

Public Document Pack

8th February, 2023

MEETING OF LICENSING COMMITTEE

Dear Councillor

The above-named Committee will meet in the Lavery Room - City Hall and via MS Teams (Hybrid) on Wednesday, 15th February, 2023 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

- (i) Apologies
- (ii) Minutes (Pages 1 - 10)
- (iii) Declarations of Interest

2. Delegated Matters

- (i) Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority (Pages 11 - 14)
- (ii) Application for a New Licence to Operate a House of Multiple Occupation for Apartment 2, 14 Fitzroy Avenue, Belfast, BT7 1HW (Pages 15 - 48)
- (iii) Applications Approved Under Delegated Authority (Pages 49 - 54)
- (iv) Application for the Grant of a 14-Day Occasional Outdoor Entertainments Licence for Drumglass Park (Pages 55 - 62)
- (v) Application for the Grant of a 7-Day Annual Outdoor Entertainments Licence for Páirc Nua Chollann, Stewartstown Road (Pages 63 - 72)

3. Non-Delegated Matters

- (i) Designation of new Street Trading Sites (Pages 73 - 74)

Licensing Committee

Wednesday, 14th December, 2022

MEETING OF THE LICENSING COMMITTEE

HELD IN THE COUNCIL CHAMBER AND
REMOTELY VIA MICROSOFT TEAMS

Members present: Councillor Matt Collins (Chairperson); and
Councillors Bradley, Gormley, Howard, Hutchinson,
M. Kelly, Magee, McAteer, McCann, McKeown, Murray,
Smyth and Thompson.

In attendance: Ms. N. Largey, Interim City Solicitor/Director of Legal and
Civic Services;
Mr. S. Hewitt, Building Control Manager;
Ms. V. Donnelly, City Protection Manager;
Mr. K. Bloomfield, HMO Unit Manager;
Mr. D. McCamphill, Lead Building Control Surveyor;
Ms. L. Hillis, Principal Building Control Surveyor;
Mr. J. Cunningham, Senior Licensing Officer;
Mr. C. McCullough, Marketing and Communications
Coordinator;
Mr. H. Downey, Democratic Services Officer; and
Ms. V. Smyth, Democratic Services Officer.

Apologies

Apologies were reported on behalf of Councillors Canavan, T. Kelly and McCusker.

Minutes

The minutes of the meeting of 16th November were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 1st December, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

Councillor McKeown declared an interest in the review of Pavement Café Licence for City Picnic, Fountain Street (item 2d) in that he had advocated on their behalf to find a resolution in correspondence to the Department for Infrastructure (DfI). He excluded himself from any vote but advised that he would remain in attendance as a representative for the area.

Delegated Matters

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

Houses in Multiple Occupation (HMO)
Licences Issued Under Delegated Authority

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

Applications approved under Delegated Authority

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

**Application for the Grant of a Seven-Day Annual
Indoor Entertainments Licence with Extended Hours –
The Rusty Saddle and Shake or Stir, 21 Howard Street**

The Building Control Manager submitted for the Committee's consideration the following report:

“1.0 Purpose of Report/Summary of Main Issues

To consider an application for the grant of a Seven-Day Annual Indoor Entertainments Licence with extended hours for The Rusty Saddle and Shake or Stir.

<u>Area and Location</u>	<u>Ref. No.</u>	<u>Applicant</u>
The Rusty Saddle and Shake or Stir 21 Howard Street Belfast BT1 6NB	WK/2020/02106	Mr. Eamonn Diamond 21 Howard Street Belfast BT1 6NB

1.2 A location map is attached at Appendix 1.

2.0 Recommendations

2.1 Taking into account the information presented and any representations received Members are required to consider the application and to:

- a) Approve the application for the provision of entertainment to 2.00am on Friday and Saturday, or**
- b) Approve the application with special conditions, or**
- c) Refuse the application for the provision of entertainment to 2.00am on Friday and Saturday.**

- 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 until any such appeal is determined.

3.0 **Main Report**

Key Issues

Grant of a licence

- 3.1** In relation to the Entertainments Licence, all statutory consultations have been completed satisfactorily and the certificates pre-requisite to the grant of licence have been received.
- 3.2** The Committee is reminded that the normal process for dealing with Entertainments Licence applications which are not the subject of objections is that the Director of Planning and Building Control will grant the Licence as provided for in the Council's Scheme of Delegation.
- 3.3** Under the Scheme of Delegation, the Director of Place and Economy has authority to issue any application for the grant of a licence where there are no representations in respect of it and the hours of operation applied for do not exceed 1.00am.
- 3.4** However, applications to provide indoor entertainment beyond 1.00 a.m. are subject to consideration by the Committee and the premises has applied for the following days and hours of use:
- **Sunday: 12.30 am to 1.00 am the following morning**
 - **Monday to Thursday: 11.30 am to 1.00 am the following morning**
 - **Friday and Saturday: 11:30 am to 2:00 am the following morning**
- 3.5** To assist the premises in the circumstances where the building is ready to provide entertainment in advance of consideration of this application for an extension in hours to 2.00 am, the Entertainment Licence has been issued permitting the premises to operate to 1.00 am.

- 3.6 The Committee is, therefore, only being asked to consider whether the provision of entertainment to 2.00 am may be permitted.**

Details of the Premises and Proposals

- 3.7 The areas proposed to be licensed to provide indoor entertainment and their maximum occupancies are:**

- The Rusty Saddle (Ground floor) - 200**
- Shake or Stir (First floor) - 220**

- 3.8 The days and hours during which entertainment is proposed to be provided, are:**

- Sunday: 12.30am to 1.00 am the following morning**
- Monday to Thursday: 11.30 am to 1.00 am the following morning**
- Friday and Saturday: 11:30 am to 2:00 am the following morning**

- 3.9 The applicant has stated that the extension of hours to 2.00 am on Friday and Saturday is because the 1st floor is a nightclub.**

- 3.10 Members are advised that the previous Entertainment Licence for this premises permitted entertainment to be provided to 3.00am the following morning from Monday to Sunday.**

Representations

- 3.11 Public notice of the application has been placed and no written representation has been received as a result of this advertisement.**

PSNI

- 3.12 The Police Service of Northern Ireland has been consulted and has confirmed that it has no objection to the application. Its response is attached at Appendix 2.**

NIFRS

- 3.13 The Northern Ireland Fire and Rescue Service has been consulted and has confirmed that it has no objection to the application.**

Health, Safety and Welfare

- 3.14 The premises has been inspected by the Building Control Service and it is now complete for the purposes of the Building Regulations.

Noise

- 3.15 No noise complaints have been received in relation to the premises in the last 12-month period.
- 3.16 The Committee is 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.

Applicant

- 3.17 The applicant, and/or their representatives, will be available at your meeting to answer any queries you may have in relation to the application.

Financial and Resource Implications

- 3.18 None.

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

- 3.19 There are no issues associated with this report.”

It was reported that Mr. B. Davison, Company Accountant, was in attendance to represent The Rusty Saddle and Shake or Stir.

The Committee approved the application for the provision of entertainment to 2.00 a.m. on Friday and Saturday.

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

The Chairperson informed the Committee that the Review of Pavement Café Licence – City Picnic, Fountain Street (Item 2d) and Review of Pavement Café Licence – Voodoo, Fountain Street (2e) would be heard together. It was reported that Mr. D. McFarlane, Divisional Roads Manager, and Mr. G. Lawther, Development Control Manager, were in attendance on behalf of DfI-Roads, as were Mr. A. McAnerney, the Licensee, and his business partner Mr G. Gregg.

The Building Control Manager reminded the Committee that, at its meeting on 16th November, it had considered the review of 2 Temporary Pavement Café Licences in Fountain Street.

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DfI-Roads had notified the Council that, in its view, the Temporary Pavement Cafés needed to be removed or relocated to facilitate the safe movement of traffic in Fountain Street, following its reopening to vehicular traffic. The Committee, after hearing from DfI-Roads and representatives from City Picnic and Voodoo (the licensees), had deferred making any decision to enable further information to be obtained.

At the meeting in November, the Committee had asked for more information from DfI-Roads, which would provide an analysis of road safety in the area, to enable it to properly consider the request to revoke the pavement café licences. The Committee had also asked for confirmation from DfI-Roads on whether Castle Street (portion between Fountain Street and Castle Junction) would remain pedestrianised.

In response to these queries DfI Roads had commented as follows:

“The Department’s view on the café licences for both Voodoo and City Picnic is that they present a danger to vulnerable road users especially pedestrians. This is because they are both placed across a section of Fountain Street that would, ordinarily, be open to two-way traffic. This section of road leads into another section, behind the bollards on Fountain Street, that is pedestrianised save for 6 pm to 11 am. The Cafés obstruct this part of the road. This has led to a number of loading vehicles being forced to reverse to exit both Fountain Street and Castle Street, whereas previously they could have driven through this section. Vehicles, which cannot perform a ‘u-turn’ on Castle Street can only leave the street by reversing through the traffic light-controlled junction at Queens Street. The Department is concerned that the reversing that the structures require vehicles to undertake could cause a danger to vulnerable road users, such as pedestrians and cyclists, as well as other mechanically propelled road traffic. Additionally, the cafes’ structures block access to a car park that is incorporated into the Norwich Union Building, do not facilitate cyclists and may not address specific issues encountered by disabled drivers.

Due to the foregoing, the Department would urge the Council to not renew the licences on Fountain Street.

If the Council does not agree with the Department on this question, the Department would then request the structure and associated café furniture would not be in place between the hours of 6 pm and 11 am to mirror the times when Fountain Street pedestrianised zone is open to loading traffic. This will allow the free flow of traffic for loading vehicles, important to other businesses in the area, and reduce the risk for vulnerable road users.

