giving or withholding your consent to your speech being placed on public record in audio format.

☒

I consent to my speech being recorded at the Committee Meeting and being placed on public record in audio format.

☐

I do not consent to my speech being recorded at the Committee Meeting and being placed on public record in audio format.

Signature:

Date:

SECTION 1b – Sharing Your Details

Please note that all information in this form will be shared with the objectors, Members of the Council's Licensing Committee and any relevant statutory consultees in advance of the Committee meeting.

SECTION 2 – Your Details / Details of your organisation

Your contact details:

Title [Delete as appropriate]	Miss
Surname	Crozier
First name(s)	Rose
Address (including postcode)	C/O Belfast City Council, City and Neighbourhood Services
Telephone Number:	
Mobile:	
E-mail:	crozierr@belfastcity.gov.uk

SECTION 3 – Attempts to Resolve Issues

1. Have resident's, other parties and/or their representatives contacted you to make you aware of their concerns?

Yes ☒ No ☐

If 'Yes', please provide details below of any communication between you, including dates, brief summary and outcome, for example: liaison meetings, telephone calls or e-mails. If 'No', please outline why not. REMEMBER: You do not need to submit correspondence between you and council officers.

City and Neighbourhood Services were made aware of the objection to the license by Building Control. Building control offered to facilitate a mediation session between officers from the service and the objector. The department was agreeable however the objector declined to meet with Council officers to discuss solutions or mitigations to their concerns.

2. Have you taken any action to address their concerns? (for example, by implementing changes or improvements to resolve their concerns)

Yes ☒ No ☐

If 'Yes', please provide details in the space below, including times, dates and details of who you consulted and spoke to.

Details of changes or improvements made

In this section, you should state the issue e.g. notified of complaint from resident by BCC on 3/4/15 - on 5/4/15 took these measures: 1. Closed off side area; 2. Deployed two more door staff; etc. There is no need to summarise the complaint as the Council will already have a copy. If you dispute the content of any matter please reserve any further comment for the substance of your representation.

Complaints are largely around sound levels. Visits were conducted by the NTNT - the externally monitored sound levels were within the levels set within the CoP for the Control of Noise from Outdoor events guidelines.

Any learning is applied from prior events and recommendations for improvements are communicated to future event organisers and mitigations are built in to event planning for future event delivery. Details from resident, customer or local business complaints are used to inform future event planning

Details of contact with PSNI (if any)

You should list and attach all correspondence between you and the PSNI. Please refer to Guidance above.

The department has no correspondence with PSNI with regards to any complaints at the site.

PSNI and other emergency services attend pre event planning meetings alongside Council officers from building control, environmental health and parks events.

Details of contact with Belfast City Council Noise Team (if any)

E.g. Noise team contacted me on following dates as a result of which I took the following measures: 1. Date – action taken, 2. Date – action taken

The Council Noise Team has not reported any breaches of noise legislation with regards to noise from any of the large events at the site.

Details of contact with any other Agencies (if any)

N/A

SECTION 4 – Your Representation

Please outline your representation in the space provided below. Arrange under subject-matter headings if possible, giving reasons for each point you make. Be specific and give relevant examples if possible, state facts and give figures such as distances, times, dates and so on if appropriate.

You should note that this submission shall form part of your five minute presentation to Committee and will be included in the Committee Report. Please continue on a separate sheet if necessary.

Council Approval for large promoter events

The department seeks approval for large scale promoter musical and festival events at the People and Communities committee. Approval is sought on the basis that Council officers negotiate satisfactory terms and conditions of use via an appropriate legal agreement prepared by the City Solicitor and subject to;

- i. the Promoter resolving any operational issues to the Council's satisfaction;
- ii. the Promoter meeting all the statutory requirements of the Planning and Building Control Service including the terms and conditions of the Park's Entertainment Licence.
- iii. a review clause, which allows for consideration of any issues during the previous events, prior to any authorisation for future years

The licence agreement prepared by the City Solicitor includes a number of clauses to ensure the least disruption as possible to residents living and businesses operating in the surrounding area and to ensure public safety. Examples of such clauses are:

Resident and Local Engagement

The Licensee shall engage with all residents and resident groups in the vicinity of the park prior to the Event taking place, to appropriately inform them of the event and the relevant arrangements for ensuring minimal disruption to said residents and relevant contact arrangements should they be disturbed. The Licensee shall ensure that residents are aware of the period required for build up and load out of the Event.

- i. Prior to the event taking place, the Licensee is required to demonstrate evidence of early engagement and have in place a robust system for dealing with any complaints, which has been agreed in advance with the Council.
- ii. The Licensee shall provide the Council with full details of all engagements which have taken place with the residents and resident groups prior to the Event taking place.
- iii. The Licensee shall provide residents with contact details of the appropriate person to contact during the Event should they have any complaints associated with the Event. The Licensee shall bear the sole responsibility for dealing with any such complaints.

Event Management Plan

The licensee shall comply with the Event Management Plan, to include a COVID-19 Plan. Any required variation to the Event Management Plan shall be notified by the Council to the Licensee. It is a condition of the Entertainment License that an Event Management Plan is provided to the satisfaction of the Council and failure to do so is a breach of this License. Whilst the Council may, entirely at its own discretion, allow the Licensee to have access to the site under this license for the purpose of set up only in advance of the Event Management Plan being finalised, it is an absolute condition of the license that the Event Management Plan be in place prior to the event taking place and should the Event Management Plan not be finalised at that time, the Council reserves the right to cease this license, with all permissions granted under it also immediately being withdrawn.

Please detail any measures or changes that you would be willing to undertake to address the objectors concerns, or give any suggestions you would like the Licensing Committee to consider:

Should, at any time during any performance associated with the Event, issues pertaining to the Event be brought to the Council's attention that render the Event unsafe and/or (in the Council's opinion) unjustifiably cause nuisance in the area surrounding Boucher Road Playing Fields, Belfast, the Council shall retain the right to immediately enter the Site to discuss the matter with the Licensee in order to resolve the situation. If a resolution is not possible, the Council reserves the right to immediately terminate the Licence in accordance with Clause 34 herein.

Stewards and Traffic

The Licensee shall at its own expense provide such stewards and attendants as may be reasonably necessary for the safe conduct of the Event and their duties shall include the following:

- I. Spot checks (as deemed necessary or appropriate) to prevent drugs and alcohol from being brought on to the Site; and
- II. Controlling vehicular and pedestrian traffic using the Site in conjunction with PSNI by adhering to the Traffic Management Plan (which forms part of the Event Management Plan attached hereto) and which has been agreed with PSNI, Department for Infrastructure (DFI) Roads Service, the Council and other agencies/bodies and to ensure that relevant arrangements and diversions are in place keeping disruption to users of adjoining lands to a minimum.
- III. The Licensee shall consult fully with the PSNI and DFI Roads Service (and all other relevant agencies) in relation to all traffic matters and shall ensure that any reasonable request of the PSNI and/or DFI Roads Service (and any other relevant agencies) is complied with.

Freedom of Information Act 2000 – Under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 people may ask us for information we hold. We are responsible for deciding whether the requested information can be released. Before we release any information which identifies you, we will seek your views on its disclosure, unless there is a legal requirement to disclose the information. The final decision on what will be disclosed rests with the Council except in circumstances where we are under a legal obligation to release the information to another party.

Data Protection Act 1998 – We will process your personal information in accordance with the Data Protection Act 1998. We will use the information you have given us on this form and on any accompanying documentation to enable the licensing authority to take into account any relevant issues in making decisions in licensing matters. Should other council departments, government agencies or any other party request this form, any part of it or any information provided on it or submitted on account of it for lawful reasons, we may disclose some or all of the details requested or we may disclose the form either in its entirety or in part and in accordance with the law.

Please return completed form to: Building Control Service, Licensing Team, Ground Floor, Cecil Ward Building, 4 - 10 Linenhall Street, Belfast BT2 8BP

I confirm that I have completed this form and am making this representation in support of my licensing application. In signing this form I consent that my personal data, including any sensitive personal information that I have disclosed in this form about myself may be shared with all parties to this action, including objectors.

Signed: Stephen Leonard

Date: 17 /05 /2021

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Belfast
City Council

LICENSING COMMITTEE

Subject:	Applications for the Variation of a 7-Day Annual Indoor Entertainments Licence for The Dirty Onion, 42 Waring Street.
Date:	15 June 2022
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	Quintin Thompson, Senior Building Control Surveyor, Ext 2570

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

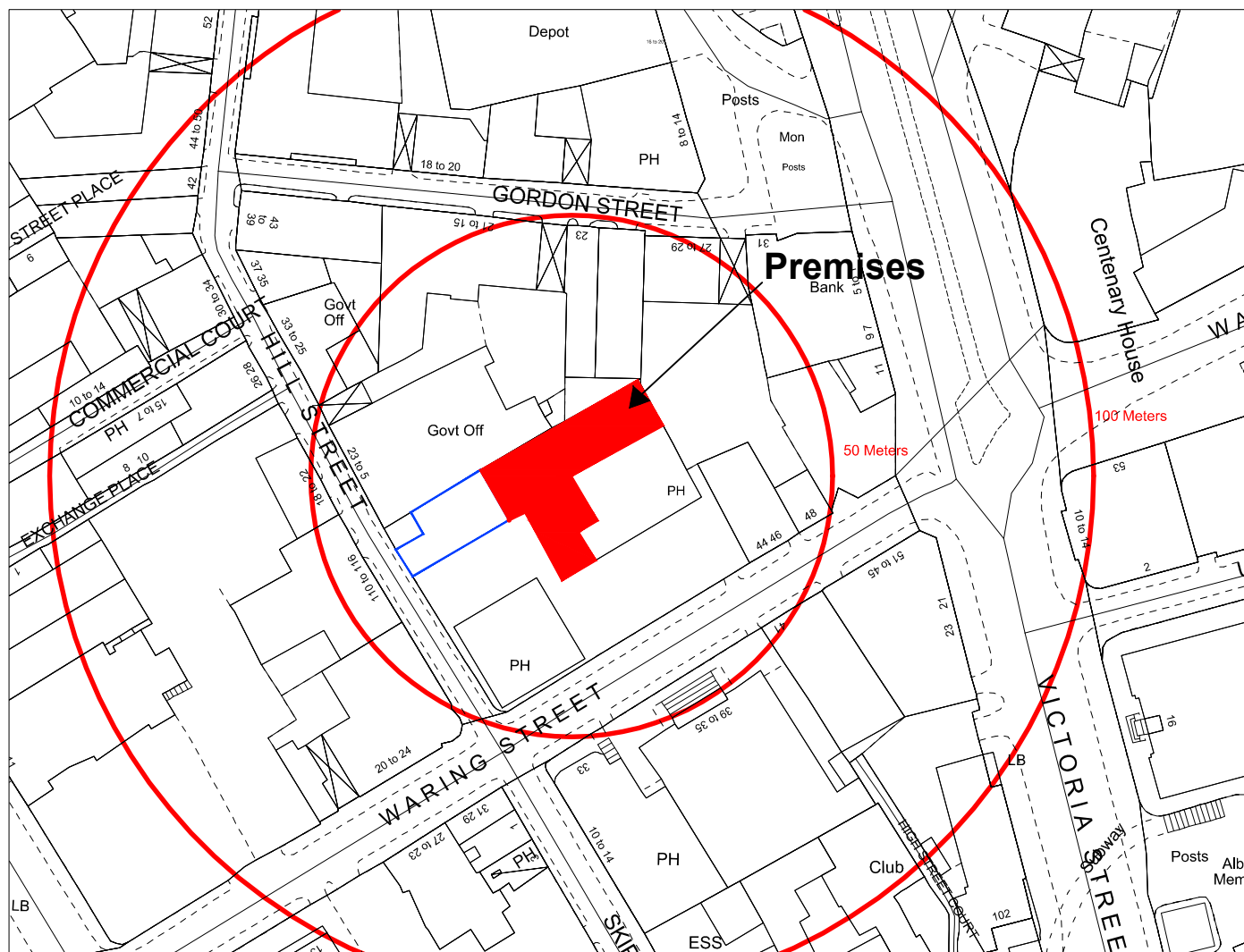
Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues		
1.1	To consider an application for the variation of a 7-Day Annual Indoor Entertainments Licence for the hours during which entertainment may be provided at the Dirty Onion based on the Council's Standard Conditions to provide music, singing, dancing or any other entertainment of a like kind.		
	Area and Location The Dirty Onion 42 Waring Street Belfast BT1 2ED	Ref. No. WK/202002059	Applicant Cathedral Leisure Limited, 42 Waring Street, Belfast, BT1 2ED

1.2	A location map is attached as Appendix 1.
2.0	Recommendations
2.1	<p>Taking into account the information presented and any representations received Members are required to consider the application and to:</p> <ul style="list-style-type: none"> a) Approve the application for the variation of the 7-Day Annual Indoor Entertainments Licence for permission to provide entertainment to 3.00am, or b) Approve the application for the variation with special conditions, or c) Refuse the application for the variation of the 7-Day Annual Indoor Entertainments Licence for permission to provide entertainment to 3.00am.
2.2	If an application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court. In the case that the applicant subsequently decides to appeal, entertainment may not be provided to the later hours until any such appeal is determined.
3.0	Main report
	<u>Key Issues</u>
3.1	<p>The areas currently Licensed to provide indoor entertainment and their maximum occupancies are:</p> <ul style="list-style-type: none"> • Ground Floor - 180 • First Floor – 60 • The Second Fiddle - 60
3.2	<p>The days and hours during which entertainment may be provided under the terms of the indoor Entertainments Licence are:</p> <ul style="list-style-type: none"> • Monday to Saturday: 11.30am to 1.00am the following morning, • Sunday: 12.30pm to 12.00midnight.
3.3	<p>The days and hours during which entertainment is proposed to be provided, are:</p> <ul style="list-style-type: none"> • Monday to Sunday: 11.30am to 3.00am the following morning.
3.4	Members are reminded that applications to provide indoor entertainment beyond 1.00am are subject to consideration by Committee.
3.5	The applicant has stated that the extension of hours to 3.00am is to fulfil the customers demand for a late night music venue and will be used in conjunction with Article 44a extension to Liquor Licensing hours.
3.6	<p>This premises also has an outdoor entertainments licence for a beer garden with an occupancy of 240 persons. The days and hours during which entertainment may be provided under the terms of the outdoor Entertainments Licence are:</p> <ul style="list-style-type: none"> • Monday to Saturday: 11.30am to 1.00am the following morning, • Sunday: 12.30pm to 12.00midnight.

3.7	Layout plans of the premises are attached at Appendix 2.
	<u>Representations</u>
3.8	Public notice of the application has been placed and no written representation has been lodged as a result of the advertisement.
	<u>PSNI</u>
3.9	The Police Service of Northern Ireland have been consulted and has confirmed that they have no objection to the application.
3.10	A copy of their correspondence is attached at Appendix 3.
	<u>NIFRS</u>
3.11	The Northern Ireland Fire and Rescue Service have been consulted in relation to the application and has confirmed that they have no objection to the application.
	<u>Health, safety and welfare</u>
3.12	An inspection has been carried out on the premises within the past 12 months and Officers from the Service are satisfied with all safety measures and management procedures.
	<u>Noise</u>
3.13	No noise complaints have been received in relation to the premises in the last 12-month period.
3.14	Members are reminded that the Clean Neighbourhood and Environment Act 2011 gives the council additional powers in relation to the control of entertainment noise after 11.00 pm.
	<u>Applicant</u>
3.15	The applicant, and/or their representatives, will be available at your meeting to answer any queries you may have in relation to the application.
	<u>Financial & Resource Implications</u>
3.16	None.
	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>
3.17	There are no issues associated with this report.
4.0	Appendices – Documents Attached
	<ul style="list-style-type: none"> • Appendix 1 – Location map • Appendix 2 – Layout Plans • Appendix 3 – PSNI Response

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SCALE 1:1250 @ A4

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GROUND FLOOR PLAN 0 1m



Annex to Public Bar
30-42 Waring Street Street, Belfast

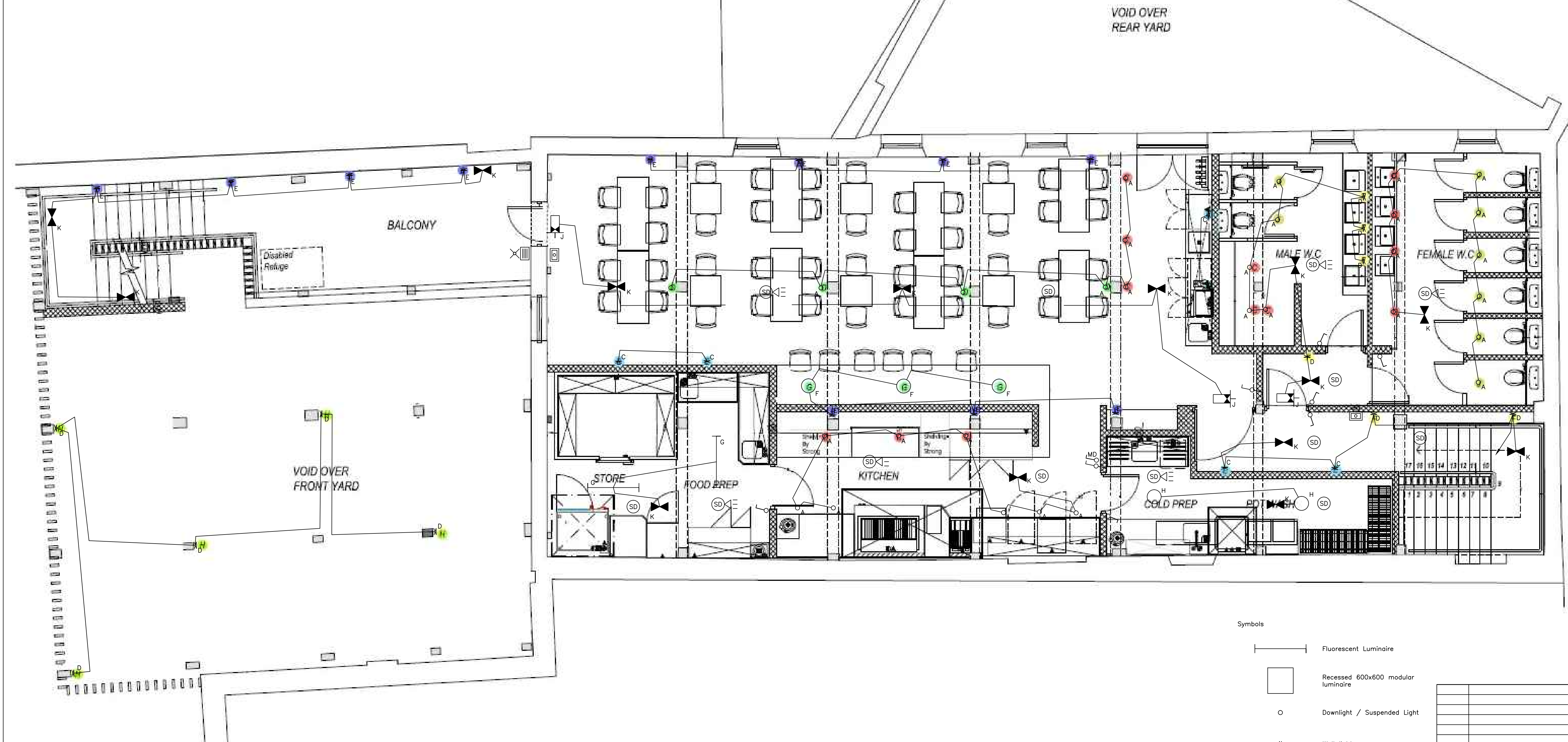
L10

Proposed Plan - Overall

Scale
1:100@A2

Date
August 2020

BUILDING CONTROL



Luminaire Efficiencies

Ref A

Lamp Lumens: 230lm
Circuit Wattage: 4w

$$\text{Lamp Lumens} / \text{Circuit Watt} = 57.5\text{lm/w}$$

Ref B

Lamp Lumens: 230lm
Circuit Wattage: 4w

$$\text{Lamp Lumens} / \text{Circuit Watt} = 57.5\text{lm/w}$$
Ref_C

Lamp Lumens: 280lm
Circuit Wattage: 20w

$$\text{Lamp Lumens} / \text{Circuit Watt} = 14\text{lm/w}$$
Ref_D

Lamp Lumens: 415lm
Circuit Wattage: 40w

$$\text{Lamp lumens} / \text{Circuit Watt} = 10.4\text{lm/w}$$
Ref E

Lamp Lumens: 415lm
Circuit Wattage: 40w

$$\text{Lamp lumens} / \text{Circuit Watt} = 10.4\text{lm/w}$$

Ref F

Lamp Lumens: 415lm
Circuit Wattage: 40w

$$\text{Lamp lumens} / \text{Circuit Watt} = 10.4\text{lm/w}$$

Ref G

Lamp Lumens: 3300lm
Circuit Wattage: 39w

$$\text{Lamp lumens} / \text{Circuit Watt} = 84.6\text{lm/w}$$
Ref H

Lamp Lumens: 2050lm
Circuit Wattage: 29w

$$\text{Lamp Lumens} / \text{Circuit Watt} = 70\text{lm/w}$$
Ref J

Dedicated emergency N/A

Ref K

Dedicated emergency N/A

Ref |

External luminaire N/A

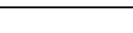














Schedule of Luminaires

- A - Surface GU10 housing finished black fitted with an LED 6w lamp.
- B - Recessed GU10 housing finished chrome fitted with an LED 6w lamp.
- C - Picture wall light with 2no halogen capsule lamps
- D - Decorative wall bulkhead light with 40w ES lamp
- E - Top hat swan neck wall light with 40w ES lamp
- F - Top hat pendant with 40w ES lamp
- G - 1x35w high frequency T5 IP65 fluorescent. Body in polycarbonate fitted with prismatic diffuser.
- H - 1x28w high frequency 2D IP65 surface mounted luminaire. Body in white polycarbonate fitted with prismatic polycarbonate diffuser.
- J - Maintained LED surface mounted exit luminaire with down legend and integral 3 hour battery
- K - Non-maintained LED surface mounted emergency bulkhead with prismatic diffuser and integral 3 hour battery.
- L - IP65 LED floodlight