The Department would ask that, in making its decision, the Council fully considers the impacts on disabled people and cyclists and is informed by a public safety risk assessment that fully considers all the safety issues associated with the pavement café license applications.

In relation to your query about traffic volumes, I can confirm that the Department does not have either vehicle or pedestrian counts for the periods before or after the closure.

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In relation to the pedestrianisation of Castle Street, in front of City Picnic, I can confirm that the Department has currently restricted all vehicles from using Castle Street between Royal Avenue to Fountain Street with the exception of cyclists under the powers conferred on it by Article 7 of the Road Traffic Regulations (Northern Ireland) Order 1997. This restriction will last until 1 April 2024 however this can be superseded or changed if it becomes necessary.

As a final point the Department notes from the legislation that the structures should be capable of being taken away within 20 minutes and urge the Council to ensure that any licence that it grants ensures that the permitted structures can be taken down within that timeframe”.

The Building Control Manager advised that officers had engaged with DfI-Roads in relation to its comments and requested that a public safety risk assessment be provided in support of its representation, however, this had not been carried out by the Department. He further advised that City Picnic had submitted an application for a new location in Castle Street with which DfI-Roads was generally content. The public notice period for objections had expired and officers were awaiting comments from the PSNI in relation to the new location which would determine the outcome of the temporary licence application in Castle Street.

From a political perspective, a Member relayed frustration in relation to how the matter had been dealt with by DfI and asked what the Committee could do to support the businesses over the Christmas period.

A Member, acting as a representative for the area, referred to the unreasonable and unfair pressure which had initially been put on the businesses to remove the street furniture before the Council had considered the issue. The Member criticised DfI's vehicle-first approach to the city centre despite the Council having made it clear it wanted to see transformation. In the absence of the Stormont Assembly, the Member stated that DfI were ignoring the biggest democratic, elected body in the region and the mandate the Members had been given. He agreed that peoples' safety should be paramount but did not accept that this could only be achieved by reopening the street to traffic. The Member asked the Committee to continue to enable the businesses to continue operating outdoors; and invited senior DfI officials to address the Committee on what steps they were taking to enable more pavement licences to be granted in the city centre, and what plans it had for more pedestrianised zones which would provide for cafes, street markets and entertainment in line with the expressed will of the Council.

The Chairperson referred to the public safety risk assessment and asked why DfI-Roads had not carried out the assessment given it was the expert in road safety. The Chairperson invited DfI-Roads to respond.

In response, Mr. D. McFarlane, Divisional Roads Manager reported that DfI-Roads had been working closely with the Council on a range of measures throughout the city centre including on the issue around active travel and public transport. He continued that there was a lot happening and there was still a lot to happen under the remit of the Climate Change Act. In terms of these 2 pavement café licences, he advised that DfI-

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Roads had been acting as consultees to provide a roads input in relation to roads safety which was effectively what had been done. He stated that the pavement café opportunity had been a temporary measure as a result of the Primark fire which had closed the road, however, the road had been reopened creating road safety issues. Mr. McFarlane reiterated DfI-Road's concerns and assessment of public risk referred to in its response. In relation to the public safety risk assessment, he stated that the Council might wish to get an independent view of the risks given that some of the Members had not accepted DfI's analysis.

The Chairperson welcomed Mr. A. McAnerney and Mr. G. Gregg from City Picnic and invited them to make their representation.

Mr. Gregg advised that he and Mr. McAnerney were extremely fearful as he expected that in 6 months the business would be asked to move to allow for the area to be opened up to buses. He stressed that times were tough for the business and that it was a sad indictment of what was going on in Belfast. He stated that businesses needed this help. He continued that the reversing of cars and deliveries had been going on in the area for 8 years.

Mr. D. McFarlane, Divisional Roads Manager was invited to respond to the points raised by Mr. G. Gregg. He referred to the climate crisis and the model shift from the private car to public transport and active travel. He stated that there were no plans for buses in the area, however, he couldn't provide certainty but there was a need to be cognisant of the climate challenge. He disagreed with Mr. Gregg's statement about the 8-years and reiterated DfI-Road's concerns around road safety.

The Committee agreed to defer the review of the Pavement Café Licence until the application for the new location in Castle Street was complete. In addition, Members requested representatives from DfI Roads be invited to attend the Committee to outline their plans for the development of the city centre and for officers to ascertain what plans Translink had for the area.

**Review of Pavement Café Licence –
Voodoo, Fountain Street**

The Chairman welcomed Mr. Feargal Smyth, Manager of Santeria, who joined the meeting to represent Voodoo on behalf of Mr. Ciaran Smyth. Due to his inability to attend the Committee, Mr. C. Smyth had sent a written submission which had been circulated to the Members in advance of the meeting. The Chairperson invited Mr. F. Smyth to deliver his representation.

Mr. F. Smyth highlighted the importance of the outside area as an extension to Voodoo which was essentially a music venue as well as a bar and that it would not be good for the business if it was taken away. He stated that the business would move the outside area to the new proposed area, however, the business would need 21 days over the Christmas period as it would be difficult to move it in such a busy period. He further stressed the importance of the outside area.

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The Building Control Manager informed the Committee that the application for Voodoo was at the preliminary stage and until an application was received the Council could not formally consult with DfI-Roads. He clarified the legislative process around the 21 days notice period that the Council were required to give a licensee if it was minded to revoke their licence.

The Committee agreed to defer the review of the Pavement Café Licence until a formal application was submitted by Voodoo for a new location adjacent to Norwich Union House and that agreement was reached with DfI on the suitability of this location. In addition, Members requested representatives from DfI Roads be invited to attend the Committee to outline their plans for the development of the city centre and for officers to ascertain what plans Translink had for the area.

Non-Delegated Matters

Fees for Entertainments Licences

The Building Control Manager informed the Committee of the decision of the Department for Communities that fees for the renewal of Entertainments Licences would, on 6th April 2023, revert to pre-April 2021 levels.

He advised that in February 2021, the Department for Communities determined that a reduced fee of £1 would apply to applications for the renewal of all categories of Entertainments Licence, both indoor and outdoor, received on or after 6th April, 2021.

This reduction was introduced to alleviate the hardship being experienced by the hospitality industry because of COVID-19 restrictions. In March 2022, the Department informed the Council that the nominal fee of £1 for renewal applications would remain for the 2022/23 financial year, subject to a further review later this year. Additional funding of some £17m provided by the Executive for council losses incurred as a result of the COVID-19 pandemic included provision to cover any loss of income resulting from the reduction in fees for the renewal of Entertainment Licences for 2022/23.

In a letter to the Council, dated 15th November 2022, the Department for Communities, having carried out a further review, had advised of its determination of the fees for Entertainment Licences. In that letter, the Department had acknowledged that reduced licence fees had, undoubtedly, helped ease some of the financial burden for businesses in the hospitality industry, however, with the removal of all remaining COVID-19 restrictions earlier this year, licence holders would by April 2023 have had a year to return to a normal trading footing.

The Building Control Manager informed the Licensing Committee that the Department was of the view that there was no need to continue with this easement beyond the end of the 2022/23 financial year and, therefore, fees for renewal entertainment licences would, with effect from 6th April, 2023, revert to pre-April 2021 levels. Details of the revised fees, effective from 6th April, 2023, were set out in the Department for Communities formal determination.

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The Committee noted the decision of the Department for Communities that fees for the renewal of entertainment licences would, with effect from 6th April, 2023, revert to pre-April 2021 levels.

Chairperson



Subject:	Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority
Date:	15 February 2023
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 December 2022 and January 2023.

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 2022 and January 2023.

Premise Name	Licensee	Ward	HMO Policy Area or Development Node
79 Lower Windsor Avenue	Mr Noel Brown	WINDSOR	MEADOWBANK HMO 2/15
58c Edinburgh Street	Mr Robin Guthrie	WINDSOR	EDINBURGH ST HMO 2/08
Flat 3, 112 Fitzroy Avenue	Croob Properties Ltd	CENTRAL	HOLYLAND HMO 2/22
Flat 2 , 112 Fitzroy Avenue	Croob Properties Ltd	CENTRAL	HOLYLAND HMO 2/22
68 Jerusalem Street	Mr David McGreevy	CENTRAL	HOLYLAND HMO 2/22
Flat 1, 112 Fitzroy Avenue	Croob Properties Ltd	CENTRAL	HOLYLAND HMO 2/22
32 University Avenue	Mr Declan Boyle	CENTRAL	HOLYLAND HMO 2/22
12 Donnybrook Court	Mr Alistair Steele	WINDSOR	EDINBURGH ST HMO 2/08
10b Donnybrook Court	Mr Alistair Steele	WINDSOR	EDINBURGH ST HMO 2/08
11 Donnybrook Court	Mr Alistair Steele	WINDSOR	EDINBURGH ST HMO 2/08
9 Donnybrook Court	Mr Alistair Steele	WINDSOR	EDINBURGH ST HMO 2/08
65 Damascus Street	Mr John Lambon	CENTRAL	HOLYLAND HMO 2/22
Flat 1, 16 Fitzroy Avenue	Mr John Lynch	CENTRAL	HOLYLAND HMO 2/22
5 Jerusalem Street	Dr Meeta Kamath	CENTRAL	HOLYLAND HMO 2/22
40 Stranmillis Street	Mr Con Feeney	STRANMILLIS	STRANMILLIS HMO 2/19
4 Donnybrook Court	DGC Homes Ltd	WINDSOR	EDINBURGH ST HMO 2/08
24 Meadowbank Place	Mr John Duffy	WINDSOR	MEADOWBANK HMO 2/15
8 Collingwood Avenue	Mr Ronan O'Hare	CENTRAL	HOLYLAND HMO 2/22
9 Damascus Street	Mr Peter O'Hare	CENTRAL	HOLYLAND HMO 2/22
13 Jocelyn Gardens	Mr Laurence M Connolly	BEERSBRIDGE	NONE
15 Fitzwilliam Street	Mr Mark Kelso	WINDSOR	FITZWILLIAM HMO 2/10
Flat 4, 43 Eglantine Avenue	Ms June Henrietta Hodge	WINDSOR	EGLANTINE HMO 2/09
53 Farnham Street	Mr Brendan McCourt	CENTRAL	LOWER ORMEAU HMO 2/13
97 Donnybrook Street	Mr Paul Murphy	WINDSOR	EDINBURGH ST HMO 2/08
9 Penrose Street	Cosby Limited	CENTRAL	HOLYLAND HMO 2/22
7 Ulsterville Place	Mr William Miller	WINDSOR	ULSTERVILLE HMO 2/21

94 Dunluce Avenue	Mrs Sandra Thompson	WINDSOR	ULSTERVILLE HMO 2/21
15 Fitzwilliam Street	Mr Mark Kelso	WINDSOR	FITZWILLIAM HMO 2/10
Flat 4, 43 Eglantine Avenue	Ms June Henrietta Hodge	WINDSOR	EGLANTINE HMO 2/09
Flat 2, 14 Rugby Avenue	Miss Tara Conlon	CENTRAL	HOLYLAND HMO 2/22
Flat 1, 14 Rugby Avenue	Miss Tara Conlon	CENTRAL	HOLYLAND HMO 2/22
17 Agincourt Avenue	Mr Francis Carragher	CENTRAL	HOLYLAND HMO 2/22
56 Carmel Street	Mr Felix McEvoy	CENTRAL	HOLYLAND HMO 2/22
44 Carmel Street	Mr Felix McEvoy	CENTRAL	HOLYLAND HMO 2/22
Flat 3, 28 Lawrence Street	Mr Eugene McCann	CENTRAL	HOLYLAND HMO 2/22
Flat 2, 28 Lawrence Street	Mr Eugene McCann	CENTRAL	HOLYLAND HMO 2/22
Apartment 3, 28 Wolseley Street	Mr Paul McCollum	CENTRAL	HOLYLAND HMO 2/22
41 Lower Windsor Avenue	Mr Eamon O'Connor	WINDSOR	MEADOWBANK HMO 2/15
36 Meadowbank Place	Mr Raymond John Smyth	WINDSOR	MEADOWBANK HMO 2/15
30 Rugby Avenue	Mr James McGovern	CENTRAL	HOLYLAND HMO 2/22
102 Lisburn Road	Cityview property NI	WINDSOR	FITZWILLIAM HMO 2/10
109 Dunluce Avenue	Mrs Emer McWilliams	WINDSOR	ULSTERVILLE HMO 2/21
60 Rugby Avenue	Mr Paul Brannigan	CENTRAL	HOLYLAND HMO 2/22
19 Jerusalem Street	Mr Peter O'Hare	CENTRAL	HOLYLAND HMO 2/22
32 Elaine Street	Mr Sean Donnelly	CENTRAL	STRANMILLIS HMO 2/19
67 Jerusalem Street	Mr Rory Macauley	CENTRAL	HOLYLAND HMO 2/22
70 Sandhurst Gardens	Mr James McElroy	CENTRAL	STRANMILLIS HMO 2/19
23 Jerusalem Street	Mr James McKee	CENTRAL	HOLYLAND HMO 2/22
32 Lisburn Road	MCK Property Management Limited	WINDSOR	FITZWILLIAM HMO 2/10
30 Lisburn Road	MCK Property Management Limited	WINDSOR	FITZWILLIAM HMO 2/10
28 Lisburn Road	MCK Property Management Limited	WINDSOR	FITZWILLIAM HMO 2/10
26 Lisburn Road	MCK Property Management Limited	WINDSOR	FITZWILLIAM HMO 2/10
Flat 2, 98 Cromwell Road	Mr John O'Carroll	CENTRAL	HOLYLAND HMO 2/22
31 Chadwick Street	Mr Christopher Blayney	WINDSOR	MEADOWBANK HMO 2/15
5 Claremont Street	Derrylodge Property Management Ltd	WINDSOR	FITZWILLIAM HMO 2/10
1 Penrose Street	D.M Property Estates Limited	CENTRAL	HOLYLAND HMO 2/22
264 Falls Road	Cardea Property Ltd	BEECHMOUNT	NONE
6 Carmel Street	Ms Ciara Rodgers	CENTRAL	HOLYLAND HMO 2/22

	18 Dunluce Avenue	Casa Playa Investments Ltd	WINDSOR	ULSTERVILLE HMO 2/21
	79 Tates Avenue	DBM Fox Holdings Ltd	WINDSOR	EDINBURGH ST HMO 2/08
	30 Chadwick Street	Beechvale Property Management Ltd	WINDSOR	MEADOWBANK HMO 2/15
	Flat 2, 16 Fitzroy Avenue	Mr John Lynch	CENTRAL	HOLYLAND HMO 2/22
	80 Dunluce Avenue	Mr Chris Martin	WINDSOR	ULSTERVILLE HMO 2/21
	8 Donnybrook Court	Mr Alistair Steele	WINDSOR	EDINBURGH ST HMO 2/08
	33 Cairo Street	Mr Paul Cousins	CENTRAL	HOLYLAND HMO 2/22
	58 Jerusalem Street	Ms Denise Magill	CENTRAL	HOLYLAND HMO 2/22
	Apartment 44, St. Johns Wharf, 1-3 Laganbank Road	Mr John Traynor	CENTRAL	NONE
	Flat 2, 19 Wellesley Avenue	Inveterate Ltd	WINDSOR	EGLANTINE HMO 2/09
	16 St Ives Gardens	Mr Emmett Gartland	STRANMILLIS	SANDYMOUNT HMO 2/17
	83 Carmel Street	Mrs Julie Flood	CENTRAL	HOLYLAND HMO 2/22
	28 Ashley Avenue	Mrs Helen Phillips	WINDSOR	ULSTERVILLE HMO 2/21
	27 Edinburgh Street	Mrs Brenda Cunningham	WINDSOR	EDINBURGH ST HMO 2/08
	Flat 2, 32 Lawrence Street	Beechvale Property Management Ltd	CENTRAL	HOLYLAND HMO 2/22
	19 Chadwick Street	Mrs Hazel Kathryn Gibson	WINDSOR	MEADOWBANK HMO 2/15
	29 Belvedere Manor	Mr Paul Campbell	WINDSOR	NONE
	44 University Street	Queens Quarter Housing Limited	CENTRAL	HOLYLAND HMO 2/22
	41 Jerusalem Street	Mr Joe Daly	CENTRAL	HOLYLAND HMO 2/22
	3 Fitzroy Avenue	Mr Turlough Kennedy	CENTRAL	HOLYLAND HMO 2/22
	49 Jerusalem Street	Mr Ciaran Canavan	CENTRAL	HOLYLAND HMO 2/22
	25 Agincourt Avenue	Mr Sean Clarke	CENTRAL	HOLYLAND HMO 2/22
	2a Landseer Street	Mr Andrew McGibbon	CENTRAL	STRANMILLIS HMO 2/19
	4 Lawrence Street	Mr Patrick Freehill	CENTRAL	HOLYLAND HMO 2/22
	30 Jerusalem Street	Ms Shelly-Ann Farley Quinn	CENTRAL	HOLYLAND HMO 2/22
	<u>Financial & Resource Implications</u>			
3.2	None			
	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>			
3.3	There are no issues associated with this report.			



Subject:	Applications for a New Licence to operate a House of Multiple Occupation for Apartment 2, 14 Fitzroy Avenue, Belfast, BT7 1HW
Date:	15 February 2023
Reporting Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910
Contact Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, City Solicitor, Ext. 6049

Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input 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
	Apartment 2, 14 Fitzroy Avenue, Belfast, BT7 1HW	9628	Mr Arthur Dodds	Ballygowan Limited t/a Belvoir Belfast South
1.2	Members are reminded that licences are issued for a 5-year period with standard conditions. Where it is considered necessary to do so, the Committee can also impose special conditions.			
2.0	Recommendations			
2.1	Taking into account the information presented Committee is asked to hear from the Applicants and make a decision to either: (i) Grant the application, with or without any special conditions; or (ii) Refuse the application.			