Notes

1. All general lighting and site lighting circuits to be wired using 1.5mmsq PVC cables enclosed within galvanised conduit and trunking.
2. All general lighting and site lighting circuits to be connected as Tied to a circuit with a 50mA RCDs.
3. Lighting within all public spaces with the exception of dedicated emergency luminaires shall have a combined performance not less than 100lm/W.
4. Lighting within the back of house toilets and staff areas with the exception of dedicated emergency luminaires shall have a combined performance not less than 100lm/W.
5. Escape lighting to comply with BS5266 parts 1 and 7 1999.
6. All escape signage to escape routes to comply with BS5499-1:2002
7. All electrical switching, local controls and controls must be positioned in accordance with diagram 5.8.2 of the contract R.I.
8. In general light switches and manual call points shall be installed at 1050mm FFL and not within 350mm of an internal corner.
9. All building equipment to be installed in accordance with CIBSE commissioning code M 'Commissioning Management' Sufficient readily understandable information will be provided to the building owner and building management to ensure efficient operation, control and maintenance of all fixed building services.
10. A building log book shall be provided to the building owner upon completion of the building in accordance with the contract. It shall be used to calculate the TER and BER shall be recorded in the log book.
11. The exact location of all items of equipment shall be agreed on site prior to any installation taking place.
12. All alarm system wiring shall be wired using 1.5mmsq flame resisting FP200 type cable fixed to the building structure at 300mm intervals.
13. The alarm system shall be analogue addressable open protocol to category L1 to comply with BS5839.

Symbols

- | | |
|---|--|
|  | Fluorescent Luminaire |
|  | Recessed 600x600 modular luminaire |
|  | Downlight / Suspended Light |
|  | Wall light |
|  | Emergency exit box |
|  | Emergency bulkhead |
|  | Emergency twin spot |
|  | Multigang trailing edge rotary dimmer switch |
|  | Single gang switch |
|  | Two way switch |
|  | Fire alarm panel |
|  | Fire alarm manual call point |
|  | Fire alarm smoke detector with integral sounder and strobe |
|  | Fire alarm smoke detector |
|  | Fire alarm heat detector with integral sounder and strobe |

A	Revised as per comment from building control				NDV 13
REVISION	DESCRIPTION	DATE			
SCALE 1/50 @ A1	DRAWN	GM	CHECKED	GM	
	DATE	OCT 13	DATE	OCT 13	

CLIENT

PROJECT
DEERS HEAD

DRAWING

EMERGENCY LIGHTING AND FIRE ALARM
FIRST AND SECOND FLOORS

DRAWING NUMBER	ISSUE
E2	A

SES ELECTRICAL NI LTD
7A INISHARGY ROAD
KIRCUBBIN
BT22 2RG



Building Control Service
Ground Floor
Cecil Ward Building
4-10 Linenhall Street
Belfast
BT2 8BP

6th June 2022

Dear Quintin

RE:- Entertainment Licence Variation application

[REDACTED]
The Dirty Onion Bar, 3 Hill Street, Belfast.

Further to my letter of the 29th March 2022 please note that there are no current police objections to the above variation application being further considered by Belfast City council, residents, other local business and NIFRS.

Please confirm that all Belfast City Council requirements and conditions including any Building Regulations approvals have been adhered to and that any current, relevant COVID – 19 guidance will be considered by the licence holder.

If the Licences are granted in due course please forward police a copy with any special conditions or restrictions.

Kind Regards

A handwritten signature in black ink, appearing to read 'Donna Tolan', with a long horizontal flourish extending to the right.

Donna Tolan
Licensing Officer, Musgrave Station, Belfast

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Subject:	Application to provide outdoor musical entertainment beyond 11.00 pm at Falls Park
Date:	15 June, 2022
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Darren McCamphill, Lead Building Control Surveyor, ext. 2444

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

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

1.0	Purpose of Report or Summary of main Issues
1.1	To consider a request from the organisers of Féile an Phobail to hold a festival event within Falls Park, running from Saturday 6 August to Sunday 14 August 2022, and to permit the entertainment planned to run beyond 11.00 pm on up to 4 occasions.
2.0	Recommendations
2.1	<p>Taking into account the information presented and any representations received you are required to consider the request to extend the hours of entertainment and, subject to all technical requirements being met, either:</p> <ol style="list-style-type: none"> 1. Agree if any or all 4 of the events should be permitted to take place beyond the standard hours of licence to 1.00 am; or 2. Refuse to extend any or all of the hours as requested.

3.0	Main report
	<u>Key Issues</u>
3.1	Members are advised that a 7-Day Annual Outdoor Entertainments Licence and a 7-Day Annual Indoor Licence for a Marquee has been granted for Falls Park and both have been used to hold events in the past, primarily for this event. The Licences are held by the City and Neighbourhood Services Department and are transferred to the organisers for the duration of their event.
3.2	The days and hours during which entertainment may be provided both outdoors and, in a marquee, are Monday to Sunday from 11.30 am to 11.00 pm.
3.3	<p>In addition, the following Special Conditions are attached to both the Marquee and Outdoor Entertainments Licences:</p> <ul style="list-style-type: none"> • Maximum numbers will be agreed at the discretion of the Building Control Service and will vary depending upon individual concert set up proposals. • Prior to any event taking place the promoters are required to demonstrate evidence of early consultation and have in place a robust system of dealing with any complaints, which has been agreed in advance with the Council. • Any requests to provide entertainment later than 11.00 pm must be considered by the Licensing Committee and therefore must be made at least 3 months in advance of the proposed event. • Should an application to provide entertainment beyond 11.00 pm be granted and the Council then receive a significant number of complaints regarding noise or the complaint is of such significant impact, authority is granted to the Director of Planning and Building Control, in consultation with the City Solicitor, to reduce the finishing time for any subsequent nights of the event, in which case the promoter will be required to make contingency arrangements.
3.4	<p>The organisers have provided a programme of scheduled events for the festival. The events include:-</p> <ul style="list-style-type: none"> • Féile Diversionary Event – 8 August • Imelda May and Damien Dempsey – 12 August • Féile 80's Night – 13 August • Féile Finalé – 14 August
3.5	An outdoor boxing match and MMA contest have also been scheduled as part of the festival. The events will take place on Saturday 6 August and Thursday 11 August respectively. Members are advised that these activities do not require to be licensed as they fall outside the definition of outdoor entertainment.
3.6	<p>The People and Communities Committee, at their meeting on 7 June 2022, agreed the use of the park for this event subject to satisfactory terms being agreed with the Director of City and Neighbourhood Services including:</p> <ul style="list-style-type: none"> • The completion of an appropriate event management plan • Satisfying all statutory licensing responsibilities • Relevant consultation and agreement of satisfactory terms by the Director of Neighbourhood Services.
3.7	That decision will be subject to ratification by Council on 4 July 2022.

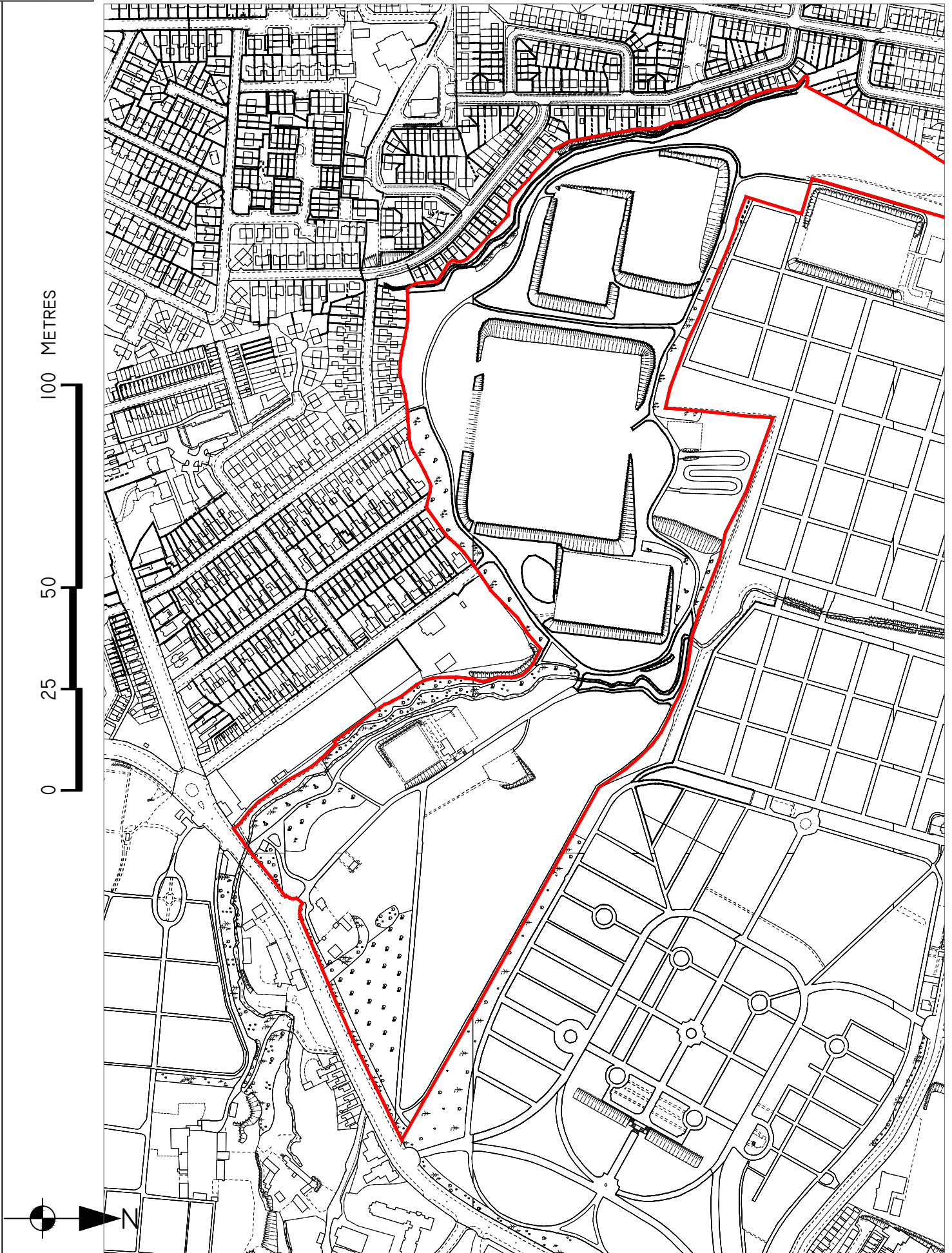
3.8	It is a Standard Condition of the Outdoor Entertainments Licence that all requests to operate beyond the permitted hours of entertainment must be considered by the Licensing Committee.
3.9	As this is not an application to vary the terms of the Outdoor licence, but a request for Council's permission to extend the hours under an existing Licence Condition, there is no requirement for public advertisement in this case.
3.10	Members are reminded that in 2021 you agreed to grant the organisers permission to operate on all 4 nights of the event beyond the standard hours of 11.00 pm to 1.00 am.
3.11	Members will be aware that in previous years the Committee has granted extensions beyond the standard hours of 11.00 pm for other events and festivals in the City.
	<u>Rationale for additional hours</u>
3.12	The event has been running for over 30 years as a community festival. The event has grown over the years from being held for 2-3 days to a full 10 to 11 day festival offering a mix of arts and cultural events including music concerts, comedy, tours and walks, debates and discussions, exhibitions / visual arts, theatre, youth and community and sporting events. This year's festival will run from Thursday 4 August to Sunday 14 August.
3.13	In recent years the event organisers consolidated the entertainment events at Falls Park to 3 or 4 nights. This decision was motivated by a desire to limit disruption to the community in close proximity to Falls Park.
3.14	Previously, operating beyond the permitted hours to 1.00 am was part of the organisers strategy to mitigate against antisocial behaviour in the greater Belfast area.
3.15	A representative of the event organiser has been invited to attend your meeting.
3.16	A Location Map is attached as Appendix 1.
	<u>PSNI</u>
3.17	The PSNI have been contacted by the Service in relation to the event. At the time of writing of this report the Service have not received a response to this request, we will update Committee at your meeting.
3.18	Officers would recommend that should Members be minded to approve the extended hours sought, that approval should be subject to a satisfactory response from the PSNI.
	<u>Health, safety and welfare issues</u>
3.19	Officers have engaged with the organisers and Parks Service in relation to the festival. Officers will participate in the multi-agency meeting held in advance of the event with the event organisers.
3.20	The event organisers have confirmed the Event Management Plan in support of the event is being developed. Once this document has been received it will be evaluated by the Service and other relevant Council Services.

3.21	<p>Officers have carried out during performance inspections at previous events organised by Féile an Phobail and found that the organisers have adhered to the health, safety and welfare management requirements during that time.</p> <p><u>Noise issues</u></p>
3.22	The event organiser has engaged with an independent acoustic consultant to develop a noise mitigation strategy. Once received by the Service this strategy will be provided to Environmental Protection Unit (EPU) for appraisal.
3.23	A significant consideration for EPU will be the proposal to provide outdoor entertainment after 11.00pm. Members are reminded that the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 gives councils additional powers in relation to entertainment noise after 11.00 pm.
3.24	The EPU received a total of 13 noise complaints regarding the festival in 2021 and the majority of these related to the volume of music and the finishing time of the dance event on 8 August 2021.
3.25	EPU have commented that, for this year's festival in addition to the diversionary event, there are 3 consecutive nights of music proposed to run to 1.00am, the cumulative impact of which may result in community annoyance. Previous years have seen the final night of the festival on Sunday finish at 12 midnight and the 80's style event has finished at 12.30.
3.26	The complaints mentioned above were brought to the attention of the event organisers by this service following the conclusion of the festival and will be highlighted to them and their acoustic consultant in preparation for this year's festival. No formal action was undertaken by EPU in respect of the noise complaints received.
3.27	The noise mitigation strategy must demonstrate that noise from the event will not cause unreasonable disturbance to commercial and residential premises. The event organisers will be reminded of the standard licence condition by BC licencing officers that receipt of significant complaints may lead to further late nights being curtailed.
3.28	The organisers will also be required to produce a suitable residents pre-notification letter containing a nominated event organiser contact that that residents may refer concerns or make complaints to. The extent of the letter's distribution, which will take place prior to the event will be agreed with the event organiser by this service in consultation with EPU officers.
	<u>Financial and Resource Implications</u>
3.29	Officers will carry out inspections at the events which will be catered for within existing Service budgets.
	<u>Equality and Good Relations Implications/Rural Needs Assessment</u>
3.30	There are no issues associated with this report.
4.0	Appendices – Documents Attached
	<ul style="list-style-type: none"> Appendix 1 – Location Map



Building Control Service

Belfast Mapping Data v3.0
Prepared by I.S.B.
Based upon the Ordnance Survey
Of Northern Ireland map with the
permission of the Director & Chief Executive.
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Subject:	Applications for the Variation of a 7-Day Annual Indoor Entertainments Licence for The Merchant Hotel, 16 Skipper Street.
Date:	15 June 2022
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	Quintin Thompson, Senior Building Control Surveyor, Ext 2570