	<u>Notice of proposed decision</u>
2.2	On the 31 January 2023, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 (“the 2016 Act”), Officers issued a Notice of Proposed Decision. Appendix 2
2.3	The Notice of Proposed Decision stated that the council proposed to refuse the licence on the grounds of overprovision . A statement of reasons for the proposal was included in the Notice of Proposed Decision.
2.4	If the application is refused, the Applicants have a right of appeal to the County Court. An appeal must be lodged within 28 days of formal notification of the Council’s decision.
3.0	Main report
	<u>Background</u>
3.1	The property had the benefit of an HMO licence in the name of the existing owner which expired on the 14 August 2019 .
3.2	On the 12 April 2019 a reminder letter was sent to Mr. Arthur Dodds informing him of the need to apply to renew the licence. Appendix 3
3.3	An inspection of the property took place on the 05 July 2019 in anticipation of an application being submitted, the managing agent was in attendance during the inspection however, the Council did not receive an application to renew the licence.
3.4	On the 12 October 2022 an application for a Temporary Exemption Notice “TEN” was received and subsequently approved on the 19 October 2022, an extension to the TEN was approved on the 17 January 2023 which will expire on the 17 April 2023. No further extension to the TEN are permitted under the 2016 Act.
3.5	On the 27 September 2022 an HMO licence application was received from the owner of the accommodation.
	<u>Key Issues</u>
3.6	Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that: <ul style="list-style-type: none"> a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control; b) the owner, and any managing agent of it, are fit and proper persons; c) the proposed management arrangements are satisfactory); d) the granting of the licence will not result in overprovision of HMOs in the locality; e) the living accommodation is fit for human habitation and— <ul style="list-style-type: none"> (i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or (ii) can be made so suitable by including conditions in the licence.
	<u>Planning</u>
3.7	As this is a new application the HMO Unit consulted with the Council’s Planning Service who confirmed that on the 20 August 2007 permission was granted for “Change use from existing HMO to 2no self-contained flats (1no. HMO) and alterations” with the planning reference Z/2006/2887/F

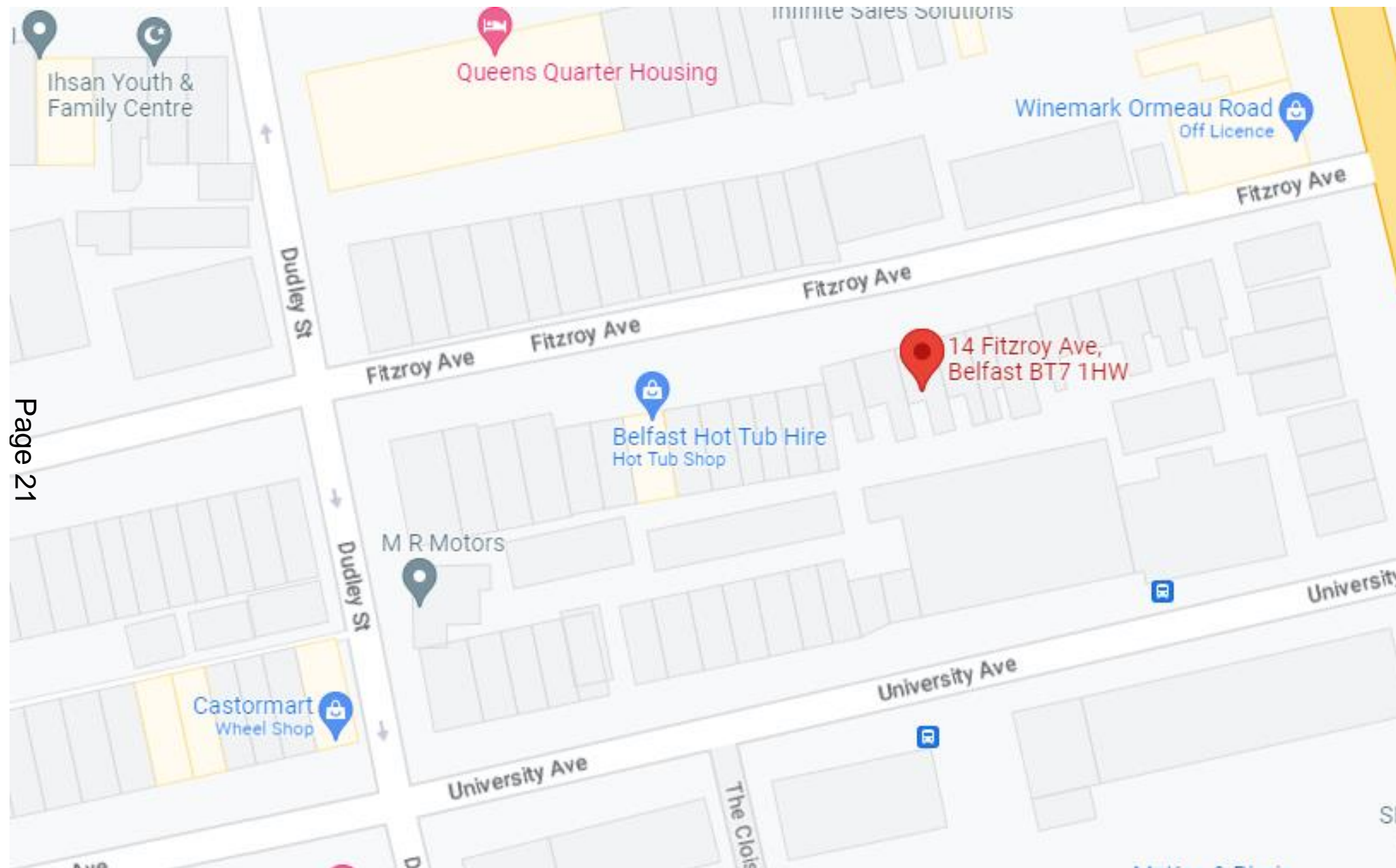
	<u>Fitness</u>
3.8	When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision 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.
3.9	<p>The NIHMO Unit has consulted with the following units within the Council's City and Neighbourhood Services Department –</p> <p>(a) Environmental Protection Unit ("EPU") - who have confirmed that in relation to night-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(b) Environmental Protection Unit ("EPU") - who have confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(c) Public Health and Housing Unit ("PHHU") - who have confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(d) Enforcement Unit ("EU") - who have confirmed that in relation to litter and waste, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p>
3.10	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.
3.11	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.
3.12	Officers are not aware of any other issues relevant to the Applicant's fitness.
	<u>Overprovision</u>
3.13	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 and Rugby" as defined in the document "Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015.
3.14	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.
3.15	On the date of assessment, 04 January 2023 there were a total of 1112 licensed HMOs in HMO policy area "HMO 2/22 Botanic, Holylands, Rugby". This equates to 46.16% of the total dwelling units of 2409 within the policy area. Which in turn exceeds the 30% development limit as set out at Policy HMO 1. The 1112 licensed HMOs have a capacity of 4951 persons.

3.16	The total number of dwelling units in a Policy Area is measured by Ordnance Survey's Pointer database.
3.17	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.
3.18	The fact that the use of the property as an HMO is permitted for planning purposes is a relevant consideration in determining whether the grant of this licence will result in overprovision.
3.19	The Council recognises that there is a need for intensive forms of housing and to meet this demand, HMOs are an important component of this housing provision. HMOs, alongside other accommodation options within the private rented sector, play an important role in meeting the housing needs of people who are single, who have temporary employment, students, low-income households and, more recently, migrant workers.
3.20	In September 2017 the Housing Executive published the document "Housing Market Analysis Update – Belfast City Council Area" which states "HMOs form an important element of the PRS, particularly for younger people on low incomes and for single people, under the age of 35, affected by the limitation of housing benefit to the shared room rate. Anecdotal evidence also indicates that this has been a popular sector with migrant workers."
3.21	On the 25 January 2023 out of 39 premises available for rent within the BT7 area on the website PropertyNews.com there was 9 licensed HMOs which from the information presented on the website represented 41 bed spaces. The availability of the HMO accommodation ranged from immediately to August 2023.
3.22	Anecdotal evidence from previous conversations with HMO managing agents suggest that that there is currently a lack of HMO accommodation available in this locality
3.23	On the 7 December 2022 Ulster University Director of Campus Life told members of the Council's City Growth and Regeneration Committee that there was an "increase in competition for HMO's particularly from NIHE, Immigration Services and statutory agencies and there were increasing accommodation issues across the housing sector which required a holistic view and should include the consideration of international student families and graduates looking for professional accommodation."
3.24	However, QUB Director of Student Plus confirmed to members that the current trend indicated a significant move of students away from areas such as the Holylands, which has seen a fall in student numbers by 35 percent to purpose-built student accommodation blocks. She told members that there were 7,000 purpose built managed student accommodation (PBMSA) rooms in the city – the majority built since 2018 and approximately 5,000 in the city centre.
3.25	November 2022 monitoring information produced by the Council's Planning Services for PBMSA indicates that 2154 bedspaces are currently under construction with 646 bedspaces becoming operational in September 2023.
3.26	With the continued expansion of the PBMSA sector and students transitioning from private rentals in the HMO 2/22 Botanic, Holylands, Rugby policy area to PBMSAs, it is too early to tell whether the increased competition from non-students for HMOs is a temporary problem (which can be managed by the contraction in students residing in existing HMO accommodation within the locality) or evidence of an emerging long-term supply issue.
3.27	In assessing the number and capacity of licenced HMOs as well as the need for HMO accommodation in the locality, officers cannot be satisfied that the granting of the HMO