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

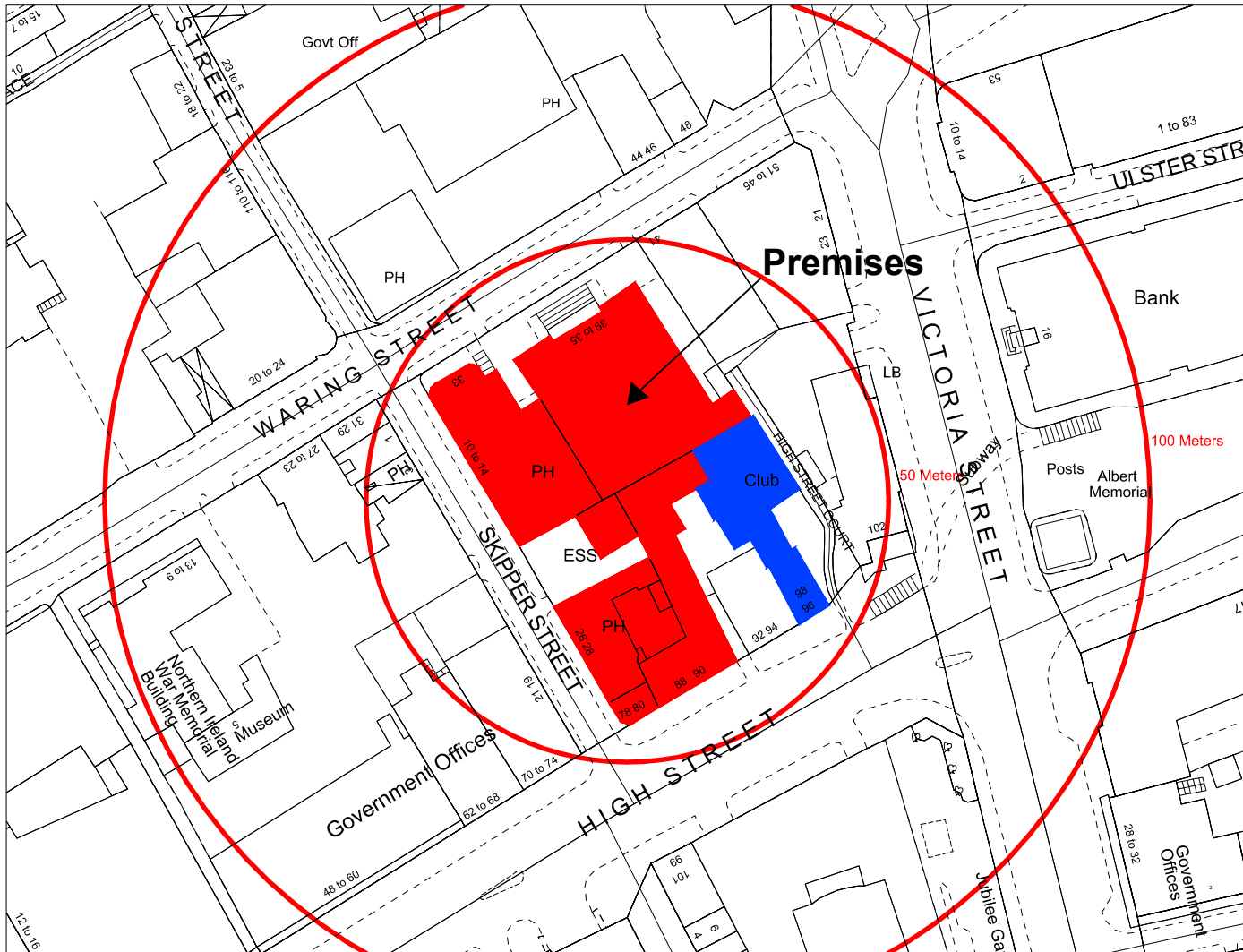
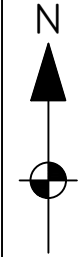
Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues								
1.1	<p>To consider an application for the variation of a 7-Day Annual Indoor Entertainments Licence for the hours during which entertainment may be provided at the Merchant Hotel based on the Council’s Standard Conditions to provide music, singing, dancing or any other entertainment of a like kind.</p> <table><tr><td>Area and Location</td><td>Ref. No.</td><td>Applicant</td></tr><tr><td>The Merchant Hotel 16 Skipper Street Belfast BT1 2DZ</td><td>WK/202002061</td><td>The Merchant Hotel Limited, 3 Hill Street, Belfast, BT1 2LA</td></tr></table>			Area and Location	Ref. No.	Applicant	The Merchant Hotel 16 Skipper Street Belfast BT1 2DZ	WK/202002061	The Merchant Hotel Limited, 3 Hill Street, Belfast, BT1 2LA
Area and Location	Ref. No.	Applicant							
The Merchant Hotel 16 Skipper Street Belfast BT1 2DZ	WK/202002061	The Merchant Hotel Limited, 3 Hill Street, Belfast, BT1 2LA							

1.2	A location map is attached as Appendix 1.
2.0	Recommendations
2.1	<p>Taking into account the information presented and any representations received Members are required to consider the application and to:</p> <ul style="list-style-type: none"> a) Approve the application for the variation of the 7-Day Annual Indoor Entertainments Licence for permission to provide entertainment to 3.00am, or b) Approve the application for the variation with special conditions, or c) Refuse the application for the variation of the 7-Day Annual Indoor Entertainments Licence for permission to provide entertainment to 3.00am.
2.2	<p>If an application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court. In the case that the applicant subsequently decides to appeal, entertainment may not be provided to the later hours until any such appeal is determined.</p>
3.0	Main report
	<u>Key Issues</u>
3.1	<p>The areas currently Licensed to provide indoor entertainment and their maximum occupancies are:</p> <ul style="list-style-type: none"> • The Merchant Hotel - 300 • The Cloth Ear - 300 • Ollies Nightclub - 550 • Ollies Garden Room - 20 • Bert's - 240 • Conference Room 1 - 100 • Conference Room 2 - 100 • Conference Room 3 - 100 • Conference Room 1,2 & 3 - 100 • 4th Floor Lounge - 40 • USC Ground Floor Front Bar - 50 • USC Ground Floor Rear Bar - 144 • USC First Floor Rear Bar - 220 • USC First Floor Front Bar - 30
3.2	<p>The days and hours during which entertainment may be provided under the terms of the indoor Entertainments Licence are:</p> <ul style="list-style-type: none"> • Monday to Saturday: 11.30am to 1.00am the following morning, • Sunday: 12.30pm to 12.00midnight.
3.3	<p>In addition to the above standard operating hours entertainment may be provided in Ollie's Nightclub to 3.00am seven days a week and the USC First Floor Rear Bar to 3.00am on Friday and Saturday nights.</p>
3.4	<p>The days and hours during which entertainment is proposed to be provided, are:</p>








	<ul style="list-style-type: none"> Monday to Sunday: 11.30am to 3.00am the following morning.
3.5	Members are reminded that applications to provide indoor entertainment beyond 1.00am are subject to consideration by Committee.
3.6	The applicant has stated that the extension of hours to 3.00am is to fulfil the customers demand for a late night music venue and will be used in conjunction with Article 44a extension to Liquor Licensing hours.
3.7	<p>This premises also has an outdoor entertainments licence for a beer garden with an occupancy of 60 persons. The days and hours during which entertainment may be provided under the terms of the outdoor Entertainments Licence are:</p> <ul style="list-style-type: none"> Monday, Thursday, Friday and Saturday: 11.30am to 1.00am the following morning,
3.8	<p>Layout plans of the premises are attached at Appendix 2.</p> <p><u>Representations</u></p>
3.9	Public notice of the application has been placed and no written representation has been lodged as a result of the advertisement.
	<u>PSNI</u>
3.10	The Police Service of Northern Ireland have been consulted and has confirmed that they have no objection to the application.
3.11	A copy of their correspondence is attached at Appendix 3.
	<u>NIFRS</u>
3.12	The Northern Ireland Fire and Rescue Service have been consulted in relation to the application and has confirmed that they have no objection to the application.
	<u>Health, safety and welfare</u>
3.13	An inspection has been carried out on the premises within the past 12 months and Officers from the Service are satisfied with all safety measures and management procedures.
	<u>Noise</u>
3.14	No noise complaints have been received in relation to the premises in the last 12-month period.
3.15	Members are reminded that the Clean Neighbourhood and Environment Act 2011 gives the council additional powers in relation to the control of entertainment noise after 11.00 pm.
	<u>Applicant</u>
3.16	The applicant, and/or their representatives, will be available at your meeting to answer any queries you may have in relation to the application.

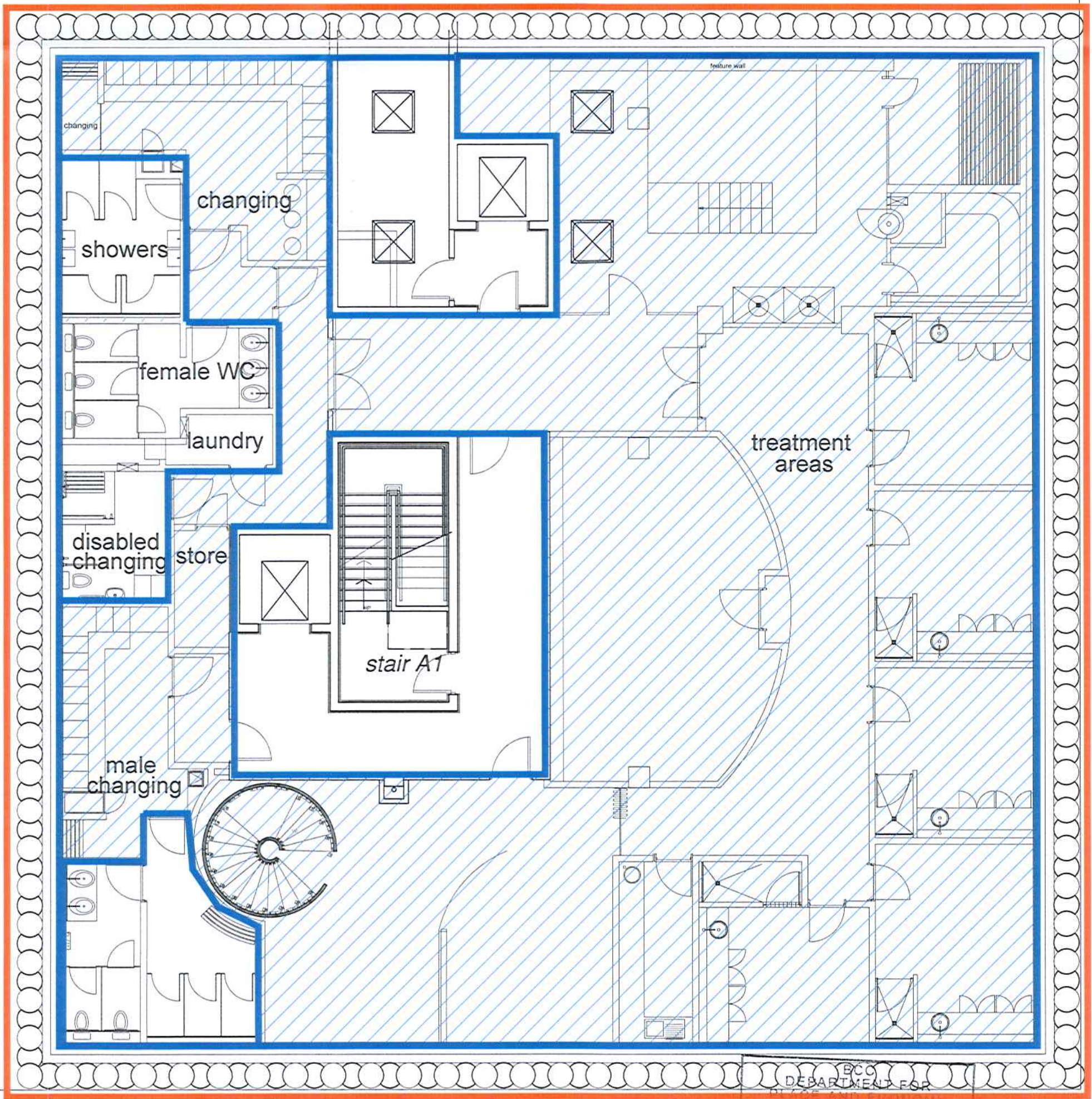
3.17	<p><u>Financial & Resource Implications</u></p> <p>None.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p>
3.18	<p>There are no issues associated with this report.</p>
4.0	<p>Appendices – Documents Attached</p>
	<ul style="list-style-type: none"> • Appendix 1 – Location map • Appendix 2 – Layout Plans • Appendix 3 – PSNI Response

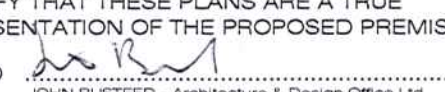


DRAWN BY M Treacy	The Merchant Hotel & Ulster Sports Club 16 Skipper Street	SCALE 1:1250 @ A4
DATE 08/06/2022		

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	Extent of Hotel premises to be included in approved site under the Licensing Order.		Area set apart for the service of main table meals & intoxicating liquor whether to the public or to residents or their guests.		Area relating to an application under Article 44 for additional permitted hours.		Area relating to an application under Article 48 suitable for functions.
	Area in which customers who are not residents or guests may be served intoxicating liquor.		Area relating to an application under Article 59 for a Children's Certificate.		Area in which only residents may be served.		



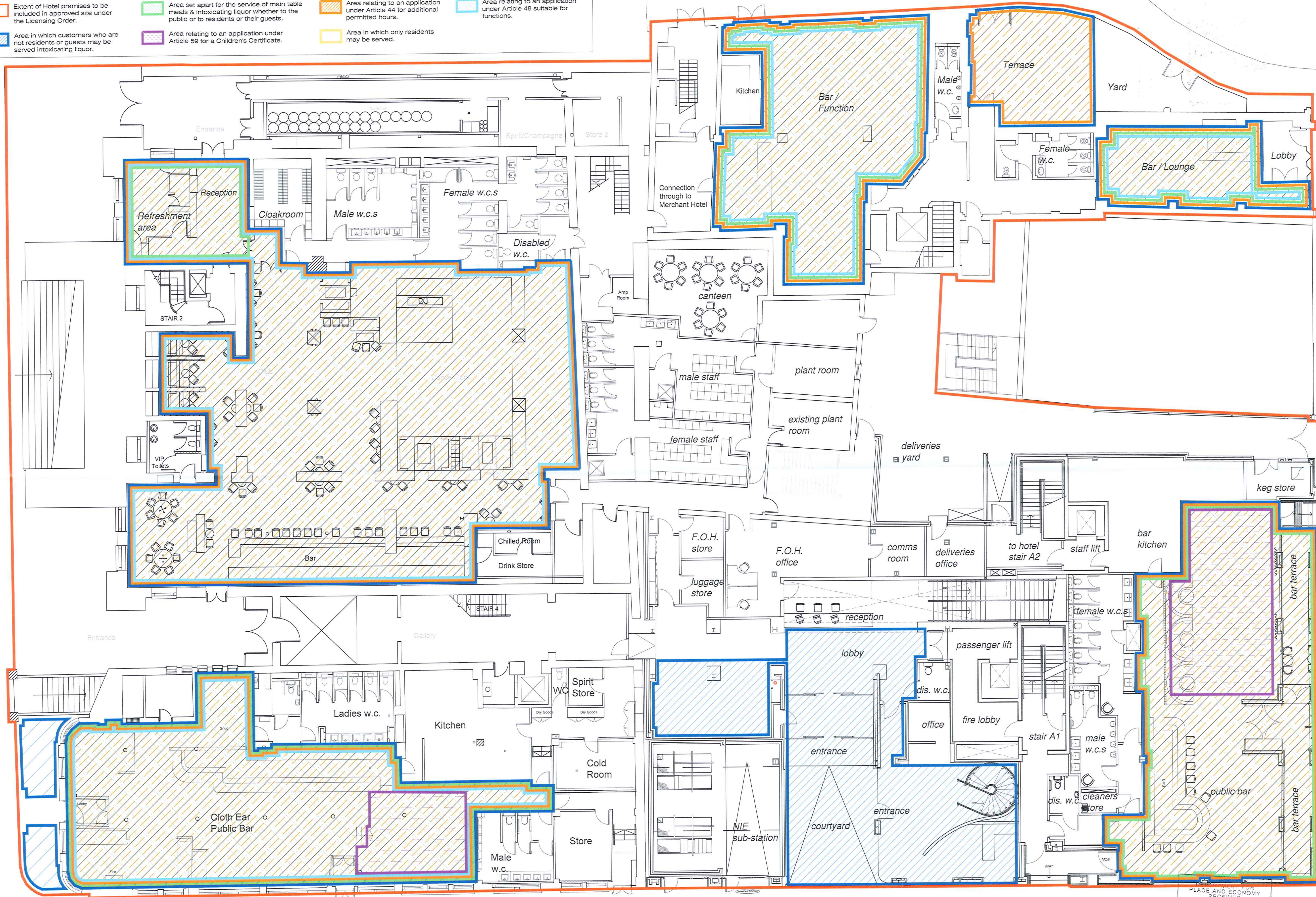
I CERTIFY THAT THESE PLANS ARE A TRUE REPRESENTATION OF THE PROPOSED PREMISES.
 SIGNED 
 JOHN BUSTED - Architecture & Design Office Ltd.
 RIBA ARI
 DATE 27.11.2019

MERCHANT HOTEL BELFAST
PROPOSED BASEMENT FLOOR PLAN
 1:100 @ A1 - November 2019

RECEIVED
 6 DEC 2019

P-01

- Extent of Hotel premises to be included in approved site under the Licensing Order.
- Area set apart for the service of main table meals & intoxicating liquor whether to the public or to residents or their guests.
- Area relating to an application under Article 44 for additional permitted hours.
- Area relating to an application under Article 48 suitable for functions.
- Area in which customers who are not residents or guests may be served intoxicating liquor.
- Area relating to an application under Article 59 for a Children's Certificate.
- Area in which only residents may be served.



I CERTIFY THAT THESE PLANS ARE A TRUE REPRESENTATION OF THE PROPOSED PREMISES.
SIGNED
DATE

5 DEC 2019
MERCHANT HOTEL BELFAST
PROPOSED GROUND FLOOR PLAN
1:100 @ A1 - November 2019

P-02

Extent of Hotel premises to be included in approved site under the Licensing Order.

Area set apart for the service of main table meals & intoxicating liquor whether to the public or to residents or their guests.

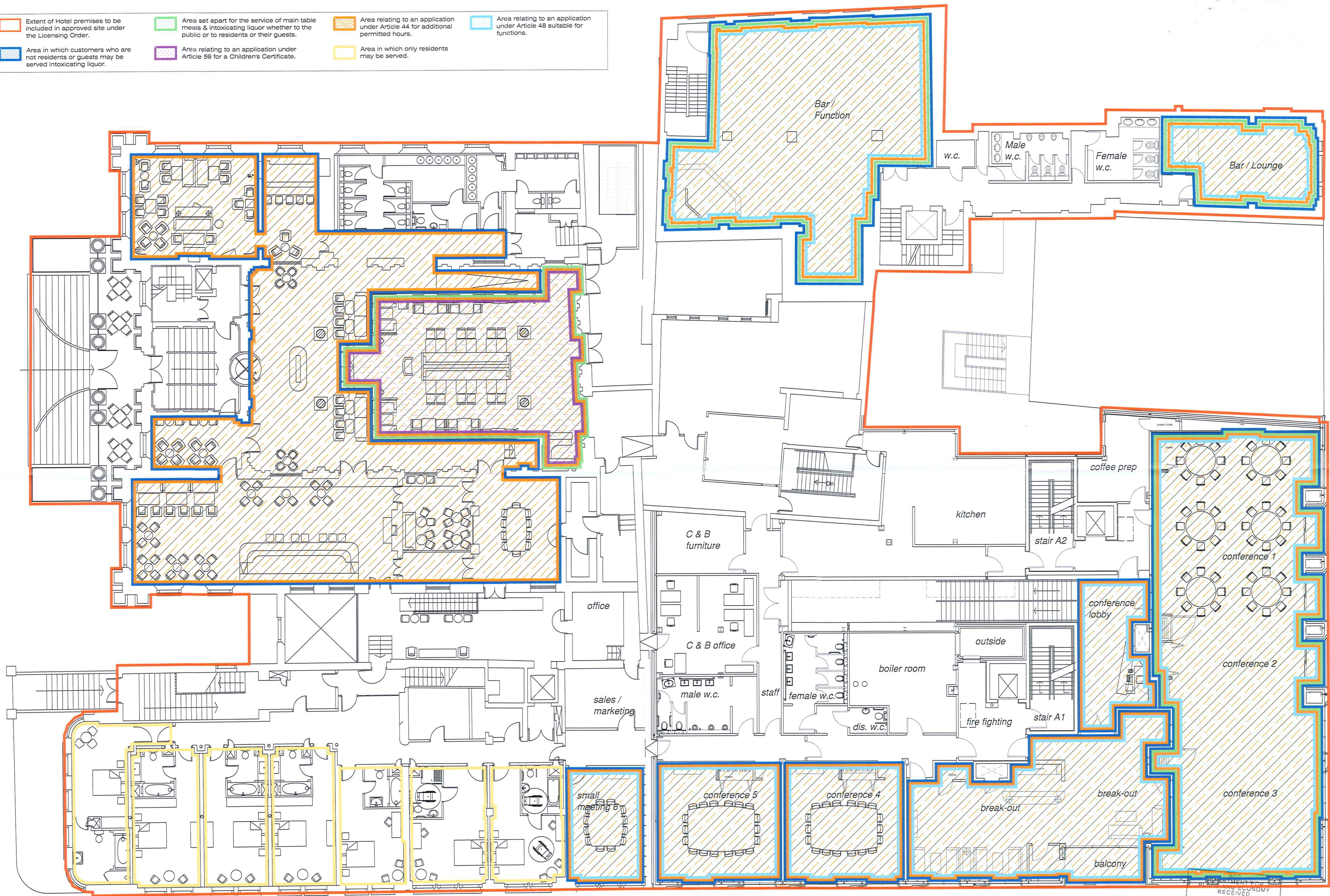
Area relating to an application under Article 44 for additional permitted hours.

Area relating to an application under Article 48 suitable for functions.

Area in which customers who are not residents or guests may be served intoxicating liquor.

Area relating to an application under Article 59 for a Children's Certificate.

Area in which only residents may be served.



I CERTIFY THAT THESE PLANS ARE A TRUE REPRESENTATION OF THE PROPOSED PREMISES.
SIGNED
JOHN BLUSTED - Architecture & Design Office Ltd.
RIBA ARB
DATE 27.11.2019

MERCHANT HOTEL BELFAST
PROPOSED FIRST FLOOR PLAN
1:100 @ A1 - November 2019

BELFAST
PLANNING ECONOMY
RECEIVED
6 DEC 2019

P-03

Extent of Hotel premises to be included in approved site under the Licensing Order.

Area set apart for the service of main table meals & intoxicating liquor whether to the public or to residents or their guests.

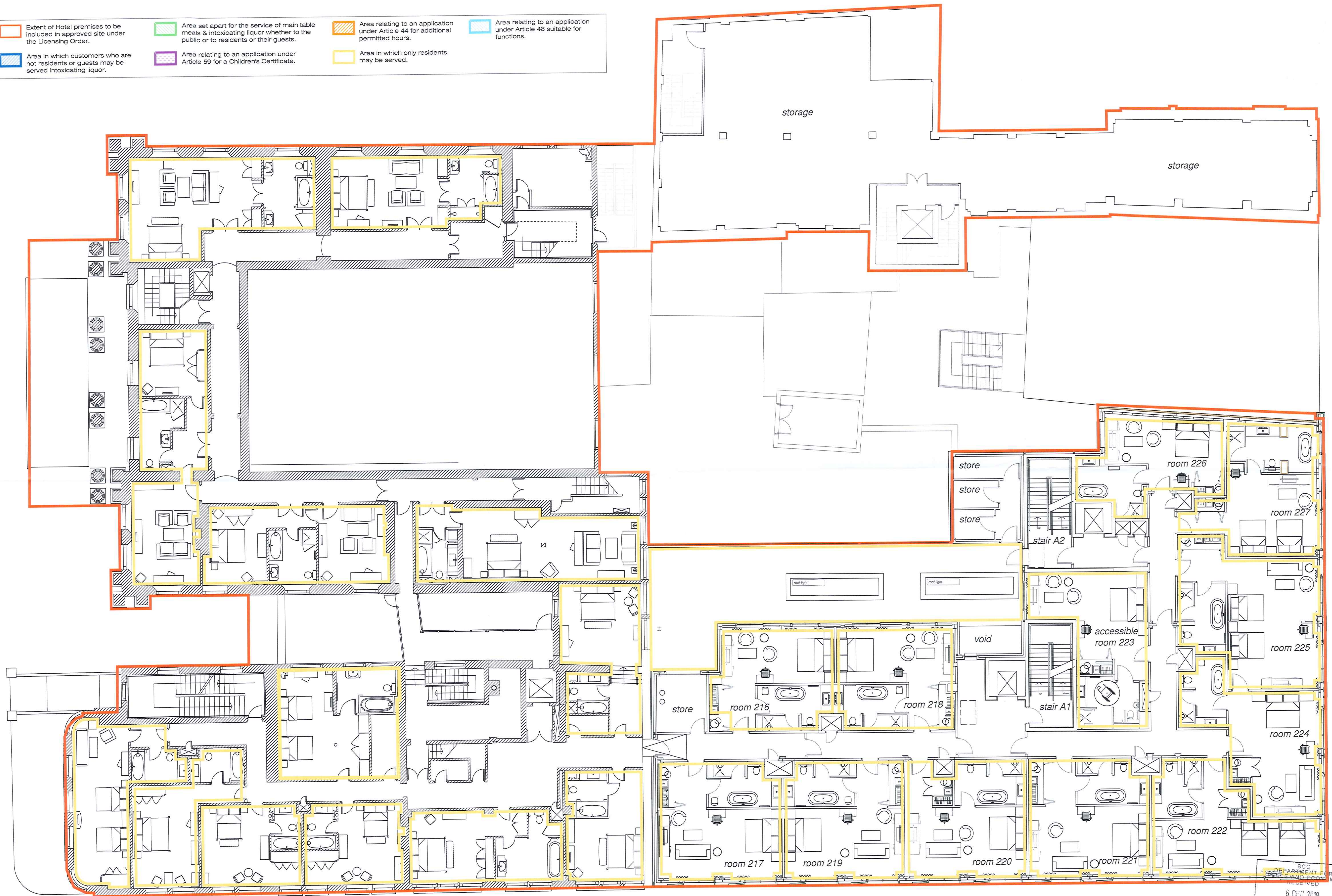
Area relating to an application under Article 44 for additional permitted hours.

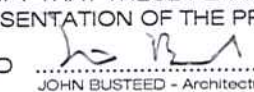
Area relating to an application under Article 48 suitable for functions.

Area in which customers who are not residents or guests may be served intoxicating liquor.

Area relating to an application under Article 59 for a Children's Certificate.

Area in which only residents may be served.



I CERTIFY THAT THESE PLANS ARE A TRUE REPRESENTATION OF THE PROPOSED PREMISES.
SIGNED 
JOHN GULLETT - Architecture & Design Office Ltd.
RIBA ARI
DATE 27.11.2019

MERCHANT HOTEL, BELFAST
PROPOSED SECOND FLOOR PLAN
1:100 @ A1 - November 2019

BELFAST PLANNING
DEPARTMENT FOR
6 DEC 2019
P-04

Extent of Hotel premises to be included in approved site under the Licensing Order.

Area set apart for the service of main table meals & intoxicating liquor whether to the public or to residents or their guests.

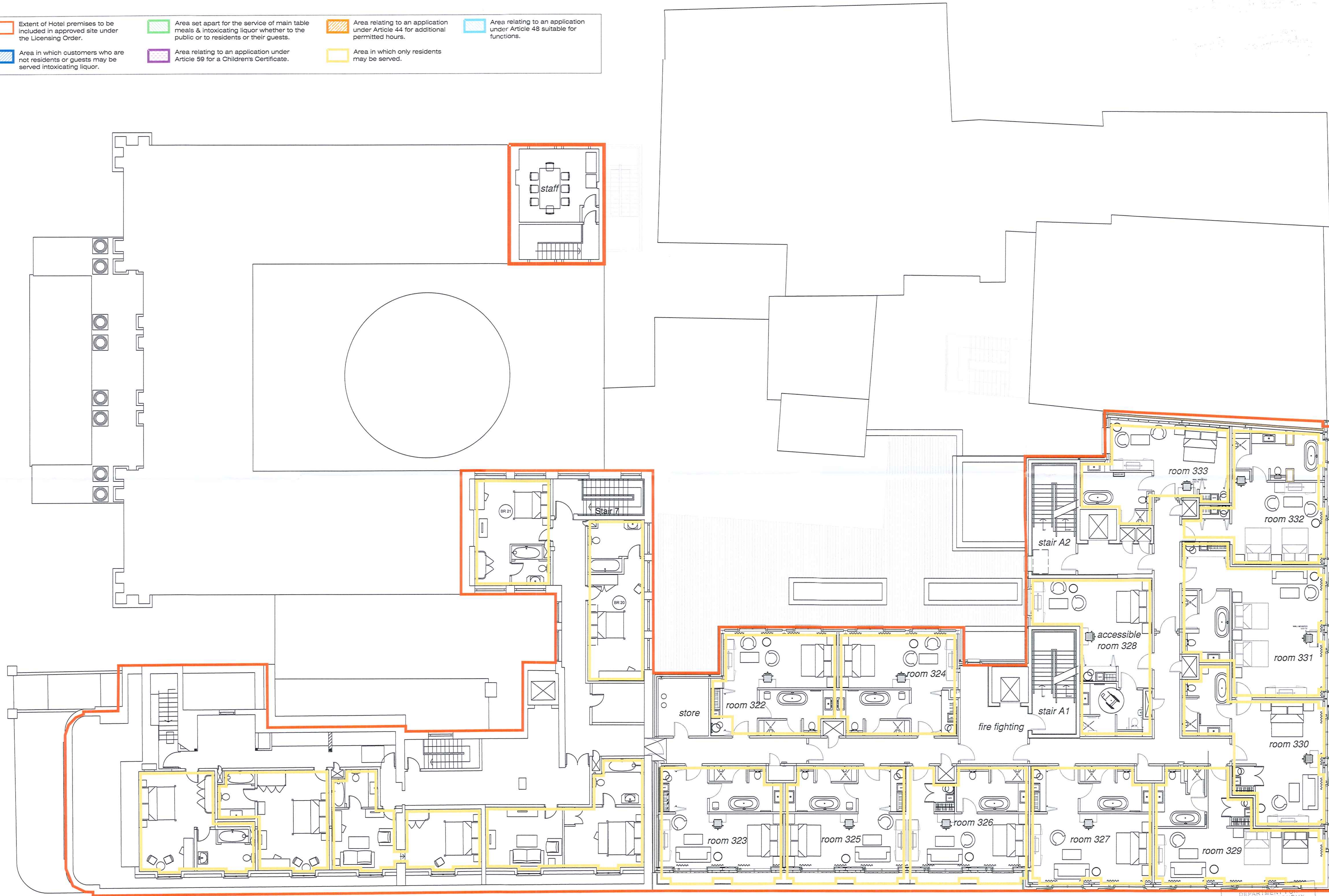
Area relating to an application under Article 44 for additional permitted hours.

Area relating to an application under Article 48 suitable for functions.

Area in which customers who are not residents or guests may be served intoxicating liquor.

Area relating to an application under Article 59 for a Children's Certificate.

Area in which only residents may be served.



I CERTIFY THAT THESE PLANS ARE A TRUE REPRESENTATION OF THE PROPOSED PREMISES.
SIGNED
JOHN BUSTEED - Architecture & Design Office Ltd.
RIBA A102
DATE 27.11.2019

MERCHANT HOTEL, BELFAST
PROPOSED THIRD FLOOR PLAN
1:100 @ A1 - November 2019
P-05

DEPARTMENT OF
PLANNING
RECEIVED
6 DEC 2019

- Extent of Hotel premises to be included in approved site under the Licensing Order.

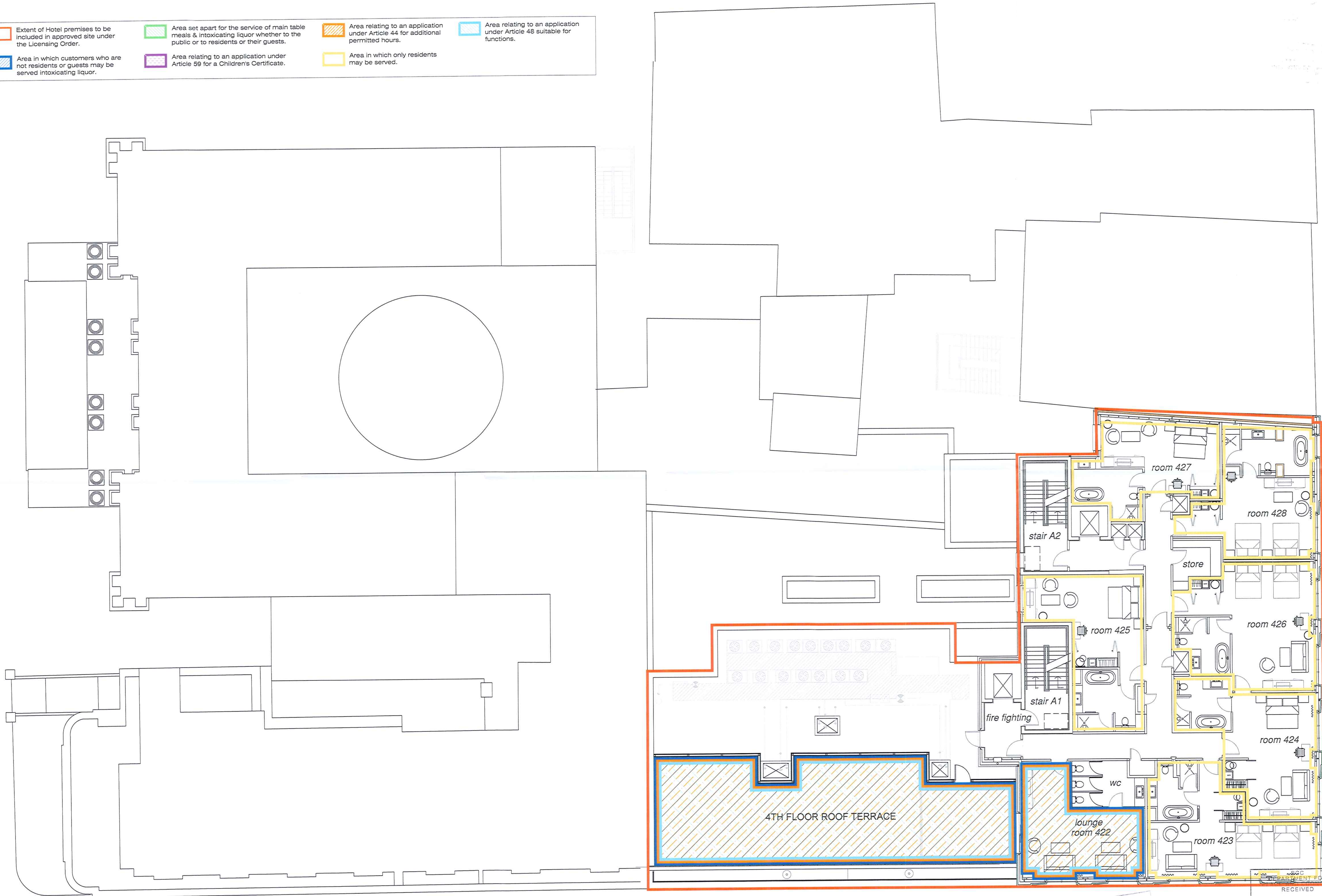
Area set apart for the service of main table meals & intoxicating liquor whether to the public or to residents or their guests.

Area relating to an application under Article 44 for additional permitted hours.

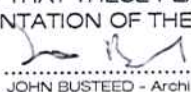
Area relating to an application under Article 48 suitable for functions.
- Area in which customers who are not residents or guests may be served intoxicating liquor.

Area relating to an application under Article 59 for a Childrens Certificate.

Area in which only residents may be served.



I CERTIFY THAT THESE PLANS ARE A TRUE REPRESENTATION OF THE PROPOSED PREMISES.

SIGNED  JOHN GIFFORD - Architecture & Design Office Ltd.

DATE 27.11.2019

MERCHANT HOTEL, BELFAST








PROPOSED FOURTH FLOOR PLAN

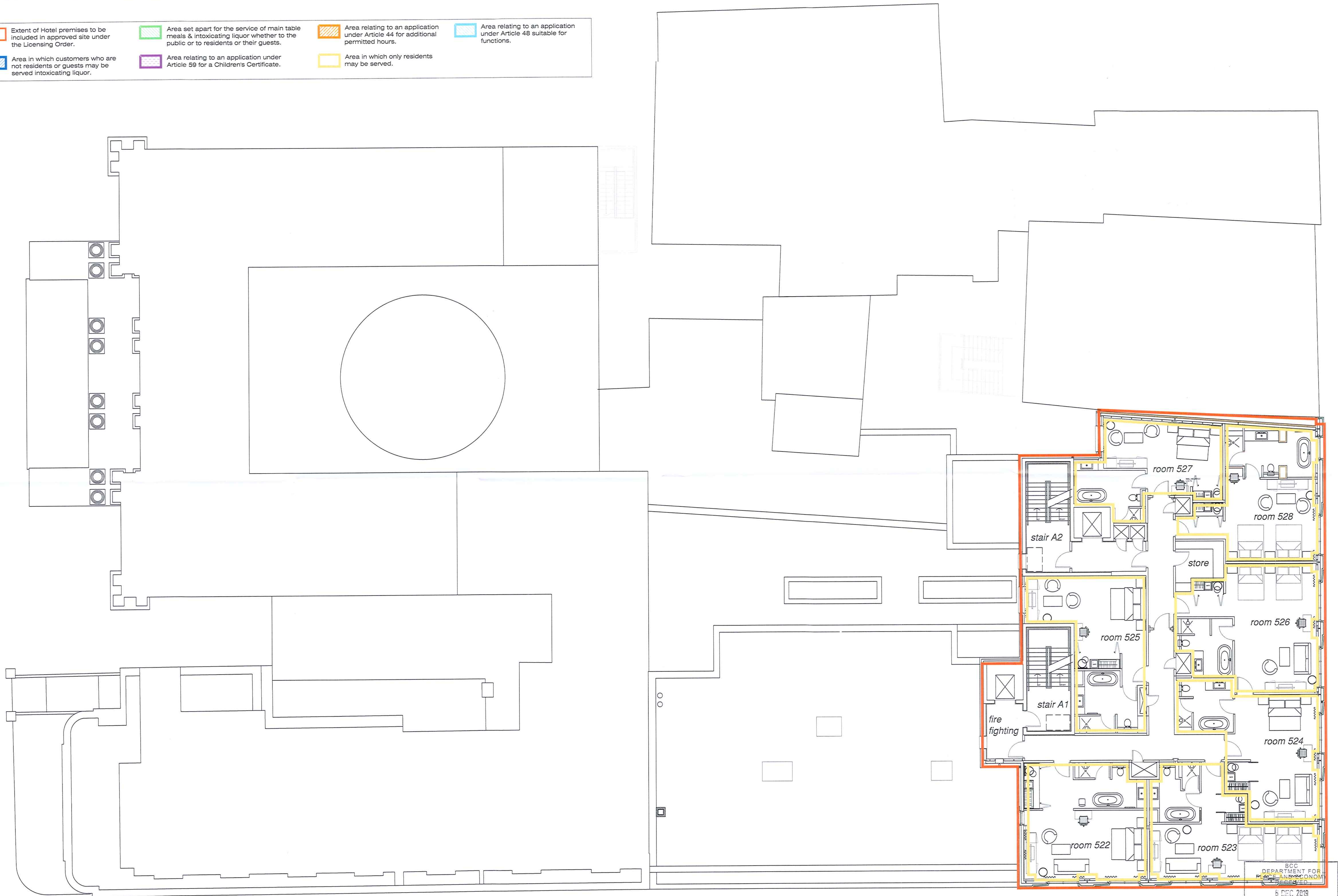
1:100 @ A1 November 2019

RECEIVED 6 DEC 2019

BELFAST PLANNING SERVICE

P-06

 Extent of Hotel premises to be included in approved site under the Licensing Order.	 Area set apart for the service of main table meals & intoxicating liquor whether to the public or to residents or their guests.	 Area relating to an application under Article 44 for additional permitted hours.	 Area relating to an application under Article 48 suitable for functions.
 Area in which customers who are not residents or guests may be served intoxicating liquor.	 Area relating to an application under Article 59 for a Children's Certificate.	 Area in which only residents may be served.	