	<p>licence will not result in overprovision of HMO accommodation in the locality of the accommodation for the purpose of section 8(2)(d) of the 2016 Act.</p> <p><u>Objections</u></p> <p>3.29 No objections were received in relation to this application.</p> <p><u>Attendance</u></p> <p>3.30 The applicant and/or their representatives will be available to discuss any matters relating to the licence application should they arise during your meeting.</p> <p><u>Suitability of the premises</u></p> <p>3.31 The accommodation was certified as complying with the physical standards for an HMO for 3 persons by a technical officer from the NIHMO service, on the 16 January 2023.</p> <p><u>Notice of proposed decision</u></p> <p>3.32 On the 21 January 2023, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016, Officers issued a Notice of Proposed Decision to the Applicant setting out the terms of the proposed licence. Appendix 2</p> <p>3.33 The Notice of Proposed Decision stated that the council proposed to refuse the licence on the grounds of overprovision. A statement of reasons for the proposal was included in the Notice of Proposed Decision.</p> <p><u>Applicant's response to the notice of proposed decision</u></p> <p>3.34 On the 03 February 2023 a representative of Mr Dodds submitted a written response to the notice of proposed decision in which she provides representations and commentary on the statement of reasons included in the notice of proposed decision. Appendix 4.</p> <p>3.35 The representations refer to the Mr Dodds owning the property from 1994 and spending more than £100k converted the property to HMO standards in 2008 and the property being registered by the NIHE as an HMO since 2009.</p> <p>3.36 The representative acknowledges that a reminder letter dated 12/04/2019 was received which was passed to the applicants letting agent to apply on his behalf. The representations then deal with an inspection of the property and an exchange between the letting agent and the HMO manager regarding fire safety standards.</p> <p>3.37 Details of an email dated 25 September 2019 are included in which the letting agent reassured Mr Dodds representative that – <i>“I’ve chased BCC/HMO twice since then and again this morning, asking for the license to be verified and issued; hopefully, I’ll get a response this week but as far as I’m aware from e-mail communication between myself and HMO, you are covered.”</i></p> <p>3.38 Based on the email exchange with the letting agent Mr. Dodds was of the understanding that the HMO licence had been renewed in 2019 and remained valid until 2024.</p> <p>3.39 The representative highlighted that there have been no issues relating to the property regarding ASB or any other issues which may cause concern. It was highlighted that the overall building consists of a two occupant non-HMO flat on the ground floor and a three</p>
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	occupant HMO on the first floor and they questioned whether the extra occupants in the HMO flat will contribute to overcrowding.
3.40	Finally, it was highlighted that the property was finished to a very high standard.
	<u>Officer response to the representations of the 03 February 2023</u>
3.41	On the 6 February 2023 officers responded to the representations made on behalf of the applicant on the 03 February 2023 Appendix 5
3.42	Officers noted the timeline regarding the purchase of the property by Mr Dodds, the upgrading of the property to HMO standards and the previous registration of the property as an HMO by the NIHE.
3.43	Officers confirmed the application for a temporary exemption notice and that there were no issues at the premises in relation to noise, rubbish accumulation or litter that warranted relevant enforcement action in the last 5 years.
3.44	Officers have examined the relevant records and have found no evidence of advice being provided to the letting agent confirming that the owner was covered regarding the HMO licensing of the accommodation
3.45	Further, officers confirmed that the Council only received an HMO licence application on the 27 September 2022 which is over 3 years after the previous licence expired on the 14 August 2019.
	<u>Financial and Resource Implications</u>
3.46	None. The cost of assessing the application and officer inspections are provided for within existing budgets.
	<u>Equality and Good Relations Implications</u>
3.47	There are no equality or good relations issues associated with this report.
	Appendices – Documents Attached
	<ul style="list-style-type: none"> • Appendix 1 – Location Map • Appendix 2 – Reminder letter dated 12 April 2019 sent to Mr. Arthur Dodds • Appendix 3 – Notice of proposed decision • Appendix 4 – Representations on behalf of the applicant dated 3 February 2023. • Appendix 5 – Officers response to representations made on 3 February 2023

Appendix 1 – Location Map – Apartment 2, 14 Fitzroy Avenue, Belfast, BT7 1HW



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Belfast
City Council

LICENSING COMMITTEE

INSERT AGENDA ITEM

Subject:	Licences Issued Under Delegated Authority
Date:	15 February 2023
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
AM:PM, 38-44 Upper Arthur Street, Belfast, BT1 4GH.	Renewal	Mr Eamon McCusker, AM:PM Belfast Ltd
Ardoyne Community Centre, 40 Herbert Street, Belfast, BT14 7FE.	Renewal	Ms Catherine Taggart, Belfast City Council
Balmoral Golf Club, 518 Lisburn Road, Belfast, BT9 6GX.	Renewal	Miss Kim Axon
Biddy Duffys, 133 Andersonstown Road, Belfast, BT11 9BU.	Renewal	Mr Peter Teague
Botanic Gardens Bowling Pavilion, College Park, Botanic Avenue, Belfast.	Renewal	Mr David Sales, Belfast City Council
Botanic Inn, 23-27 Malone Road, Belfast, BT9 6RU.	Renewal	Mr Felix Mooney, Cathal GM Ltd
Braniel Community Centre, Warren Grove, Belfast, BT5 7PX.	Renewal	Ms Catherine Taggart, Belfast City Council
Brennans Bar, 48-50 Great Victoria Street, Belfast, BT2 7BB.	Renewal	Mr Padraic Brennan, Pacon Inns Ltd
Cahoots NI Ltd, Cityside Retail Park, 100-150 York Street, Belfast, BT15 1WA.	Renewal	Ms Emma Wilson, Cahoots NI Ltd
Cassidys Bar, 347-349 Antrim Road, Belfast, BT15 2HG.	Renewal	Mr Eugene Cassidy, Cassidy's Inn Ltd
Cliftonville Bowling & Social Club, 13-23 Knutsford Drive, Belfast, BT14	Renewal	Mr Thomas Joseph Boyle
Concorde Community Centre, 36 Alliance Road, Belfast, BT14 7JB.	Renewal	Ms Catherine Taggart, Belfast City Council
Cotton Court (Outdoor), Waring Street, Belfast, BT1 2ED.	Renewal	Mr Gary Hammond, Department for Communities
Cregagh Youth & Community Centre, Mount Merrion Avenue, Belfast, BT6 0FL.	Renewal	Ms Catherine Taggart, Belfast City Council
Crowne Plaza Hotel, 117 Milltown Road, Shaw's Bridge, Belfast, BT8 7XP.	Renewal & Variation	Mr Rajesh Rana, Andras House Ltd
Crusaders Football Club, Seaview Stadium, 16 St Vincent's Street, Belfast, BT15 3QG.	Renewal	Mr Bernard Thompson
Dee Street Community Centre, 12-16 Dee Street, Belfast, BT4 1FT.	Renewal	Ms Catherine Taggart, Belfast City Council

Premises and Location	Type of Application	Applicant
Dockworkers Social Club, 5 Pilot Place, Belfast, BT1 3AH.	Renewal	Mr Terry Ward
Donegall Pass Community Centre, Apsley Street, Belfast, BT7 1BL.	Renewal	Ms Catherine Taggart, Belfast City Council
Duncairn Community Centre, Upper Mervue Street, Belfast, BT15	Renewal	Ms Catherine Taggart, Belfast City Council
Dundela F C & Social Club, Wilgar Street, Belfast, BT4 3BL.	Renewal	Mr Harry Hawkins
Dunmurry Golf Club, 91 Dunmurry Lane, Belfast, BT17 9JS.	Renewal	Mr Colin Adair
Falls Park, Falls Road, Belfast, BT12 6AN.	Renewal (Marquee)	Mr David Sales, Belfast City Council
Falls Park, Falls Road, Belfast, BT12 6AN.	Renewal (Outdoor)	Mr David Sales, Belfast City Council
Forthriver Bowling And Tennis Club, 104A Woodvale Road, Belfast, BT13 3BU.	Renewal	Mr Thomas Taylor
Fortwilliam Golf Club, 8a Downview Avenue, Belfast, BT15	Renewal	Mr Michael Graham
Fullerton Park Pavillion, Glenburn Road, Dunmurry, Belfast, BT17 9BJ.	Renewal	Mr Ryan Black, Belfast City Council
Girdwood Community Hub, 10 Girdwood Avenue, Belfast, BT14	Renewal	Ms Roma Doherty, Greenwich Leisure Ltd
Gort Na Mona GAC, Upper Springfield Road, Belfast, BT12 7QX.	Renewal	Ms Bridgeen Mulvenna
Grand Central Hotel, 9-15 Bedford Street, Belfast, BT2 7FF.	Renewal	Mr Peter Gibson, HHG No1 Ltd
Harland & Wolff Football & Social Club, 18-20 Dee Street, Belfast, BT4 1FT.	Renewal	Mr John Davidson
Highfield Community Centre, High Green, Belfast, BT13 3SA.	Renewal	Ms Catherine Taggart, Belfast City Council
Irish National Foresters, 14-18 Albert Street, Belfast, BT12 4HJ.	Renewal	Mr Gerry Lappin
Knocknagoney Community Centre, 41A Knocknagoney Drive, Belfast, BT4 2QF.	Renewal	Ms Catherine Taggart, Belfast City Council
Lyric Theatre NI, 55 Ridgeway Street, Belfast, BT9 5FB.	Renewal	Mr Jimmy Fay
Markets Community Centre, Market Street, Belfast, BT2 8JA.	Renewal	Ms Catherine Taggart, Belfast City Council
McGraths Bar, 78-82 Cliftonville Road, Belfast, BT14 6JZ.	Renewal	Mr Peter McGrath