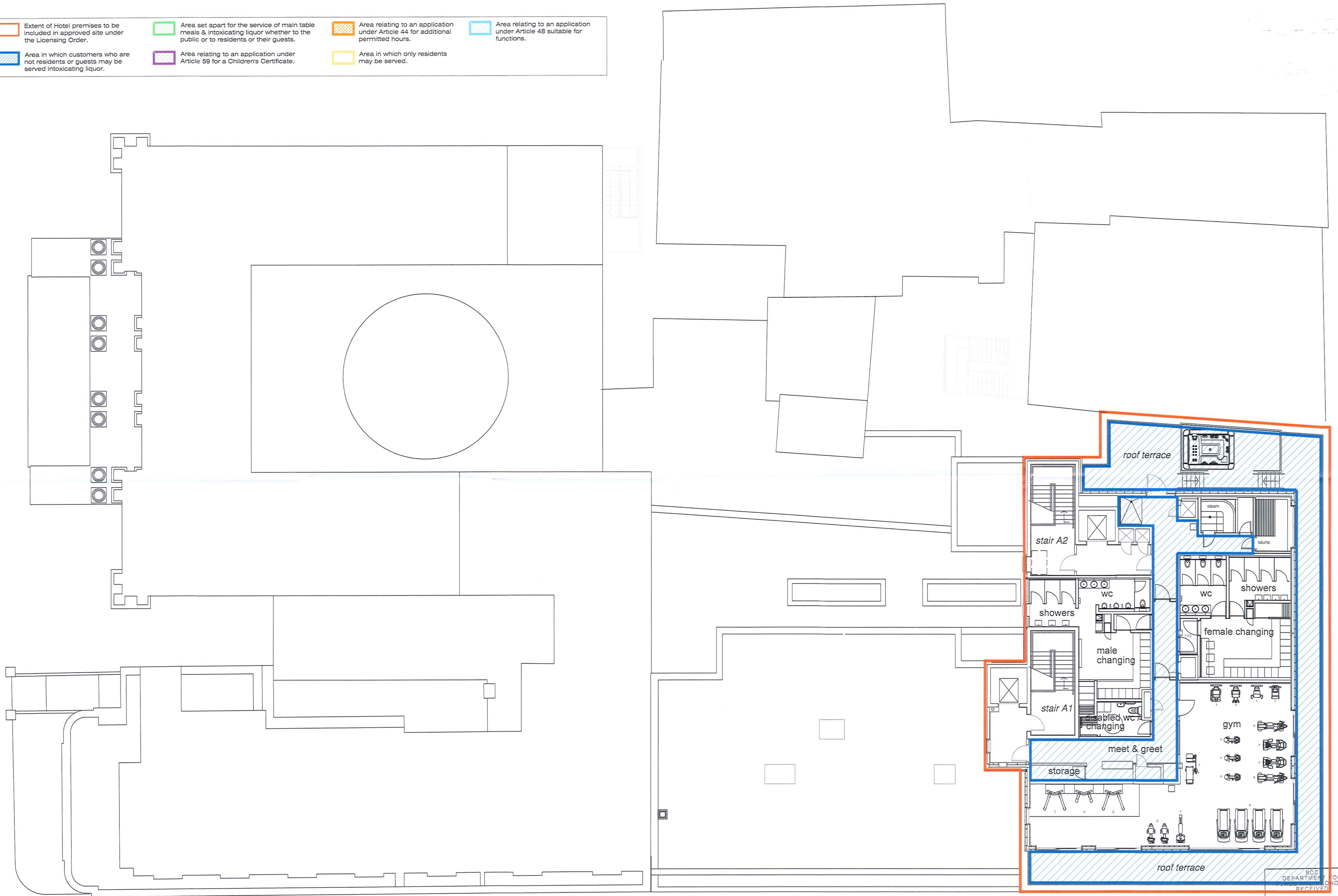
I CERTIFY THAT THESE PLANS ARE A TRUE REPRESENTATION OF THE PROPOSED PREMISES.
SIGNED
JOHN BLUSTEED - Architecture & Design Office Ltd.
RIBA AFB
DATE 27.11.2019

MERCHANT HOTEL, BELFAST
PROPOSED FIFTH FLOOR PLAN
1:100 @ A1 - November 2019

BCC
DEPARTMENT FOR
PLANNING AND
ECONOMY
6 DEC 2019
BELFAST PLANNING
SERVICE

P-07

 Extent of Hotel premises to be included in approved site under the Licensing Order.	 Area set apart for the service of main table meals & intoxicating liquor whether to the public or to residents or their guests.	 Area relating to an application under Article 44 for additional permitted hours.	 Area relating to an application under Article 48 suitable for functions.
 Area in which customers who are not residents or guests may be served intoxicating liquor.	 Area relating to an application under Article 59 for a Children's Certificate.	 Area in which only residents may be served.	



I CERTIFY THAT THESE PLANS ARE A TRUE REPRESENTATION OF THE PROPOSED PREMISES.
 SIGNED
 JOHN BUSTEED - Architecture & Design Office Ltd.
 RIBA A&A
 DATE 27.11.2019

MERCHANT HOTEL, BELFAST
 PROPOSED SIXTH FLOOR PLAN
 1:100 @ A1 - November 2019

BCC DEPARTMENT FOR
 PLANNING & ECONOMY
 RECEIVED
 6 DEC 2019
 BELFAST PLANNING
 SERVICE

P-08



Building Control Service
Ground Floor
Cecil Ward Building
4-10 Linenhall Street
Belfast
BT2 8BP

6th June 2022

Dear Quintin

RE:- Entertainment Licence Variation application
The Merchant Hotel, 16 Skipper Street, Belfast

Further to my letter of the 29th March 2022 please note that there are no current police objections to the above variation application being further considered by Belfast City council, residents, other local business and NIFRS.

Please confirm that all Belfast City Council requirements and conditions including any Building Regulations approvals have been adhered to and that any current, relevant COVID – 19 guidance will be considered by the licence holder.

If the Licences are granted in due course please forward police a copy with any special conditions or restrictions.

Kind Regards

A handwritten signature in black ink, appearing to read 'D. Tolan', with a long horizontal flourish extending to the right.

Donna Tolan
Licensing Officer, Musgrave Station, Belfast

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Subject:	Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority
Date:	15 June 2022
Reporting Officer:	Kevin Bloomfield, NIHMO Manager
Contact Officer:	Vivienne Donnelly, City Protection Manager Kevin Bloomfield, NIHMO Manager

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

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

1.0	Purpose of Report or Summary of main Issues
1.1	Under the Scheme of Delegation, the Director of City & Neighbourhood Services Department is responsible for exercising all powers in relation to the issue and variation, but not refusal, of HMO Licences, excluding provisions relating to the issue of HMO Licences where adverse representations have been made. Those applications which were dealt with under the Scheme are listed below.
2.0	Recommendations
2.1	The Committee is requested to note the applications that have been issued under the Scheme of Delegation during May 2022.

3.0Main report

3.1

Key Issues

Under the terms of the Houses in Multiple Occupation Act (Northern Ireland) 2016 the following HMO Licences were issued during December 2021.

Premise Name	Licensee	Ward	HMO Policy Area or Development Node
12 Surrey Street	Mr Richard Smyth	WINDSOR	MEADOWBANK HMO 2/15
70 Melrose Street	Mrs Cecilia Smyth	WINDSOR	EDINBURGH ST HMO 2/08
78 Melrose Street	Mrs Olwen Smyth	WINDSOR	EDINBURGH ST HMO 2/08
29 Burmah Street	Miss Rachel Smyth	ORMEAU	BALLYNAFEIGH HMO 2/03
39 St Albans Gardens	Mr Nial Jordan	STRANMILLIS	SANDYMOUNT HMO 2/17
Flat 3, 35 Wellesley Avenue	Mr Bradley Hanna	WINDSOR	EGLANTINE HMO 2/09
Flat 2, 8 Wellesley Avenue	Mr Kieran Campbell	WINDSOR	EGLANTINE HMO 2/09
Flat 4 103 Eglantine Avenue	Mr Cathal Diamond	WINDSOR	EGLANTINE HMO 2/09
14 Donnybrook Court	Mr Alistair Steele	WINDSOR	EDINBURGH ST HMO 2/08
Flat 4, 83 Eglantine Avenue	Mr James Harkness	WINDSOR	EGLANTINE HMO 2/09
Flat 2, 83 Eglantine Avenue	Mr James Harkness	WINDSOR	EGLANTINE HMO 2/09
Flat 3, 83 Eglantine Avenue	Mr James Harkness	WINDSOR	EGLANTINE HMO 2/09
Flat 4, 105 Eglantine Avenue	Mr Richard Smyth	WINDSOR	EGLANTINE HMO 2/09
Flat 3, 105 Eglantine Avenue	Mr Richard Smyth	WINDSOR	EGLANTINE HMO 2/09
Flat 2, 105 Eglantine Avenue	Mr Richard Smyth	WINDSOR	EGLANTINE HMO 2/09
Flat 1, 105 Eglantine Avenue	Mr Richard Smyth	WINDSOR	EGLANTINE HMO 2/09
Flat 2, 99 Malone Avenue	Mr Peter Smyth	WINDSOR	EGLANTINE HMO 2/09
77 Lower Windsor Avenue	Mrs Ruth Kirkpatrick	WINDSOR	MEADOWBANK HMO 2/15
71 Great Northern Street	Mr Richard Megaw	WINDSOR	MEADOWBANK HMO 2/15
53 Melrose Street	Mr Mark O'Kane	WINDSOR	EDINBURGH ST HMO 2/08
23 Rathdrum Street	Mr Ross McCartney	WINDSOR	ADELAIDE HMO 2/01
63 Palestine Street	Ms Clare McCafferty	CENTRAL,	HOLYLAND HMO 2/22
49 Lower Windsor Avenue	Mr Bryan Campbell	WINDSOR	MEADOWBANK HMO 2/15
40 St Albans Gardens	Mrs Leslie Ann Sproule	STRANMILLIS	SANDYMOUNT HMO 2/17
Flat 3, 23 Eglantine Gardens	Mr George Humphreys	WINDSOR	EGLANTINE HMO 2/09

Flat 2, 23 Eglantine Gardens	Mr George Humphreys	WINDSOR	EGLANTINE HMO 2/09
Flat 1, 23 Eglantine Gardens	Mr George Humphreys	WINDSOR	EGLANTINE HMO 2/09
57 Northbrook Street	Dr David Cochrane	WINDSOR	EDINBURGH ST HMO 2/08
25 Haypark Avenue	Mr James Patrick Lilly	ORMEAU	BALLYNAFEIGH HMO 2/03
103 Malone Avenue	Miss Rachel Smyth	WINDSOR	EGLANTINE HMO 2/09
41 Fitzroy Avenue	Mrs Sophia (Sophie) Boyle	CENTRAL	HOLYLAND HMO 2/22
73 Fitzwilliam Street	Mr Conan Magee	WINDSOR	FITZWILLIAM HMO 2/10
127 The Mount	Mr Stephen Love T/A Love Rooms	BEERSBRIDGE	NONE
58 Wellesley Avenue	Mr Eddie McGivern	WINDSOR	EGLANTINE HMO 2/09
92 The Cloisters	Mr Michael Glynn	CENTRAL	HOLYLAND HMO 2/22
Flat 4, 33 Malone Avenue	Peel Properties (N.I.) Ltd	WINDSOR	EGLANTINE HMO 2/09
Flat 3, 33 Malone Avenue	Peel Properties (N.I.) Ltd	WINDSOR	EGLANTINE HMO 2/09
Apartment 17, 55-57 Malone Road	Andras House Ltd	WINDSOR	EGLANTINE HMO 2/09
4 Elaine Street	Mr Gareth Ian McKeown	CENTRAL	HOLYLAND HMO 2/22
28 Edinburgh Street	Mrs Janette Duffy	WINDSOR	EDINBURGH ST HMO 2/08
22 Balfour Avenue	Mr Patrick Donnelly	CENTRAL	LOWER ORMEAU HMO 2/13
21 Newington Street	Cosby Limited	ATLANTIC	HMO 2/02, DUNCAIRN
17 Newington Street	Cosby Limited	ATLANTIC	HMO 2/02, DUNCAIRN

Financial & Resource Implications

3.2 None

Equality or Good Relations Implications/Rural Needs Assessment

3.3 There are no issues associated with this report.

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Subject:	Application for a New Licence to operate a House of Multiple Occupation for Flat 1, 3 Ireton Street, Belfast, BT7 1LH
Date:	15 June 2022
Reporting Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910
Contact Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, Divisional Solicitor, Ext. 6049

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

1.0	Purpose of Report or Summary of main Issues			
1.1	To consider an application for a Licence permitting the use of premises as a House in Multiple Occupation (HMO).			
	Premises	Application No.	Applicant(s)	Managing Agents
	Flat 1, 3 Ireton Street, Belfast, BT7 1LH	9107	Mr Michael Clarke	Anthony Jamieson Estate Agents
1.2	Members are reminded that licences are issued for a 5-year period with standard conditions. Where it is considered necessary to do so, the Committee can also impose special conditions.			
	<u>Background</u>			
1.3	The property had the benefit of an HMO licence granted by the Northern Ireland Housing Executive ("NIHE") which expired on the 28 February 2021.			
1.4	Mr. Clarke applied to renew his licence on the 23 February 2021, however on the 26 March 2021 he emailed the NIHMO Unit withdrawing the application "due to a recent outcome with a separate HMO application". (Appendix 2)			
1.5	The outcome of the application referenced in Mr. Clarke's email of the 26 March 2021 is summarised in Appendix 3 .			
1.6	On the 21 February 2022 Mr. Clarke submitted an application for a new HMO licence for the accommodation.			

2.0	Recommendations
2.1	<p>Taking into account the information presented Committee is asked to hear from the Applicant and make a decision to either:</p> <ul style="list-style-type: none"> (i) Grant the application, with or without any special conditions; or (ii) Refuse the application.
2.2	<p>If the application is refused, the Applicants have a right of appeal to the County Court. Such an appeal must be lodged within 28 days of formal notification of the decision.</p>
3.0	Main report
	<p><u>Key Issues</u></p>
3.1	<p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that:</p> <ul style="list-style-type: none"> a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control; b) the owner, and any managing agent of it, are fit and proper persons; c) the proposed management arrangements are satisfactory); d) the granting of the licence will not result in overprovision of HMOs in the locality; e) the living accommodation is fit for human habitation and— <ul style="list-style-type: none"> (i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or (ii) can be made so suitable by including conditions in the licence. <p><u>Planning</u></p>
3.2	<p>As this is a new application the Council’s Planning Service was consulted. It confirmed that a Certificate of Lawful Existing Use or Development (“CLEUD”) was granted with the planning reference LA04/2021/1955/LDE.</p> <p><u>Fitness</u></p>
3.3	<p>When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.</p>
3.4	<p>The NIHMO Unit has consulted with the following units within the Council’s City and Neighbourhood Services Department –</p> <ul style="list-style-type: none"> (a) Environmental Protection Unit (“EPU”) - who have confirmed that in relation to night-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years, (b) Environmental Protection Unit (“EPU”) - who have confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,

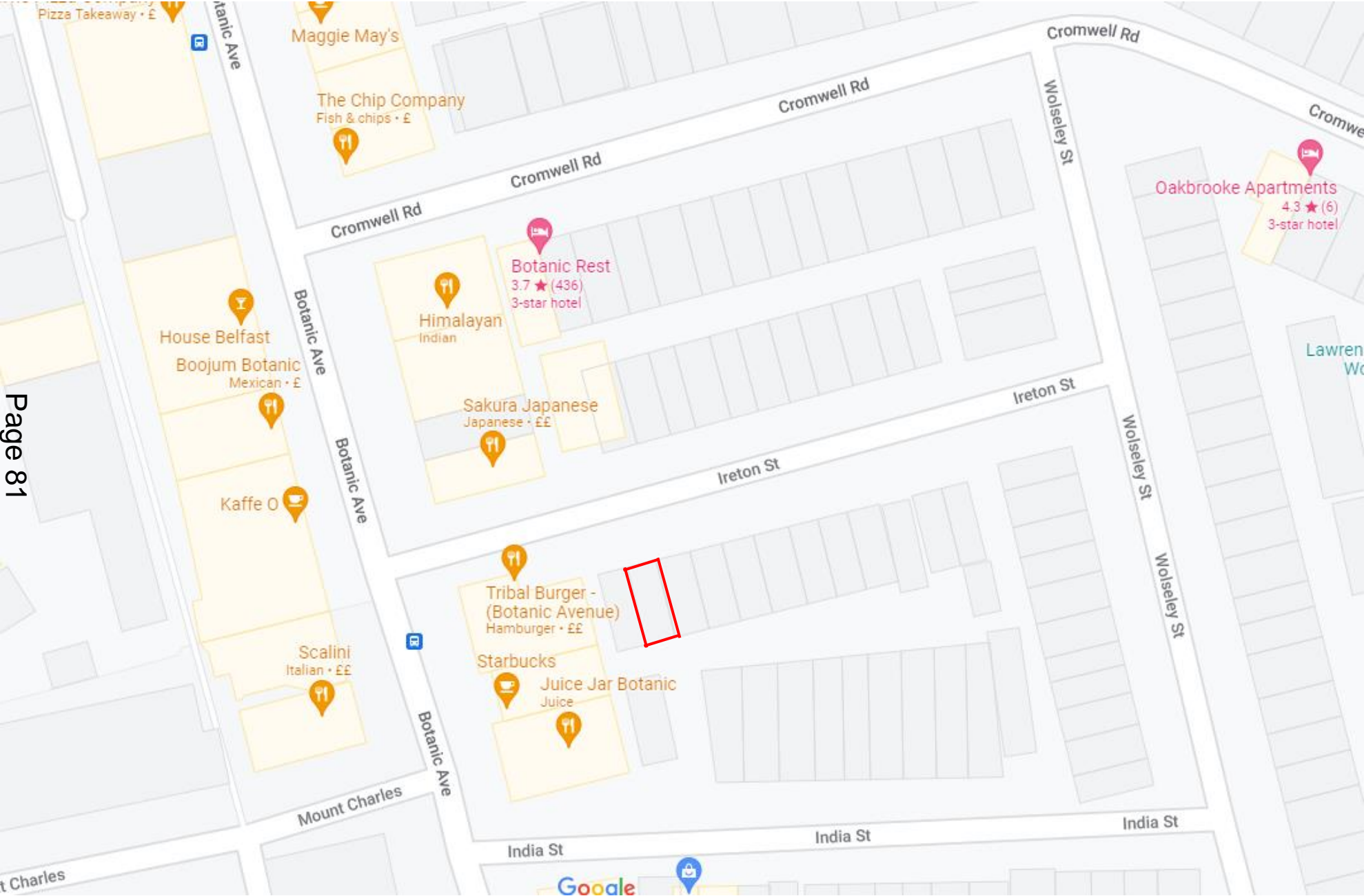
	<p>(c) Public Health and Housing Unit ("PHHU") - who have confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(d) Enforcement Unit ("EU") - who have confirmed that in relation to litter and waste, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p>
3.5	The Applicants and Managing Agent have confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.3 of this report.
3.6	<p>The Applicant or Managing Agent have not been convicted of any HMO related offences by the Council. The EPU, PHHU and EU, solely in respect of their statutory functions, have confirmed that there are no relevant, previous convictions in respect of the Applicant, Managing Agent or occupants. Due to data protection issues which have recently arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue.</p> <p><u>Overprovision</u></p>
3.7	For the purpose of determining whether or not the granting of a licence would result in an overprovision of HMOs in the locality of the accommodation, and in order to ensure consistency as both a planning and licensing authority the locality was defined as being HMO Policy Area "HMO 2/22 Botanic, Holylands, Rugby" as defined in the document "Houses in Multiple Occupation (HMO's) Subject Plan for Belfast City Council Area 2015".
3.8	Legal Services has advised that there is a clear requirement in section 8 of the 2016 Act upon the Council to be satisfied that the granting of a licence will not result in overprovision.
3.9	On the date of assessment, 12 May 2022 there were a total of 1107 licensed HMOs in HMO policy area "HMO 2/22 Botanic, Holylands, Rugby" which equates to approximately 46% of the total dwelling units, which in turn exceeds the 30% development limit as set out at Policy HMO 1. The 1107 licensed HMOs have a capacity of 5026 persons.
3.10	The total number of dwelling units in a Policy Area is measured by Ordnance Survey's Pointer database.
3.11	The Council must also consider the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need.
3.12	The Council recognises that there is a need for intensive forms of housing and to meet this need, HMOs are an important component of this housing provision. HMOs, alongside other accommodation options within the private rented sector, play an important role in meeting the housing needs of people who are single, who have temporary employment, students, low-income households and, more recently, migrant workers.
3.13	In September 2017, The Housing Executive published the document "Housing Market Analysis Update – Belfast City Council Area" which states "HMOs form an important element of the PRS, particularly for younger people on low incomes and for single people, under the age of 35, affected by the limitation of housing benefit to the shared room rate. Anecdotal evidence also indicates that this has been a popular sector with migrant workers."
3.14	On the 04 May 2022 there were 25 licensed HMOs advertised for let on the website Property News in HMO policy area "HMO 2/22 Botanic, Holylands, Rugby", <i>from the information provided on the website this represented 95 bed spaces</i> . The advertisements indicated that

	availability of the accommodation varied from 2 HMOs for immediate occupancy, representing 6 bed spaces, with the rest available for occupancy at various times until the 29 September 2022.
3.15	Anecdotal evidence from conversations with HMO managing agents suggest that there is currently a lack of HMO accommodation available in the locality.
3.16	The fact the use of the property as an HMO is permitted for planning purposes is a relevant consideration in determining whether the grant of this licence will result in overprovision. There is an argument that it may not do so as the premises are already being used as an HMO.
3.17	However, it should be borne in mind that planning permission was granted on the basis that the use had been established for 5 or more years and was therefore immune to enforcement. No assessment of overprovision was made at that time. Given the level of licensed HMO properties in this locality as set out above it would be highly unlikely that a planning application for a new HMO in the area would be successful as the thresholds in the 2015 Plan have been significantly exceeded.
3.18	Officers are therefore of the opinion that it is too early to tell whether there is a temporary lack of HMO accommodation in the locality or evidence of an emerging long-term supply issue.
	<u>Objections</u>
3.19	No objections have been received in relation to this application.
	<u>Attendance</u>
3.20	The applicant and/or their representatives will be available to discuss any matters relating to the licence application should they arise during your meeting.
	<u>Suitability of the premises</u>
3.21	The accommodation was certified as complying with the physical standards for an HMO by a technical officer from the NIHMO service on the 16 April 2022
	<u>Notice of proposed decision</u>
3.22	On the 17 May 2022, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016, Officers issued a Notice of Proposed Decision to the Applicant setting out the terms of the proposed licence. Appendix 4
3.23	The Notice of Proposed Decision stated that the council proposed to refuse the licence on the grounds of overprovision. A statement of reasons for the proposal was included in the Notice of Proposed Decision.
	<u>Applicant's response to the notice of proposed decision</u>
3.24	On the 1 June 2022 Logan & Corry Solicitors on behalf of the applicant submitted a written response to the notice of proposed decision (Appendix 5).
3.25	Reference is made to the perceived lack of accommodation in the locality and to protests by students at Stormont in September 2021. They also suggest that PBMSA according to the NUS-USI is not the answer to the perceived supply issue due to cost considerations.

3.26	Logan & Corry submits that the Council's approach to the proposed decision is misguided and amounts to an error of law. The question is not whether this is a temporary problem or a long-term problem. The only question is whether there is a problem (i.e. a lack of HMO accommodation) at the time that the Applicant's application is determined.
3.27	<p>They further suggest that the Council rationale for refusing the application on the grounds of overprovision appears to be based wholly on the document "Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015, stating the document does not take into account the need for HMO accommodation in the area at this time. They state that the inference from the notice of proposed decision is that the Council has treated itself as bound by the Plan, or at the very least afforded the Plan irrational weight.</p> <p><u>Officers' comments further to the applicant's response</u></p>
3.28	As the current application was received after the expiry of the previous licence this application is a new licence application and, in accordance with Section 8(2)(d) of the 2016 Act, the Council may grant the licence only if it is satisfied that the granting of the licence will not result in over provision of HMOs in the locality in which the living accommodation is situated.
3.29	When considering over provision the council must have regard to: (a) the number and capacity of licensed HMOs in the locality; (b) the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need; and, (c) such other matters as the Department may by regulations specify.
3.30	Officers recognise that there is a high demand for HMO type accommodation in HMO policy area "HMO 2/22 Botanic, Holylands, Rugby" at this time. However, in Officers view the evidence available does not demonstrate a clear need for HMO accommodation at this time. The Committee is entitled to adopt a precautionary approach as this is the only occasion in respect of which overprovision can be taken into account in an area where the level of HMO accommodation already exceeds the limit set out in the HMO Subject Plan by over 50%.
3.31	In relation to the criticism regarding reliance upon the HMO Subject Plan, it appears that the applicant's solicitor has misunderstood the nature of this document. It is not an internal Council Policy. It is a publicly available planning policy document which is used to assess planning applications for HMOs in Belfast. The overall aim of the Subject Plan is to provide a planning framework for HMO development in facilitating sustainable growth and encouraging balanced communities by promoting a mix of housing tenures and types and the creation of quality-built environments which contribute to the achievement of safe, complete and balanced communities for people to live in.
3.32	<p>Officers are of the view that it is entirely reasonable and rationale to use this Plan as a basis for assessing overprovision. This allows for some level of certainty for property owners, prospective purchasers and the general public in relation to the acceptable level of HMO properties in a particular area. Regardless of the fact that the Council did not draft this document, it is a material consideration and one which the Council is entitled to have regard to. The weight to be attached to the HMO Subject Plan is a matter for the Committee having regard to all other material considerations.</p> <p>Financial and Resource Implications</p>
3.33	None. The cost of assessing the application and officer inspections are provided for within existing budgets.

3.34	Equality and Good Relations Implications There are no equality or good relations issues associated with this report.
4.0	Appendices – Documents Attached
	<ul style="list-style-type: none"> • Appendix 1 – Location Map • Appendix 2 – Email received on 26 March 2021 • Appendix 3 – Outcome of the application referenced in Mr. Clarke’s email of the 26 March 2021 • Appendix 4 – Notice of Proposed Decision dated 17 May 2022 • Appendix 5 – Applicant’s response to proposed decision

Appendix 1 – Location Map – 3 Ireton Street, Belfast, BT7 1LH



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By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

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Subject:	Application for a New Licence to operate a House of Multiple Occupation for Flat 2, 3 Ireton Street, Belfast, BT7 1LH
Date:	15 June 2022
Reporting Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910
Contact Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, Divisional Solicitor, Ext. 6049

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

1.0	Purpose of Report or Summary of main Issues			
1.1	To consider an application for a Licence permitting the use of premises as a House in Multiple Occupation (HMO).			
	Premises	Application No.	Applicant(s)	Managing Agents
	Flat 2, 3 Ireton Street, Belfast, BT7 1LH	9108	Mr Michael Clarke	Anthony Jamieson Estate Agents
1.2	Members are reminded that licences are issued for a 5-year period with standard conditions. Where it is considered necessary to do so, the Committee can also impose special conditions.			
	<u>Background</u>			
1.3	The property had the benefit of an HMO licence granted by the Northern Ireland Housing Executive ("NIHE") which expired on the 28 February 2021.			
1.4	Mr. Clarke applied to renew his licence on the 23 February 2021, however on the 26 March 2021 he emailed the NIHMO Unit withdrawing the application "due to a recent outcome with a separate HMO application". (Appendix 2)			
1.5	The outcome of the application referenced in Mr. Clarke's email of the 26 March 2021 is summarised in Appendix 3 .			
1.6	On the 21 February 2022 Mr. Clarke submitted an application for a new HMO licence for the accommodation.			

2.0	Recommendations
2.1	<p>Taking into account the information presented Committee is asked to hear from the Applicant and make a decision to either:</p> <ul style="list-style-type: none"> (i) Grant the application, with or without any special conditions; or (ii) Refuse the application.
2.2	If the application is refused, the Applicants have a right of appeal to the County Court. Such an appeal must be lodged within 28 days of formal notification of the decision.
3.0	Main report
	<u>Key Issues</u>
3.1	<p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that:</p> <ul style="list-style-type: none"> a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control; b) the owner, and any managing agent of it, are fit and proper persons; c) the proposed management arrangements are satisfactory); d) the granting of the licence will not result in overprovision of HMOs in the locality; e) the living accommodation is fit for human habitation and— <ul style="list-style-type: none"> (i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or (ii) can be made so suitable by including conditions in the licence. <p><u>Planning</u></p>
3.2	<p>As this is a new application the Council's Planning Service was consulted. It confirmed that a Certificate of Lawful Existing Use or Development ("CLEUD") was granted with the planning reference LA04/2021/1955/LDE.</p> <p><u>Fitness</u></p>
3.3	<p>When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.</p>
3.4	<p>The NIHMO Unit has consulted with the following units within the Council's City and Neighbourhood Services Department –</p> <ul style="list-style-type: none"> (a) Environmental Protection Unit ("EPU") - who have confirmed that in relation to night-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years, (b) Environmental Protection Unit ("EPU") - who have confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,

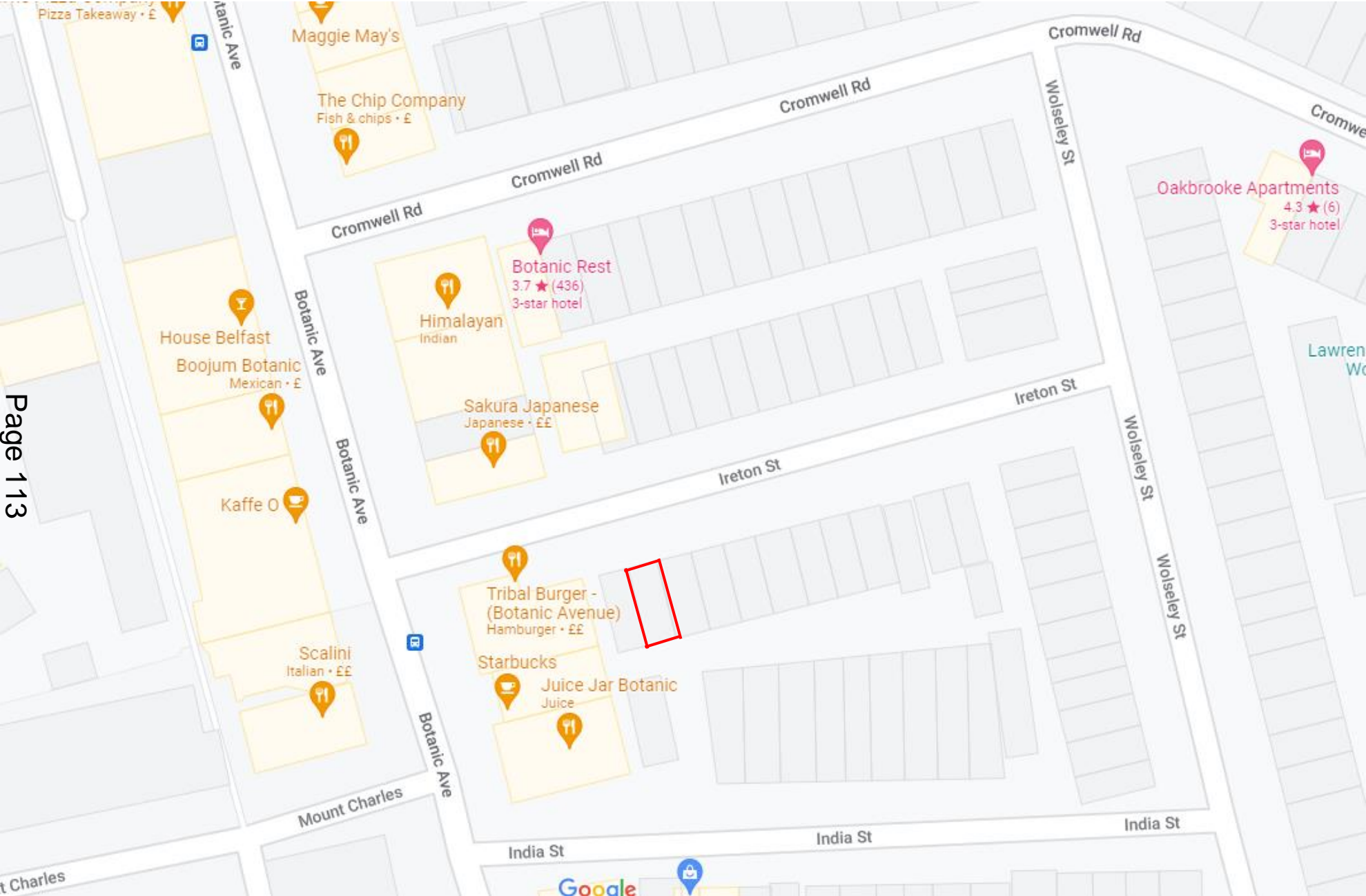
	<p>(c) Public Health and Housing Unit ("PHHU") - who have confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(d) Enforcement Unit ("EU") - who have confirmed that in relation to litter and waste, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p>
3.5	The Applicants and Managing Agent have confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.3 of this report.
3.6	<p>The Applicant or Managing Agent have not been convicted of any HMO related offences by the Council. The EPU, PHHU and EU, solely in respect of their statutory functions, have confirmed that there are no relevant, previous convictions in respect of the Applicant, Managing Agent or occupants. Due to data protection issues which have recently arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue.</p> <p><u>Overprovision</u></p>
3.7	For the purpose of determining whether or not the granting of a licence would result in an overprovision of HMOs in the locality of the accommodation, and in order to ensure consistency as both a planning and licensing authority the locality was defined as being HMO Policy Area "HMO 2/22 Botanic, Holylands, Rugby" as defined in the document "Houses in Multiple Occupation (HMO's) Subject Plan for Belfast City Council Area 2015".
3.8	Legal Services has advised that there is a clear requirement in section 8 of the 2016 Act upon the Council to be satisfied that the granting of a licence will not result in overprovision.
3.9	On the date of assessment, 12 May 2022 there were a total of 1107 licensed HMOs in HMO policy area "HMO 2/22 Botanic, Holylands, Rugby" which equates to approximately 46% of the total dwelling units, which in turn exceeds the 30% development limit as set out at Policy HMO 1. The 1107 licensed HMOs have a capacity of 5026 persons.
3.10	The total number of dwelling units in a Policy Area is measured by Ordnance Survey's Pointer database.
3.11	The Council must also consider the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need.
3.12	The Council recognises that there is a need for intensive forms of housing and to meet this need, HMOs are an important component of this housing provision. HMOs, alongside other accommodation options within the private rented sector, play an important role in meeting the housing needs of people who are single, who have temporary employment, students, low-income households and, more recently, migrant workers.
3.13	In September 2017, The Housing Executive published the document "Housing Market Analysis Update – Belfast City Council Area" which states "HMOs form an important element of the PRS, particularly for younger people on low incomes and for single people, under the age of 35, affected by the limitation of housing benefit to the shared room rate. Anecdotal evidence also indicates that this has been a popular sector with migrant workers."
3.14	On the 04 May 2022 there were 25 licensed HMOs advertised for let on the website Property News in HMO policy area "HMO 2/22 Botanic, Holylands, Rugby", <i>from the information provided on the website this represented 95 bed spaces</i> . The advertisements indicated that

	availability of the accommodation varied from 2 HMOs for immediate occupancy, representing 6 bed spaces, with the rest available for occupancy at various times until the 29 September 2022.
3.15	Anecdotal evidence from conversations with HMO managing agents suggest that there is currently a lack of HMO accommodation available in the locality.
3.16	The fact the use of the property as an HMO is permitted for planning purposes is a relevant consideration in determining whether the grant of this licence will result in overprovision. There is an argument that it may not do so as the premises are already being used as an HMO.
3.17	However, it should be borne in mind that planning permission was granted on the basis that the use had been established for 5 or more years and was therefore immune to enforcement. No assessment of overprovision was made at that time. Given the level of licensed HMO properties in this locality as set out above it would be highly unlikely that a planning application for a new HMO in the area would be successful as the thresholds in the 2015 Plan have been significantly exceeded.
3.18	Officers are therefore of the opinion that it is too early to tell whether there is a temporary lack of HMO accommodation in the locality or evidence of an emerging long-term supply issue.
	<u>Objections</u>
3.19	No objections have been received in relation to this application.
	<u>Attendance</u>
3.20	The applicant and/or their representatives will be available to discuss any matters relating to the licence application should they arise during your meeting.
	<u>Suitability of the premises</u>
3.21	The accommodation was certified as complying with the physical standards for an HMO by a technical officer from the NIHMO service on the 16 April 2022
	<u>Notice of proposed decision</u>
3.22	On the 17 May 2022, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016, Officers issued a Notice of Proposed Decision to the Applicant setting out the terms of the proposed licence. Appendix 4
3.23	The Notice of Proposed Decision stated that the council proposed to refuse the licence on the grounds of overprovision. A statement of reasons for the proposal was included in the Notice of Proposed Decision.
	<u>Applicant's response to the notice of proposed decision</u>
3.24	On the 1 June 2022 Logan & Corry Solicitors on behalf of the applicant submitted a written response to the notice of proposed decision (Appendix 5).
3.25	Reference is made to the perceived lack of accommodation in the locality and to protests by students at Stormont in September 2021. They also suggest that PBMSA according to the NUS-USI is not the answer to the perceived supply issue due to cost considerations.

3.26	Logan & Corry submits that the Council's approach to the proposed decision is misguided and amounts to an error of law. The question is not whether this is a temporary problem or a long-term problem. The only question is whether there is a problem (i.e. a lack of HMO accommodation) at the time that the Applicant's application is determined.
3.27	<p>They further suggest that the Council rationale for refusing the application on the grounds of overprovision appears to be based wholly on the document "Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015, stating the document does not take into account the need for HMO accommodation in the area at this time. They state that the inference from the notice of proposed decision is that the Council has treated itself as bound by the Plan, or at the very least afforded the Plan irrational weight.</p> <p><u>Officers' comments further to the applicant's response</u></p>
3.28	As the current application was received after the expiry of the previous licence this application is a new licence application and, in accordance with Section 8(2)(d) of the 2016 Act, the Council may grant the licence only if it is satisfied that the granting of the licence will not result in over provision of HMOs in the locality in which the living accommodation is situated.
3.29	When considering over provision the council must have regard to: (a) the number and capacity of licensed HMOs in the locality; (b) the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need; and, (c) such other matters as the Department may by regulations specify.
3.30	Officers recognise that there is a high demand for HMO type accommodation in HMO policy area "HMO 2/22 Botanic, Holylands, Rugby" at this time. However, in Officers view the evidence available does not demonstrate a clear need for HMO accommodation at this time. The Committee is entitled to adopt a precautionary approach as this is the only occasion in respect of which overprovision can be taken into account in an area where the level of HMO accommodation already exceeds the limit set out in the HMO Subject Plan by over 50%.
3.31	In relation to the criticism regarding reliance upon the HMO Subject Plan, it appears that the applicant's solicitor has misunderstood the nature of this document. It is not an internal Council Policy. It is a publicly available planning policy document which is used to assess planning applications for HMOs in Belfast. The overall aim of the Subject Plan is to provide a planning framework for HMO development in facilitating sustainable growth and encouraging balanced communities by promoting a mix of housing tenures and types and the creation of quality-built environments which contribute to the achievement of safe, complete and balanced communities for people to live in.
3.32	<p>Officers are of the view that it is entirely reasonable and rationale to use this Plan as a basis for assessing overprovision. This allows for some level of certainty for property owners, prospective purchasers and the general public in relation to the acceptable level of HMO properties in a particular area. Regardless of the fact that the Council did not draft this document, it is a material consideration and one which the Council is entitled to have regard to. The weight to be attached to the HMO Subject Plan is a matter for the Committee having regard to all other material considerations.</p> <p>Financial and Resource Implications</p>
3.33	None. The cost of assessing the application and officer inspections are provided for within existing budgets.