Premises and Location	Type of Application	Applicant
McHughs Bar, 29-31 Queens Square, Belfast, BT1 3FG.	Renewal	Mr Henry Downey, Eagle-Glen Ltd
McKenna's, 25-29 Garmoyle Street, Belfast, BT15 1DY.	Renewal	Mr Brian McKenna
Methodist College, Whitla Hall, 1 Malone Road, Belfast, BT9 6BY.	Renewal	Ms Diana Boyd
Michael Davitt GAC, 75-79 Falls Road, Belfast, BT12 4PE.	Renewal	Mr Kieran Rowntree
Musgrave Park Bowling Pavillion, Stockmans Lane, Belfast, BT9 7JB.	Renewal	Mr Ryan Black, Belfast City Council
National Club, 17-19 Queen Street, Belfast, BT1 6EA.	Renewal	Mr Jim Mulholland
National Football Stadium, Windsor Park, Donegall Avenue, Belfast, BT12 6LU.	Renewal	Ms Anita Bayne, Irish Football Association
North Queen Street Community Centre, 46A Victoria Parade, Belfast, BT15 2EN.	Renewal	Ms Catherine Taggart, Belfast City Council
QE1 Snooker Club, 32-46 Castlereagh Road, Belfast, BT5 5FB.	Renewal	Mr Alex Rainey
Red Devil Bar, 194-198 Falls Road, Belfast, BT12 6AG.	Renewal	Mr Martin Rooney, EMC Properties NI Ltd
Rock Bar, 491-493 Falls Road, Belfast, BT12 6DE.	Renewal	Mr Gerard McIlhone, G&M Rock Ltd
Royal British Legion, 13 Sandbrook Gardens, Belfast, BT4 1NH.	Renewal	Mr Alexander Scott
Sandy Row Community Centre, Sandy Row, Belfast, BT12 5ET.	Renewal	Ms Catherine Taggart, Belfast City Council
St Comgalls, Divis Street, Belfast, BT12 4AQ.	Grant	Mr Gerry Mc Conville, Falls Community Council
St Molua's Parish Church Hall, 639 Upper Newtownards Road, Belfast, BT4 3LR.	Renewal	Ms Frances Hastie
The Black Box, 18-22 Hill Street, Belfast, BT1 2LA.	Renewal	Mr Neil Jacques, The Black Box Trust
The Parador, 471-473 Ormeau Road, Belfast, BT7 3GQ.	Renewal	Mr Paul Blaney, Blaney Inns Ltd
The SSE Arena Belfast Carparks, Queens Quay & Arc Public Realm areas, 2 Queens Quay, Belfast, BT3 9QQ.	Renewal	Mr Robert Fitzpatrick, The Odyssey Trust Company Ltd
Tullycarnet Community & Resource Centre, Kinross Avenue, Belfast, BT5 7GE.	Renewal	Ms Catherine Taggart, Belfast City Council
Wellington Park Hotel, 19-21 Malone Road, Belfast, BT9 6RU.	Renewal	Mr Felix Mooney, Dunadry Development Company Ltd

	Premises and Location	Type of Application	Applicant
	Westbourne Supporters of Glentoran Club, 3 Solway Street, Belfast, BT4 1HN.	Renewal	Mr Curtis Harvey
	Windsor Lawn Tennis Club, 37 Windsor Avenue, Belfast, BT9 6EJ.	Renewal	Ms Maxine Pauley
	Woodvale Community Centre, 74A Disraeli Street, Belfast, BT13	Renewal	Ms Catherine Taggart, Belfast City Council
3.2	Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 the following Amusement Permits were issued since your last meeting.		
	Premises and Location	Type of Application	Applicant
	Players, 22 Shaftesbury Square, Belfast, BT2 7BD.	Renewal	Mr Liam Boyle, Play SS Ltd
	Players, Unit 5-6, 133-137 Lisburn Road, Belfast, BT9 7AG.	Renewal	Mr Liam Boyle, Play LR Ltd
	Twilight Zone Amusement Centre, 191 Kingsway, Dunmurry, Belfast, BT17 9RY.	Renewal	EZE Gaming Ltd
	Twilight Zone, 13 North Street, Belfast, BT1 1NA.	Renewal	EZE Gaming Ltd
	Twilight Zone, 44 Cregagh Road, Belfast, BT6 9EQ.	Renewal	EZE Gaming Ltd
3.3	Under the terms of the Cinemas (Northern Ireland) Order 1991 the following Cinema Licences were issued since your last meeting.		
	Premises and Location	Type of Application	Applicant
	Grand Opera House, Great Victoria Street, Belfast, BT2 7HR.	Renewal	Mr Andrew Wiggam, Grand Opera House Trust
	The Black Box, 18-22 Hill Street, Belfast, BT1 2LA.	Renewal	Mr Neil Jacques, The Black Box Trust
3.4	Under the terms of the Petroleum Consolidation Act 1929 the following Petroleum Licences were issued since your last meeting.		
	Premises and Location	Type of Application	Applicant
	Bridge End Filling Station, 62A Bridge End, Belfast, BT5 4AE.	Renewal	Mr Alan Pollock, Maxol Oil Ltd
3.5	Under the terms of the Street Trading Act (Northern Ireland) 2001 no Street Trading Licences were issued since your last meeting.		

3.6	Under the terms of the Road Traffic Regulation (Northern Ireland) Order 1997 no Road Closure Orders were made since your last meeting.
3.7	Under the terms of the Licensing of Pavement Cafés Act (Northern Ireland) 2014 no Pavement Café Licences were issued since your last meeting.
	<u>Financial & Resource Implications</u>
3.8	None
	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>
3.9	There are no issues associated with this report.



Belfast
City Council

LICENSING COMMITTEE

Subject:	Application for the Grant of a 14-Day Occasional Outdoor Entertainments Licence for Drumglass Park
Date:	15 February 2023
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext 2435
Contact Officer:	Moira Dougherty, Senior Building Control Surveyor, Ext 2458

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"/>

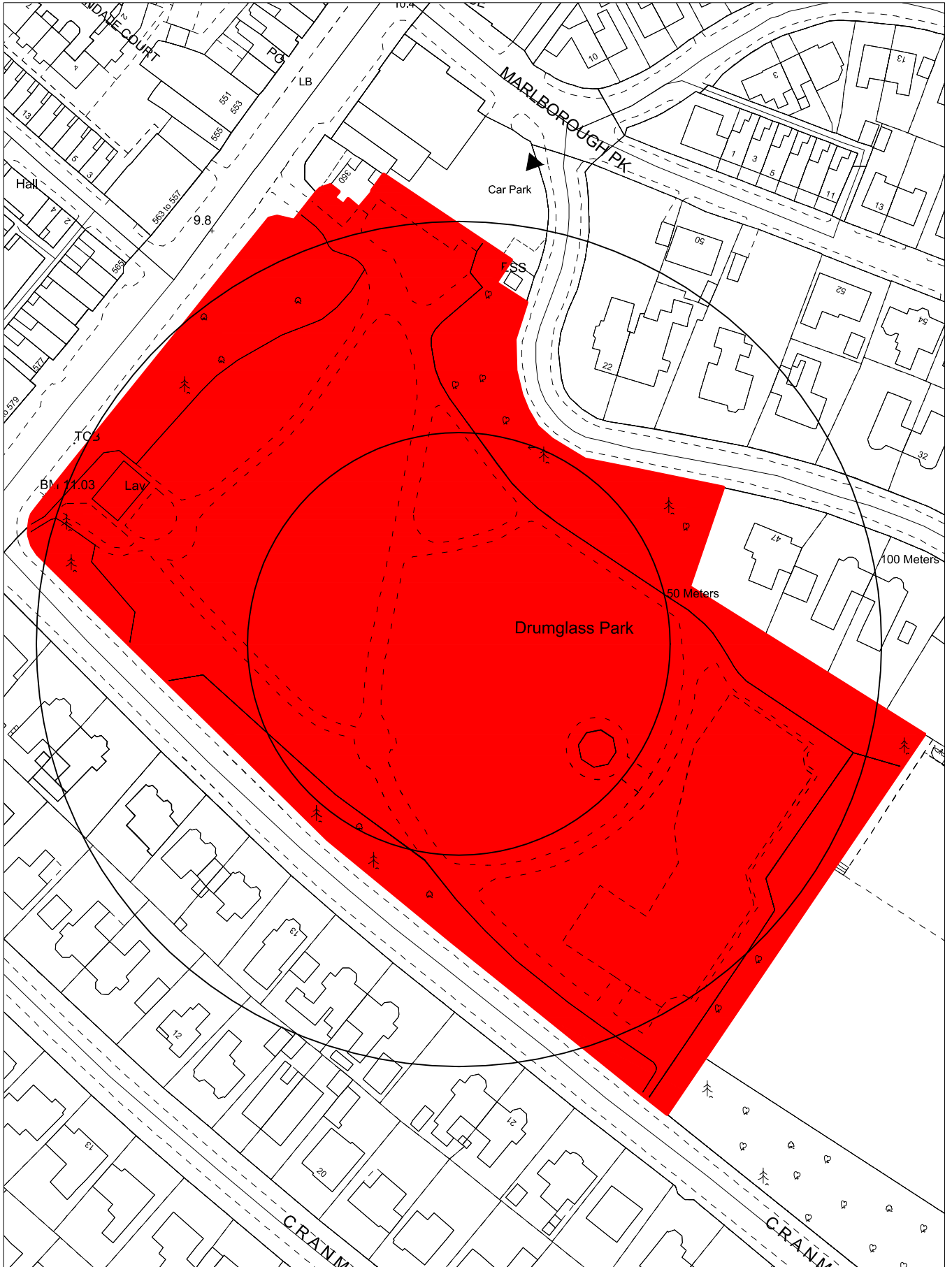
Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues						
1.1	<p>To consider an application for the grant of a 14-day Occasional Outdoor Entertainments Licence in respect of Drumglass Park.</p> <table><tr><td>Area and Location</td><td>Ref. No.</td><td>Applicant</td></tr><tr><td>Drumglass Park Lisburn Road Belfast, BT9 6JF</td><td>WK/2022/01411</td><td>Mr David Sales City and Neighbourhoods Services Dept. Belfast City Council</td></tr></table>	Area and Location	Ref. No.	Applicant	Drumglass Park Lisburn Road Belfast, BT9 6JF	WK/2022/01411	Mr David Sales City and Neighbourhoods Services Dept. Belfast City Council
Area and Location	Ref. No.	Applicant					
Drumglass Park Lisburn Road Belfast, BT9 6JF	WK/2022/01411	Mr David Sales 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 grant of the 14-Day Occasional Outdoor Entertainments Licence, or b) Approve the application for the grant with special conditions, or c) Refuse the application for the grant 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, entertainment may not be provided until any such appeal is determined.</p>
3.0	Main report
	<u>Key Issues</u>
3.1	<p>Drumglass Park is owned by Belfast City Council and was previously licensed to provide outdoor entertainment until the 7 Day Annual Licence expired on 31 July 2015.</p>
3.2	<p>Belfast City Council currently holds a 14-Day Occasional Indoor Entertainments Licence for a marquee in respect of Drumglass Park.</p>
	<u>Application and representations</u>
3.3	<p>As for all licences associated with Council parks the applicant is the Director of City and Neighbourhood Services.</p>
3.4	<p>The standard days and hours for an Outdoor Entertainments Licence are:</p> <ul style="list-style-type: none"> • Monday to Sunday: 11.30am to 11.00pm.
3.5	<p>In addition, Special Conditions are attached to Outdoor Entertainments Licences related to setting limits on maximum numbers and implementing a robust system of dealing with complaints.</p>
	<u>Representations</u>
3.6	<p>Public notice of the application has been placed and no written representation has been lodged as a result of the advertisement.</p>
	<u>PSNI</u>
3.7	<p>The Police Service of Northern Ireland have been consulted and has confirmed that they have no objection to the application.</p>
3.8	<p>A copy of their correspondence is attached at Appendix 2.</p>
	<u>NIFRS</u>

3.9	<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>
3.10	<p>Officers from the Service will engage with the applicant and event organisers in the lead up to events to ensure all documentation and technical information is in place.</p>
3.11	<p>Additionally, officers will inspect the site during the build of the event space and following its completion to ensure they are satisfied all safety and management procedures are in place.</p> <p><u>Noise</u></p>
3.12	<p>The applicant will be required to provide a Noise Management Plan for events which will be 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.</p>
3.13	<p>Members will also recognise that noise generated by 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.</p> <p><u>Applicant</u></p>
3.14	<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>Financial & Resource Implications</p>
3.15	<p>None.</p> <p>Equality or Good Relations Implications/Rural Needs Assessment</p>
3.16	<p>There are no issues associated with this report.</p>
4.0	Appendices – Documents Attached
	<ul style="list-style-type: none"> • Appendix 1 – Location Map • Appendix 2 – PSNI Response

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DRAWN BY **M Treacy**
DATE **06/02/2023**

Drumglass Park
Page 50
Lisburn Road

SCALE **1:1250 @ A4**

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

7th December 2022

Dear Mary

[Redacted text block containing multiple lines of blacked-out information]

Drumglass Park, Lisburn Road, Belfast, BT9 6JF.

[Redacted text block containing multiple lines of blacked-out information]

Please note that District Councils are the lead organisation for Entertainment Licensing and the provisions of the Order under Schedule 1 allows for the application, regulation and restriction following consideration by the licensing authority.

The Order allows for the granting of a licence with conditions with the overarching aim of maximising safety and minimise risk and impact that may result from the granting of a licence. The role of the Police Service in consideration of entertainment licenses is limited. I would however highlight current regulatory practice:

- ☐ Private Security Industry Act 2001 – covers the requirement for the provision of licensed activities that may impact this application.
- ☐ Responsible retailing code (NI) – covers the responsible promotion and retail of alcohol.

At this time that are no current PSNI objections to the above applications being further considered by Belfast City council, residents, other local business and NIFRS.

If the Licence is granted in due course please forward police a copy with any special conditions or restrictions with confirmation that all Belfast City Council requirements and conditions including all Building Regulations approvals have been adhered to and that any current, relevant COVID – 19 guidance will be considered by the licence holder.

Kind Regards



Donna Tolan
Licensing Officer, Musgrave Station, Belfast



Belfast
City Council

LICENSING COMMITTEE

Subject:	Application for the Grant of a 7-day annual Outdoor Entertainments Licence for Páirc Nua Chollann, Stewartstown Road
Date:	15 February 2023
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"/>

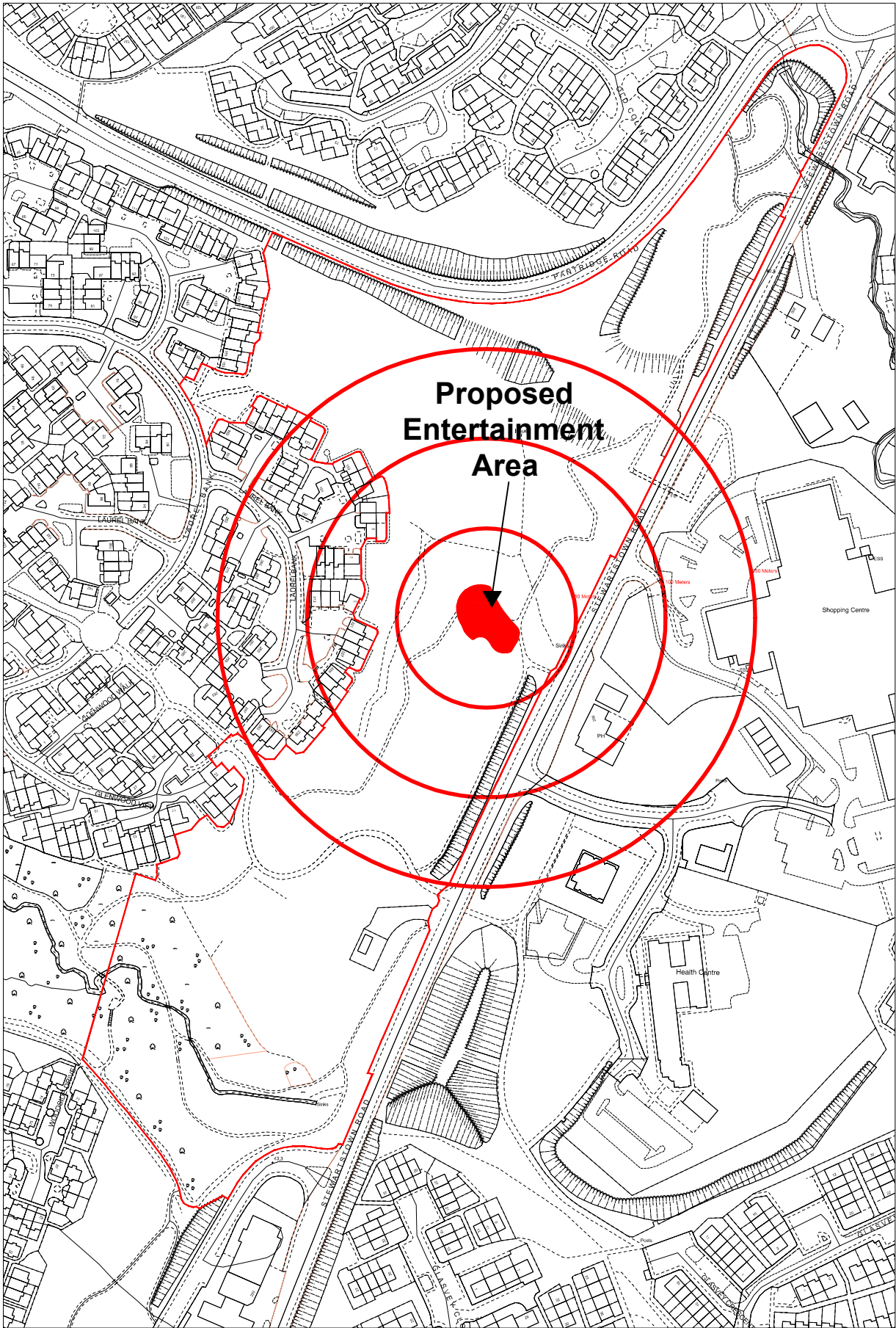
Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues		
1.1	To consider an application for the grant of a 7-day annual Outdoor Entertainments Licence in respect of Páirc Nua Chollann, Stewartstown Road.		
	Area and Location	Ref. No.	Applicant
	Páirc Nua Chollann, Stewartstown Road Belfast, BT17	WK/202002613	Mr David Sales City and Neighbourhoods Services Dept. Belfast City Council
1.2	A location map is attached as Appendix 1.		