3.34	Equality and Good Relations Implications There are no equality or good relations issues associated with this report.
4.0	Appendices – Documents Attached
	<ul style="list-style-type: none"> • Appendix 1 – Location Map • Appendix 2 – Email received on 26 March 2021 • Appendix 3 – Outcome of the application referenced in Mr. Clarke’s email of the 26 March 2021 • Appendix 4 – Notice of Proposed Decision dated 17 May 2022 • Appendix 5 – Applicant’s response to proposed decision

Appendix 1 – Location Map – 3 Ireton Street, Belfast, BT7 1LH



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Subject:	Application for a New Licence to operate a House of Multiple Occupation for 20 Stranmillis Gardens, Belfast, BT9 5AS
Date:	15 June 2022
Reporting Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910
Contact Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, Divisional Solicitor, Ext. 6049

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

1.0	Purpose of Report or Summary of main Issues			
1.1	To consider an application for a Licence permitting the use of premises as a House in Multiple Occupation (HMO).			
	Premises	Application No.	Applicant(s)	Managing Agents
	20 Stranmillis Gardens, Belfast, BT9 5AS	9193	Mr Ross Little	Giant Property Limited
1.2	Members are reminded that licences are issued for a 5-year period with standard conditions. Where it is considered necessary to do so, the Committee can also impose special conditions.			
	<u>Background</u>			
1.3	The property had the benefit of an HMO licence in the name of the previous owner granted on 09 December 2020.			
1.4	The property was purchased by the existing owner on 29 March 2021.			
1.5	On the 28 March 2022 an HMO licence application was received from the owner of the accommodation.			
2.0	Recommendations			
2.1	Taking into account the information presented Committee is asked to hear from the Applicant and make a decision to either:			

	<ul style="list-style-type: none"> (i) Grant the application, with or without any special conditions; or (ii) Refuse the application.
2.2	If the application is refused, the Applicant have a right of appeal to the County Court. Such an appeal must be lodged within 28 days of formal notification of the decision.
3.0	Main report
	<u>Key Issues</u>
3.1	<p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that:</p> <ul style="list-style-type: none"> a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control; b) the owner, and any managing agent of it, are fit and proper persons; c) the proposed management arrangements are satisfactory; d) the granting of the licence will not result in overprovision of HMOs in the locality; e) the living accommodation is fit for human habitation and— <ul style="list-style-type: none"> (i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or (ii) can be made so suitable by including conditions in the licence.
	<u>Planning</u>
3.2	As this is a new application the Council's Planning Service was consulted. It confirmed that a Certificate of Lawful Existing Use or Development ("CLEUD") was granted with the planning reference LA04/2021/2755/LDE.
	<u>Fitness</u>
3.3	When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.
3.4	<p>The NIHMO Unit has consulted with the following units within the Council's City and Neighbourhood Services Department –</p> <ul style="list-style-type: none"> (a) Environmental Protection Unit ("EPU") - who have confirmed that in relation to night-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years; (b) Environmental Protection Unit ("EPU") - who have confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years; (c) Public Health and Housing Unit ("PHHU") - who have confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years and; (d) Enforcement Unit ("EU") - who have confirmed that in relation to litter and waste, there has been no relevant enforcement action required in respect of the HMO in the last 5 years.

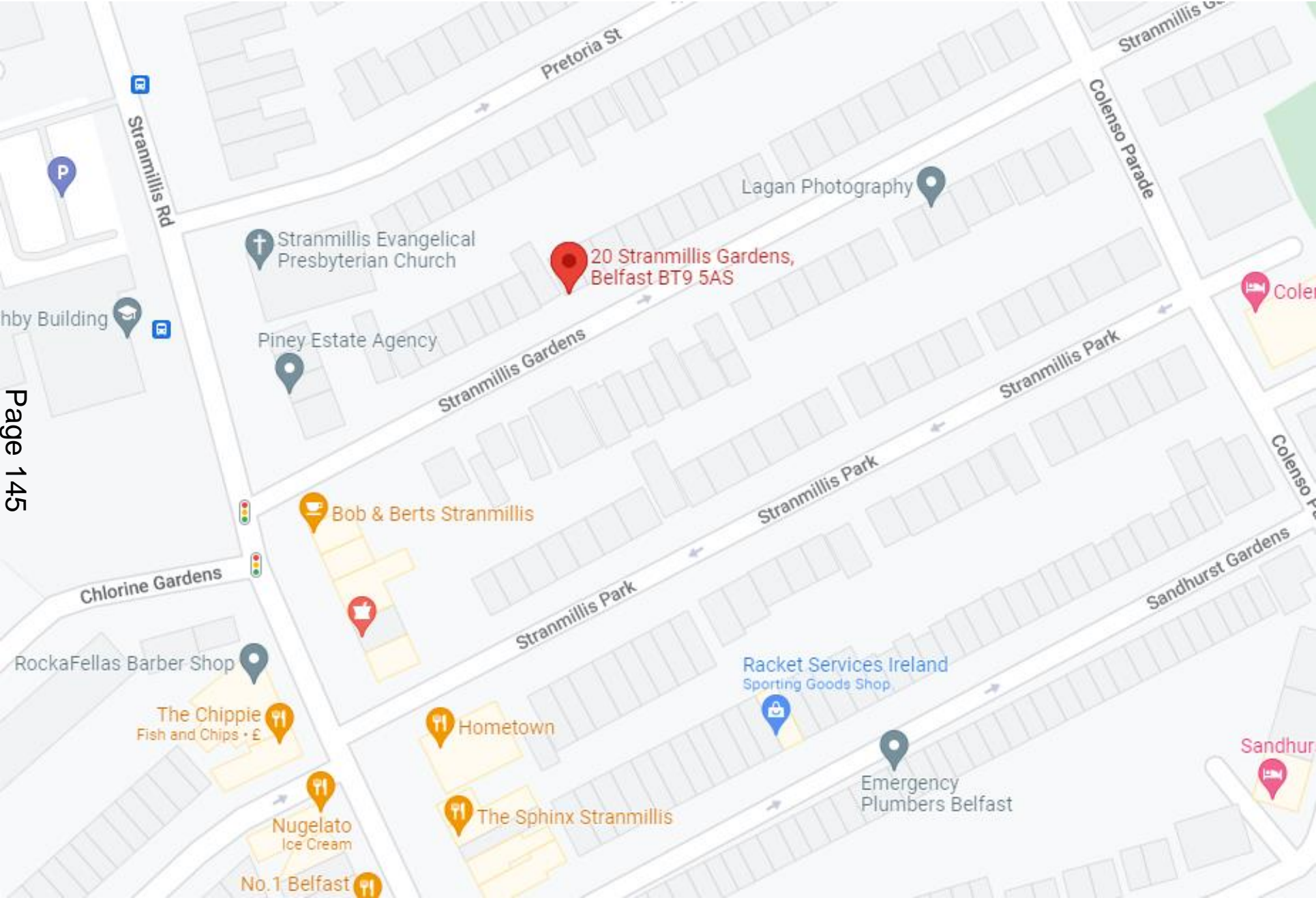
3.5	The Applicant and Managing Agent have confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.3 of this report.
3.6	The Applicant or Managing Agent have not been convicted of any HMO related offences by the Council. The EPU, PHHU and EU, solely in respect of their statutory functions, have confirmed that there are no relevant, previous convictions in respect of the Applicant, Managing Agent or occupants. Due to data protection issues which have arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue.
3.7	Officers are not aware of any other issues relevant to the Applicant's fitness.
	<u>Overprovision</u>
3.8	For the purpose of determining whether or not the granting of a licence would result in an overprovision of HMOs in the locality of the accommodation, and in order to ensure consistency as both a planning and licensing authority the locality was defined as being HMO Policy Area "HMO 2/19 Stranmillis" as defined in the document "Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015.
3.9	Legal Services has advised that there is a clear requirement in section 8 of the 2016 Act upon the Council to be satisfied that the granting of a licence will not result in overprovision.
3.10	On the date of assessment, 12 May 2022 there were a total of 343 licensed HMOs in HMO policy area "HMO 2/19 Stranmillis" which equates to just over 45% of the total dwelling units, which in turn exceeds the 30% development limit as set out at Policy HMO 1. The 343 licensed HMOs have a capacity of 1471 persons.
3.11	The total number of dwelling units in a Policy Area is measured by Ordnance Survey's Pointer database.
3.12	The Council must also consider the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need.
3.13	The Council recognises that there is a need for intensive forms of housing and to meet this demand, HMOs are an important component of this housing provision. HMOs, alongside other accommodation options within the private rented sector, play an important role in meeting the housing needs of people who are single, who have temporary employment, students, low-income households and, more recently, migrant workers.
3.14	In September 2017 The Housing Executive published the document "Housing Market Analysis Update – Belfast City Council Area" which states "HMOs form an important element of the PRS, particularly for younger people on low incomes and for single people, under the age of 35, affected by the limitation of housing benefit to the shared room rate. Anecdotal evidence also indicates that this has been a popular sector with migrant workers."
3.15	On the 05 May 2022, 11 licensed HMOs were advertised as for rent on the website PropertyNews.com in BT9, of those which represented 49 bedspaces. Of those 4 were within HMO policy area "HMO 2/19 Stranmillis". From the information provided on the website this represented 19 bed spaces within the policy area. The advertisements indicated that availability of the accommodation for occupation started in early August through to late September 2022.

3.16	Anecdotal evidence from conversations with HMO managing agents suggest that there is currently a lack of HMO accommodation available in the locality. It is too early to tell whether this is a temporary problem or evidence of an emerging long-term supply issue.
3.17	The fact that the use of the property as an HMO is permitted for planning purposes is a relevant consideration in determining whether the grant of this licence will result in overprovision. There is an argument that it may not do so as the premises are already being used as an HMO.
3.18	However, it should be borne in mind that planning permission was granted on the basis that the use had been established for 5 or more years and was therefore immune to enforcement. No assessment of overprovision was made at that time. Given the level of licensed HMO properties in this locality as set out above it would be highly unlikely that a planning application for a new HMO in the area would be successful as the thresholds in the 2015 Plan have been significantly exceeded.
	<u>Objections</u>
3.19	No objections have been received in relation to this application.
	<u>Attendance</u>
3.20	The applicant and/or their representatives will be available to discuss any matters relating to the licence application should they arise during your meeting.
	<u>Suitability of the premises</u>
3.21	The accommodation was certified as complying with the physical standards for an HMO by a technical officer from the NIHMO service on the 27 April 2022
	<u>Notice of proposed decision</u>
3.22	On the 20 May 2022, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016, Officers issued a Notice of Proposed Decision to the Applicant setting out the terms of the proposed licence. Appendix 2
3.23	The Notice of Proposed Decision stated that the council proposed to refuse the licence on the grounds of overprovision. A statement of reasons for the proposal was included in the Notice of Proposed Decision.
	<u>Response from McCann & McCann Solicitors on behalf of the owner to the notice of proposed decision</u>
3.24	On the 27 May 2022 McCann & McCann Solicitors on behalf of the licence applicant submitted a written response to the notice of proposed decision. Appendix 3
3.25	McCann & McCann reference section 12 of the 2016 Act which requires the Council to have regard to: - <ul style="list-style-type: none"> a. The number and capacity of Licensed HMOs in the locality, and b. The need for housing accommodation in the locality and its extent to which HMO accommodation is required to meet that need.
3.26	They note that the property at 20 Stranmillis Gardens was previously registered as an HMO and was recorded in the 2015 subject plan and was therefore taken into account at the time the subject plan was drawn up, as an existing HMO in the area. As a matter of logic, the

	reinstatement of an HMO Licence in respect of a property that already existed as an HMO in the area cannot be deemed to increase HMO accommodation in that area.
3.27	<p>They conclude by says that they believe that the Council must bear in mind the need for housing accommodation in the locality as per Section 12(1)(b), and it is quite clear from any survey of the area that there is a rising need for HMO accommodation in this area for students, nurses, part time workers and migrants. The need for housing accommodation as a criterion, is as important as the number and capacity of licensed HMOs in the locality and therefore they are of the opinion that the Council should exercise its discretion in favour of granting an HMO in this location.</p> <p><u>Officers' comments further to McCann & McCann's response</u></p>
3.28	The property does not have the benefit of a valid HMO licence and Officers believe the argument that it was registered previously is misconceived. The Council must have regard to the number of currently licensed HMOs in the area at the time of the application. The relevant test is not whether the property previously operated as an HMO.
3.29	Officers accept there is high demand for HMO accommodation in this area but that has to be balanced against the Council's obligation to be satisfied that the grant of the licence would not result in the overprovision of HMO accommodation in a particular area.
3.30	<p>Financial and Resource Implications</p> <p>None. The cost of assessing the application and officer inspections are provided for within existing budgets.</p> <p>Equality and Good Relations Implications</p> <p>There are no equality or good relations issues associated with this report.</p>
4.0	Appendices – Documents Attached
	<ul style="list-style-type: none"> • Appendix 1 – Location Map • Appendix 2 – Notice of Proposed Decision dated 20 May 2022 • Appendix 3 – McCann & McCann Solicitors response to the proposed decision.

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Appendix 1 – Location Map – 20 Stranmillis Gardens, Belfast, BT9 5AS



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of the Local Government Act (Northern Ireland) 2014.

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By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

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Subject:	Application for a New Licence to operate a House of Multiple Occupation for 19 Sandymount Street, Belfast, BT9 5DP
Date:	15 June 2022
Reporting Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910
Contact Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, Divisional Solicitor, Ext. 6049

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

1.0	Purpose of Report or Summary of main Issues			
1.1	To consider an application for a Licence permitting the use of premises as a House in Multiple Occupation (HMO).			
	Premises	Application No.	Applicant(s)	Managing Agents
	19 Sandymount Street, Belfast, BT9 5DP	8298	Mr Theodore McLaughlin	None
1.2	Members are reminded that licences are issued for a 5-year period with standard conditions. Where it is considered necessary to do so, the Committee can also impose special conditions.			
	<u>Background</u>			
1.3	The property had the benefit of an HMO licence granted by the Northern Ireland Housing Executive (“NIHE”) which expired on the 25 June 2019.			
1.4	On the 26 September 2019 an authorised officer from the NIHMO Unit inspected the property following the service of a section 78 Notice: Powers of entry without warrant of the 2016 Act which resulted in enforcement action. Appendix 2			
1.5	On the 26 September 2019, an HMO licence application was received from the owner of the accommodation. The NIHMO Unit subsequently rejected the application on the 04 October 2019 as the granting of the new licence would constitute a breach of planning control.			
1.6	Mr. McLaughlin submitted an application for a Temporary Exemption Notice “TEN” on the 9 October. The TEN was subsequently granted until 17 January 2020.			

1.7	On the 26 February 2021 Mr. McLaughlin submitted an application for a new HMO licence for the accommodation.
2.0	Recommendations
2.1	<p>Taking into account the information presented Committee is asked to hear from the Applicant and make a decision to either:</p> <ul style="list-style-type: none"> (i) Grant the application, with or without any special conditions; or (ii) Refuse the application.
2.2	If the application is refused, the Applicants have a right of appeal to the County Court. Such an appeal must be lodged within 28 days of formal notification of the decision.
3.0	Main report
3.1	<p><u>Key Issues</u></p> <p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that:</p> <ul style="list-style-type: none"> a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control; b) the owner, and any managing agent of it, are fit and proper persons; c) the proposed management arrangements are satisfactory); d) the granting of the licence will not result in overprovision of HMOs in the locality; e) the living accommodation is fit for human habitation and— <ul style="list-style-type: none"> (i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or (ii) can be made so suitable by including conditions in the licence. <p><u>Planning</u></p>
3.2	<p>As this is a new application the Council's Planning Service was consulted. It confirmed that a Certificate of Lawful Existing Use or Development ("CLEUD") was granted with the planning reference LA04/2019/2497/LDE.</p> <p><u>Fitness</u></p>
3.3	When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.
3.4	<p>The NIHMO Unit has consulted with the following units within the Council's City and Neighbourhood Services Department –</p> <ul style="list-style-type: none"> (a) Environmental Protection Unit ("EPU") - who have confirmed that in relation to night-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years, (b) Environmental Protection Unit ("EPU") - who have confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,

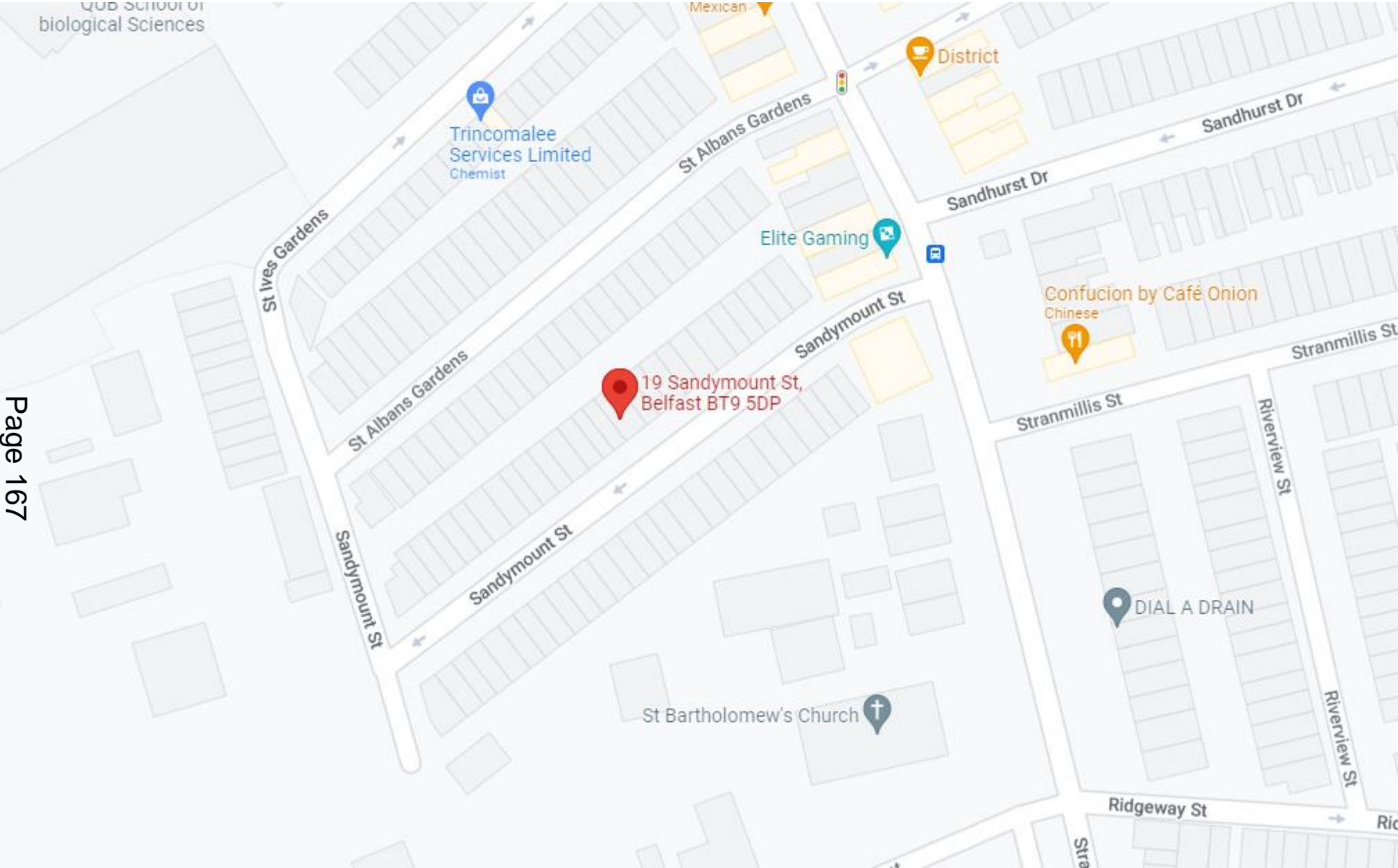
	<p>(c) Public Health and Housing Unit (“PHHU”) - who have confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(d) Enforcement Unit (“EU”) - who have confirmed that in relation to litter and waste, there was one incident which resulted in the service of an Article 21 notice in accordance with The Waste and Contaminated Land (Northern Ireland) Order 1997 in February 2018. An Article 21 notice requires the occupier to place the waste for collection in receptacles of a kind and number specified</p>
3.5	The Applicants has confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.3 of this report.
3.6	The Applicant has not been convicted of any HMO related offences by the Council. The EPU, PHHU and EU, solely in respect of their statutory functions, have confirmed that there are no relevant, previous convictions in respect of the Applicant, Managing Agent or occupants. Due to data protection issues which have recently arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue.
3.7	Details of other enforcement action is included at Appendix 2
	<u>Overprovision</u>
3.8	For the purpose of determining whether or not the granting of a licence would result in an overprovision of HMOs in the locality of the accommodation, and in order to ensure consistency as both a planning and licensing authority the locality was defined as being HMO Policy Area “HMO 2/17 Sandymount” as defined in the document “Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015.
3.9	Legal Services has advised that there is a clear requirement in section 8 of the 2016 Act upon the Council to be satisfied that the granting of a licence will not result in overprovision.
3.10	On the date of assessment, 12 May 2022 there were a total of 112 licensed HMOs in HMO policy area “HMO 2/17 Sandymount” which equates to just over 66% of the total dwelling units, which in turn exceeds the 30% development limit as set out at Policy HMO 1. The 112 licensed HMOs have a capacity of 501 persons.
3.11	The total number of dwelling units in a Policy Area is measured by Ordnance Survey’s Pointer database.
3.12	The Council must also consider the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need.
3.13	The Council recognises that there is a requirement for intensive forms of housing to meet this demand, HMOs are an important component of this housing provision. HMOs, alongside other accommodation options within the private rented sector, play an important role in meeting the housing requirements of people who are single, who have temporary employment, students, low-income households and, more recently, migrant workers.
3.14	In September 2017, The Housing Executive published the document “Housing Market Analysis Update – Belfast City Council Area” which states “HMOs form an important element of the PRS, particularly for younger people on low incomes and for single people, under the