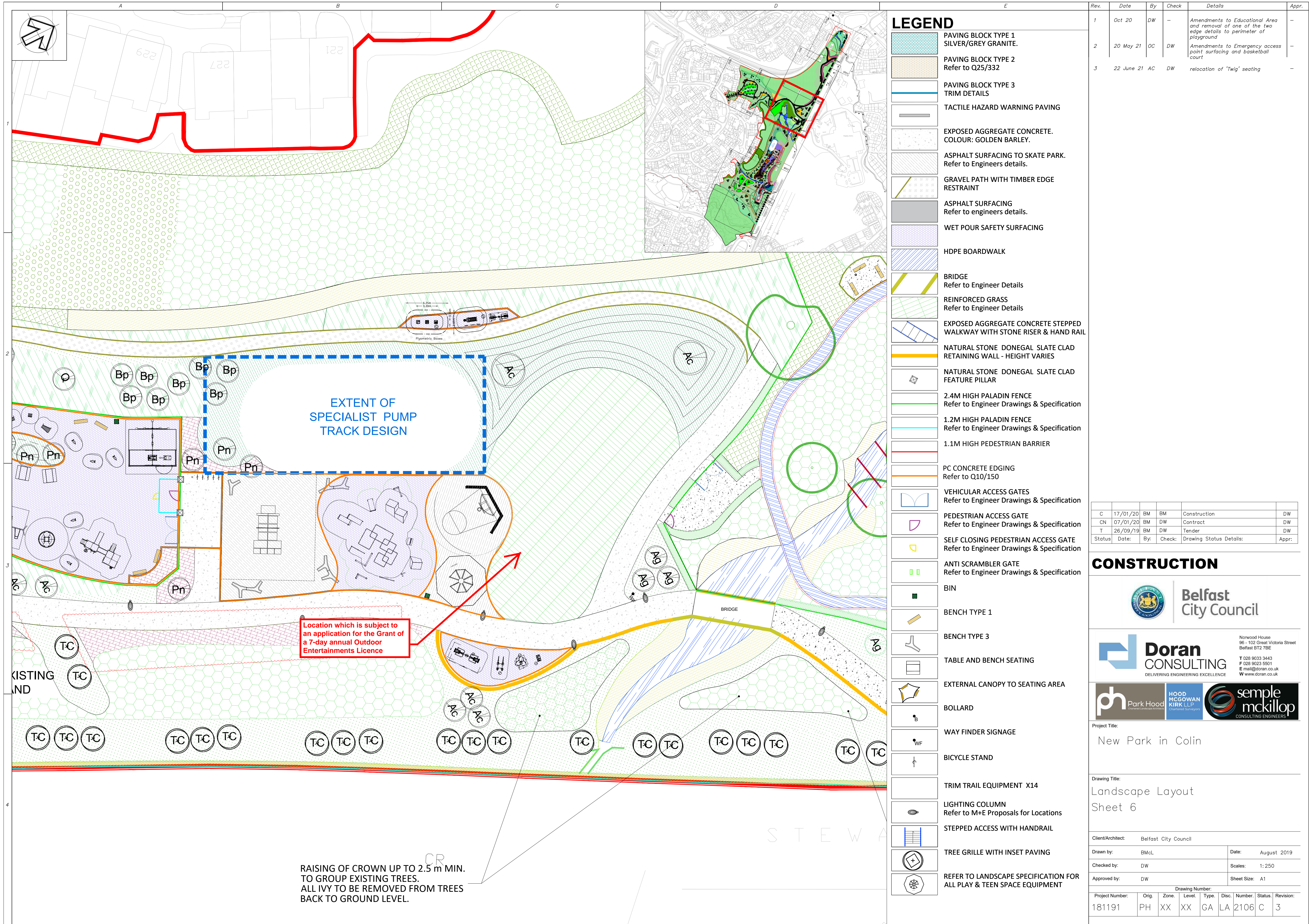
2.0	Recommendations
2.1	<p>Taking into account the information presented and any representations received Members are required to consider the application and to:</p> <ul style="list-style-type: none"> a) Approve the application for the grant of the 7-Day Annual Outdoor Entertainments Licence, or b) Approve the application for the grant with special conditions, or c) Refuse the application for the grant of the 7-Day Annual 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, entertainment may not be provided until any such appeal is determined.</p>
3.0	Main report
	<p><u>Key Issues</u></p> <p>3.1 Páirc Nua Chollann is a newly developed community event space located on Stewartstown Road which will be operated by Belfast City Council. The community event space includes an outdoor gym, an education zone, a cycle 'pump track' and walking and cycling routes.</p> <p>3.2 The application for the grant of an Entertainments Licence at the venue is to support community events which are to be hosted in park.</p> <p>3.3 A site plan for Páirc Nua Chollann is attached as Appendix 2.</p> <p><u>Application and representations</u></p> <p>3.4 As for all licences associated with Council parks the applicant is the Director of City and Neighbourhood Services.</p> <p>3.5 The standard days and hours for an Outdoor Entertainments Licence are:</p> <ul style="list-style-type: none"> • Monday to Sunday: 11.30am to 11.00pm. <p>3.6 In addition, Special Conditions are attached to Outdoor Entertainments Licences related to setting limits on maximum numbers and implementing a robust system of dealing with complaints.</p> <p><u>Representations</u></p> <p>3.7 Public notice of the application has been placed and no written representation has been lodged as a result of the advertisement.</p> <p><u>PSNI</u></p> <p>3.8 The Police Service of Northern Ireland have been consulted and has confirmed that they have no objection to the application.</p> <p>3.9 A copy of their correspondence is attached at Appendix 3.</p>

	<u>NIFRS</u>
3.10	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>
3.11	Officers from the Service will engage with the applicant and event organisers in the lead up to future events to ensure all documentation and technical information is in place.
3.12	Additionally, officers will inspect the site during the build of the event space and following its completion to ensure they are satisfied all safety and management procedures are in place.
	<u>Noise</u>
3.13	All event organisers seeking to host musical entertainment at the event space will be required to provide a Noise Management Plan which will be 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.
3.14	Members should also recognise that noise generated by 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.
	<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 – Site Plan • Appendix 3 – PSNI Response

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Rev.	Date	By	Check	Details	Appr.
1	Oct 20	DW	-	Amendments to Educational Area and removal of one of the two edge details to perimeter of playground	-
2	20 May 21	OC	DW	Amendments to Emergency access point surfacing and basketball court	-
3	22 June 21	AC	DW	relocation of 'Twig' seating	-

Status	Date:	By:	Check:	Drawing Status Details:	Appr:
C	17/01/20	BM	BM	Construction	DW
CN	07/01/20	BM	DW	Contract	DW
T	26/09/19	BM	DW	Tender	DW

CONSTRUCTION



Belfast City Council



Doran CONSULTING
DELIVERING ENGINEERING EXCELLENCE



Project Title:								
New Park in Colin								
Drawing Title:								
Landscape Layout								
Sheet 6								
Client/Architect: Belfast City Council								
Drawn by: BMcL					Date: August 2019			
Checked by: DW					Scales: 1:250			
Approved by: DW					Sheet Size: A1			
Drawing Number:								
Project Number:	Orig.	Zone.	Level.	Type.	Disc.	Number.	Status.	Revision:
181191	PH	XX	XX	GA	LA	2106	C	3

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

2nd February 2023

Dear Sir

**RE: - Application for the Grant of a 7-day annual Outdoor
Entertainments Licence for Páirc Nua Chollann, Stewartstown
Road**

Please note that at this time that are no current PSNI objections to the above application being further considered by Belfast City council, residents, other local business and NIFRS.

Can consideration be given to inform police at least four weeks' notice if any outdoor entertainment is planned involving alcohol.

If the Licence is granted in due course please forward police a copy with any special conditions or restrictions with confirmation that all Belfast City Council requirements and conditions including all Building Regulations approvals have been adhered to and that any current, relevant COVID – 19 guidance will be considered by the licence holder.

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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Belfast
City Council

LICENSING COMMITTEE

INSERT AGENDA ITEM

Subject:	Designation of new Street Trading Sites
Date:	15 February 2023
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 provisions of the Street Trading Act (NI) 2001 a district council has powers to designate and rescind the designation of specific streets or parts of streets as being suitable for street trading. The Act also allows a council to vary a previous designating resolution in relation to the commodities or services to be supplied in specific streets.
1.2	If a street or the commodity to be offered has not been designated under the Act the Council cannot issue a licence for street trading from a stationary position in that street.
1.3	The process of considering and reviewing the designation of streets is therefore an essential part of the legal framework within which the Council is enabled to regulate street trading in the City.

2.0	Recommendations						
2.1	The Committee is required to consider the applications that have been received for the creation of new designated sites outlined in paragraph 3.3. Subject to any amendments you may have, permission is sought to allow the publication of the statutory 28-day notice of the proposed resolution and to commence consultation with statutory bodies and other persons who may have an interest in the proposals.						
3.0	Main report						
	<u>Key Issues</u>						
3.1	<p>The Act sets down the procedures which must be followed in considering a designating resolution, including the types of trading which may or may not take place in that street. The main steps the Council must undertake may be summarised as follows:</p> <ul style="list-style-type: none"> a) Give public notice of the proposed resolution; b) Consult with the PSNI and the Department for Infrastructure and other persons it considers appropriate; c) Consider any representations relating to the proposed resolution which it has received; d) After the Council has considered those representations it may, if it thinks fit, pass the designating resolution; e) Publish notice of the outcome for 2 consecutive weeks in 2 or more newspapers, giving not less than 28 days between the date of the publication and the date set out by the Council when the resolution will come into effect. 						
3.2	A further report will be brought before the Committee at a future meeting detailing the outcome of the process of consultation. At that stage, Members will be able to determine the designation of the street along with any restriction on the commodity to be sold and any recommendations regarding the restriction on the times of trading.						
3.3	<p>Proposed Sites</p> <table border="1"> <thead> <tr> <th>Location</th><th>Proposed Commodities/Services</th></tr> </thead> <tbody> <tr> <td>Writers Square (6 sites)</td><td>Commodities to be determined</td></tr> <tr> <td>Annadale Embankment in layby</td><td>Hot and cold non-alcoholic beverages, confectionery, ice cream and cold food or similar commodities.</td></tr> </tbody> </table> <p><u>Financial and Resource Implications</u></p>	Location	Proposed Commodities/Services	Writers Square (6 sites)	Commodities to be determined	Annadale Embankment in layby	Hot and cold non-alcoholic beverages, confectionery, ice cream and cold food or similar commodities.
Location	Proposed Commodities/Services						
Writers Square (6 sites)	Commodities to be determined						
Annadale Embankment in layby	Hot and cold non-alcoholic beverages, confectionery, ice cream and cold food or similar commodities.						
3.4	<p>The cost of all notices is included in current revenue budgets.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p>						
3.5	There are no issues associated with this report.						