	age of 35, affected by the limitation of housing benefit to the shared room rate. Anecdotal evidence also indicates that this has been a popular sector with migrant workers.”
3.15	Anecdotal evidence from conversations with HMO managing agents suggest that that there is currently a lack of HMO accommodation available in the locality. It is too early to tell whether this is a temporary problem or evidence of an emerging long-term supply issue.
3.16	On the <i>05 May 2022</i> there were 9 licensed HMOs advertised for let on the website Property News in BT9, <i>from the information provided on the website this represented 35 bed spaces</i> . The advertisements indicated that availability of the accommodation varied from June to the middle of September. There were no licensed HMOs available on the date of assessment in HMO policy area “HMO 2/17 Sandymount”
3.17	The fact the use of the property as an HMO is permitted for planning purposes is a relevant consideration in determining whether the grant of this licence will result in overprovision. There is an argument that it may not do so as the premises are already being used as an HMO.
3.18	However, it should be borne in mind that planning permission was granted on the basis that the use had been established for 5 or more years and was therefore immune to enforcement. No assessment of overprovision was made at that time. Given the level of licensed HMO properties in this locality as set out above it would be highly unlikely that a planning application for a new HMO in the area would be successful as the thresholds in the 2015 Plan have been significantly exceeded.
	<u>Objections</u>
3.19	No objections have been received in relation to this application.
	<u>Attendance</u>
3.20	The applicant and/or their representatives will be available to discuss any matters relating to the licence application should they arise during your meeting.
	<u>Suitability of the premises</u>
3.21	The accommodation was certified as complying with the physical standards for an HMO by a technical officer from the NIHMO service on the 28 May 2021.
	<u>Notice of proposed decision</u>
3.22	On the 1 June 2022, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016, Officers issued a Notice of Proposed Decision to the Applicant setting out the terms of the proposed licence. Appendix 3
3.23	The Notice of Proposed Decision stated that the council proposed to refuse the licence on the grounds of overprovision. A statement of reasons for the proposal was included in the Notice of Proposed Decision.
	<u>Applicant’s response to the notice of proposed decision</u>
3.24	At the date of writing this report the applicant had not responded to the notice of proposed decision.

3.25	<p><u>Financial and Resource Implications</u></p> <p>None. The cost of assessing the application and officer inspections are provided for within existing budgets.</p> <p><u>Equality and Good Relations Implications</u></p>
3.26	<p>There are no equality or good relations issues associated with this report.</p>
4.0	<p>Appendices – Documents Attached</p>
	<ul style="list-style-type: none"> • Appendix 1 – Location Map • Appendix 2 – Enforcement Action • Appendix 3 – Notice of Proposed Decision dated 1 June 2022

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Appendix 1 – Location Map – 19 Sandymount Street



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of the Local Government Act (Northern Ireland) 2014.

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Subject:	Application for a New Licence to operate a House of Multiple Occupation for 31 Melrose Street, Belfast, Co. Antrim, BT9 7DL
Date:	15 June 2022
Reporting Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910
Contact Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, Divisional Solicitor, Ext. 6049

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

1.0	Purpose of Report or Summary of main Issues			
1.1	To consider an application for a Licence permitting the use of premises as a House in Multiple Occupation (HMO).			
	Premises	Application No.	Applicant(s)	Managing Agents
	31 Melrose Street, Belfast, Co. Antrim, BT9 7DL	8981	Mrs Anne McNabb	CPS Property Limited
1.2	Members are reminded that licences are issued for a 5-year period with standard conditions. Where it is considered necessary to do so, the Committee can also impose special conditions.			
	<u>Background</u>			
1.3	The property was previously registered by the NIHE in the sole name of Mr. Patrick McNabb with a commencement date of the 19 June 2017 and an expiry date of the 19 June 2022.			
1.4	In accordance with the transitional provisions of the HMO legislation, that registration shall be treated as having been issued with a licence under the Houses in Multiple Occupation Act (Northern Ireland) 2016. Mr. McNabb died on the 2 June 2021.			
1.5	From a review of land registry records the property was jointly owned by Mr. Patrick McNabb and the current licence applicant Mrs. Anne McNabb since March 2006.			
1.6	Where the sole licence holder of an HMO licence has died, section 29 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 provides:			

	<p>(a) that a licence is to be taken as held, from the date of death, by the owner's personal representatives,</p> <p>(b) that the licence ceases to have effect three months after that date, and</p> <p>(c) that the Council can extend the three-month period of time if it deems it reasonable to do so for the purposes of winding up the licensee's estate and where the application for an extension has been made before the expiry of the three-month period.</p>
1.6	The Council was not informed of Mr McNabb's death until January 2022 which exceeded the three-month period of time provided in section 29 of the 2016 Act. On the 12 January 2022 an HMO licence application was received from Mrs. McNabb.
1.7	An application for a temporary exemption notice "TEN" was received on the 11 January 2022 and was granted on the 26 January 2022 with an expiry date of the 26 April 2022. The occupancy of the property has been reduced to 2 persons.
2.0	Recommendations
2.1	<p>Taking into account the information presented Committee is asked to hear from the Applicant and make a decision to either:</p> <ul style="list-style-type: none"> (i) Grant the application, with or without any special conditions; or (ii) Refuse the application.
2.2	If the application is refused, the Applicants have a right of appeal to the County Court. Such an appeal must be lodged within 28 days of formal notification of the decision.
3.0	Main report
	<u>Key Issues</u>
3.1	<p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that:</p> <ul style="list-style-type: none"> a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control; b) the owner, and any managing agent of it, are fit and proper persons; c) the proposed management arrangements are satisfactory); d) the granting of the licence will not result in overprovision of HMOs in the locality; e) the living accommodation is fit for human habitation and— <ul style="list-style-type: none"> (i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or (ii) can be made so suitable by including conditions in the licence.
	<u>Planning</u>
3.2	As this is a new application the Council's Planning Service was consulted. It confirmed that a Certificate of Lawful Existing Use or Development ("CLEUD") was granted with the planning reference LA04/2021/0685/LDE.
	<u>Fitness</u>
3.3	When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any

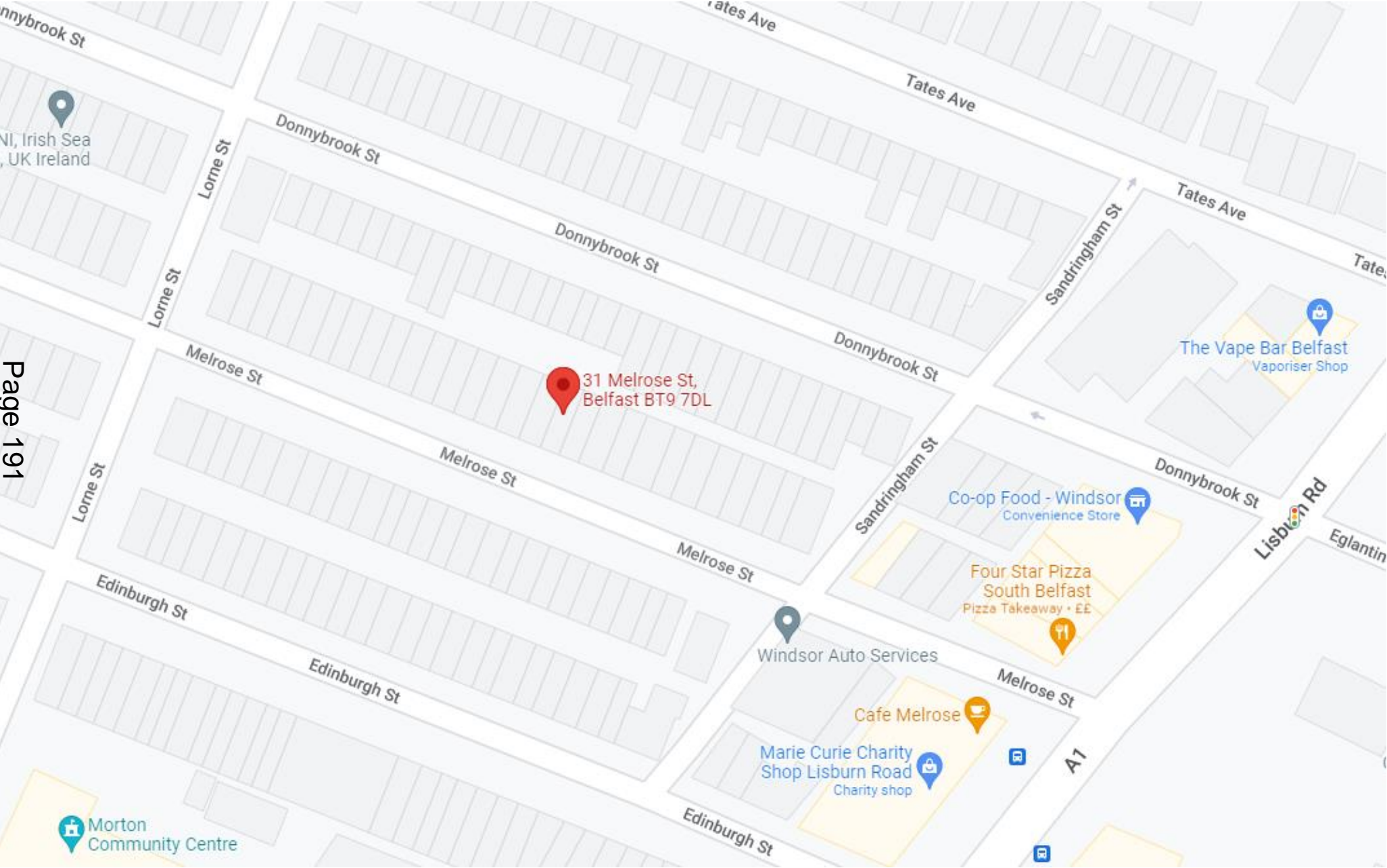
	provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.
3.4	<p>The NIHMO Unit has consulted with the following units within the Council's City and Neighbourhood Services Department –</p> <ul style="list-style-type: none"> (a) Environmental Protection Unit ("EPU") - who have confirmed that in relation to night-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years, (b) Environmental Protection Unit ("EPU") - who have confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years, (c) Public Health and Housing Unit ("PHHU") - who have confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years, (d) Enforcement Unit ("EU") - who have confirmed that in relation to litter and waste, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,
3.5	The Applicants and Managing Agent have confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.3 of this report.
3.6	The Applicant or Managing Agent have not been convicted of any HMO related offences by the Council. The EPU, PHHU and EU, solely in respect of their statutory functions, have confirmed that there are no relevant, previous convictions in respect of the Applicant, Managing Agent or occupants. Due to data protection issues which have recently arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue.
3.7	Officers are not aware of any other issues relevant to the Applicant's fitness.
	<u>Overprovision</u>
3.8	For the purpose of determining whether or not the granting of a licence would result in an overprovision of HMOs in the locality of the accommodation, and in order to ensure consistency as both a planning and licensing authority the locality was defined as being HMO Policy Area "HMO 2/08 Edinburgh Street" as defined in the document "Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015.
3.9	Legal Services has advised that there is a clear requirement in Section 8 of the 2016 Act upon the Council to be satisfied that the granting of a licence will not result in overprovision.
3.10	On the date of assessment, 12 May 2022 there were a total of 198 licensed HMOs in HMO policy area "HMO 2/08 Edinburgh Street" which equates to over 31% of the total dwelling units, which in turn exceeds the 30% development limit as set out at Policy HMO 1. The 198 licensed HMOs have a capacity of 829 persons.
3.11	The total number of dwelling units in a Policy Area is measured by Ordnance Survey's Pointer database.
3.12	The Council must also consider the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need.

3.13	The council recognises that there is a need for intensive forms of housing and to meet this demand, Houses in Multiple Occupation (HMOs) are an important component of this housing provision. HMOs, alongside other accommodation options within the private rented sector, play an important role in meeting the housing needs of people who are single, who have temporary employment, students, low-income households and, more recently, migrant workers.
3.14	In September 2017 The Housing Executive published the document “Housing Market Analysis Update – Belfast City Council Area” which states “HMOs form an important element of the PRS, particularly for younger people on low incomes and for single people, under the age of 35, affected by the limitation of housing benefit to the shared room rate. Anecdotal evidence also indicates that this has been a popular sector with migrant workers.”
3.15	On the 12 May 2022 there were 8 licensed HMOs advertised for let on the website Property News in BT9, <i>from the information provided on the website this represented 39 bed spaces, although not all of these may have been available for immediate occupancy.</i>
3.16	Of the 8 HMOs, 1 licensed HMO was advertised as for rent in HMO policy area “HMO 2/08 Edinburgh Street”. From the information provided on the website this represented 4 bed spaces within the policy area. The advertisements indicated that the accommodation for occupation was available from mid-September 2022.
3.17	Anecdotal evidence from conversations with HMO managing agents suggest that that there is currently a lack of HMO accommodation available in the locality. It is too early to tell whether this is a temporary problem or evidence of an emerging long-term supply issue.
3.18	The fact the use of the property as an HMO is permitted for planning purposes is a relevant consideration in determining whether the grant of this licence will result in overprovision. There is an argument that it may not do so as the premises are already being used as an HMO.
3.19	However, it should be borne in mind that planning permission was granted on the basis that the use had been established for 5 or more years and was therefore immune to enforcement. No assessment of overprovision was made at that time. Given the level of licensed HMO properties in this locality as set out above it would be highly unlikely that a planning application for a new HMO in the area would be successful as the thresholds in the 2015 Plan have been significantly exceeded.
3.20	The Committee may consider that in the circumstances, namely that the premises had previously operated as an HMO and that this licence would only exceed the 30% development limit as set out at Policy HMO 1 by 1%, that the grant of this licence would not result in overprovision notwithstanding the proposed refusal by officers.
	<u>Section 29: Death of sole licence holder: effect on licence</u>
3.21	Section 29 of the 2016 Act transfers the licence of a deceased sole licence-holder to that person’s executor. The licence expires three months after the date of death, unless the council is satisfied that it is reasonable to extend it in order to wind up the holder’s estate.
3.22	The restricting factor in section 29 is the requirement for the Council to be notified of the death of the sole licence-holder. Counsel’s advice was sought and obtained on this issue, and Legal Services has confirmed that there may be some scope to grant an extension to the three-month period that is triggered by the death of an owner under section 29. Although section 29(3) provides that any application for an extension “ <u>must be made</u> within the [three-month]

	period”, there is authority to suggest that mandatory time-limits can be read flexibly where the balance between public and private interests merits such an approach.
3.23	In this case, it is a matter for the Council to decide where the balance is to be struck between those interests in the circumstances of this particular application.
	<u>Objections</u>
3.24	No objections have been received in relation to this application.
	<u>Attendance</u>
3.25	The applicant and/or their representatives will be available to discuss any matters relating to the licence application should they arise during your meeting.
	<u>Suitability of the premises</u>
3.26	The accommodation was certified as complying with the physical standards for an HMO by a technical officer from the NIHMO service on the 1 April 2022
	<u>Notice of proposed decision</u>
3.27	On the 18 May 2022, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016, Officers issued a Notice of Proposed Decision to the Applicant. Appendix 2
3.28	The Notice stated that the council proposed to refuse the licence on the grounds of overprovision. A statement of reasons for the proposal was included in the Notice of Proposed Decision.
	<u>Manager’s response to the notice of proposed decision</u>
3.29	On the 23 May 2022 the manager submitted a written response to the notice of proposed decision (Appendix 3).
3.30	This cited the sudden death of her husband and trying to get his affairs in order and not being aware of the legislative requirements. They also referred to significant investment which their client has made to bring the property up to HMO standards, that is has operated as a HMO and that there are no technical issues in relation to the property itself.
	<u>Officers’ comments further to the applicant’s response</u>
3.31	Section 29 of the 2016 Act provides how the Council deals with applications following the death of the sole licence holder.
3.32	The property has been certified as complying with the physical standards for an HMO and it is noted the costs associated with bring a property up to the required standards and providing the necessary supporting documentation can be significant.
3.33	The issue of overprovision is dealt with at paragraph 3.20 of this report. The Committee cannot disregard the obligation to take into account overprovision notwithstanding personal circumstances. It can however decide that, in the circumstances, the grant of the licence will not result in overprovision.

3.34	<p>Committee are also reminded that it has discretion to be flexible in relation to the mandatory time limit within which the death of a licence holder must be notified to the Council and decide it was reasonable to extend that period. This would mean that the licence remains extant and the issue of overprovision cannot be taken into account.</p> <p>Financial and Resource Implications</p>
3.35	<p>None. The cost of assessing the application and officer inspections are provided for within existing budgets.</p> <p>Equality and Good Relations Implications</p>
3.36	<p>There are no equality or good relations issues associated with this report.</p>
Appendices – Documents Attached	
	<ul style="list-style-type: none"> • Appendix 1 – Location Map • Appendix 2 – Notice of Proposed Decision dated 06 May 2022 • Appendix 3 – Applicant’s response to proposed decision

Appendix 1 – Location Map – 31 Melrose Street, Belfast, Co. Antrim, BT9 7DL



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By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

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