

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



**Belfast  
City Council**

**MEETING OF LICENSING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room - City Hall on Wednesday, 22nd January, 2020 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

**AGENDA:**

1. **Routine Matters**

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

2. **Delegated Matters**

- (a) Applications Approved Under Delegated Authority (Pages 1 - 4)
- (b) Competing Street Trading Licence applications for Fountain Lane (Pages 5 - 10)
- (c) Objections received to an application for the renewal of a 7-Day Annual Entertainments Licence for the Hatfield Bar (Pages 11 - 30)
- (d) Houses in Multiple Occupation (HMO) Licenses Issued Under Delegated Authority (Pages 31 - 32)

- (e) Applications for the Renewal of a Licence to Operate a House of Multiple Occupation for 85 Dunluce Avenue (Pages 33 - 74)
- (f) Applications for the Renewal of a Licence to Operate a House of Multiple Occupation for Flat 2, 15 India Street (Pages 75 - 116)
- (g) Applications for the Renewal of a Licence to Operate a House of Multiple Occupation for 22 Elaine Street (Pages 117 - 150)

3. **Non-Delegated Matters**

- (a) Review of Amusement Permit policy (Pages 151 - 154)



<b>Subject:</b>	<b>Licences Issued Under Delegated Authority</b>
<b>Date:</b>	22 January 2020
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, Ext. 2435
<b>Contact Officer:</b>	James Cunningham, Regulatory Services Manager, Ext. 3375

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

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
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.
<b>2.0</b>	<b>Recommendations</b>
2.1	The Committee is requested to note the applications that have been issued under the Scheme of Delegation.

3.0	<b>Main report</b>																																																			
3.1	<p><b><u>Key Issues</u></b></p> <p>Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the following Entertainments Licences were issued since your last meeting.</p> <table border="1" data-bbox="280 423 1425 1939"> <thead> <tr> <th data-bbox="280 423 775 506"><b>Premises and Location</b></th> <th data-bbox="775 423 983 506"><b>Type of Application</b></th> <th data-bbox="983 423 1425 506"><b>Applicant</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="280 506 775 589">Alibi, 23-31 Bradbury Place, Belfast, BT7 1RR.</td> <td data-bbox="775 506 983 589">Renewal</td> <td data-bbox="983 506 1425 589">Mr Robert Davis, Regency Hotel (NI) Ltd</td> </tr> <tr> <td data-bbox="280 589 775 672">Ardoyne Community Centre, 40 Herbert Street, Belfast, BT14</td> <td data-bbox="775 589 983 672">Renewal</td> <td data-bbox="983 589 1425 672">Ms Catherine Taggart, Belfast City Council</td> </tr> <tr> <td data-bbox="280 672 775 754">Belfast Castle, 698 Antrim Road, Belfast, BT15</td> <td data-bbox="775 672 983 754">Renewal</td> <td data-bbox="983 672 1425 754">Ms Cathryn McOscar, Belfast City Council</td> </tr> <tr> <td data-bbox="280 754 775 860">Belfast Telegraph Printworks, 122-144 Royal Avenue, Belfast, BT1 1EB.</td> <td data-bbox="775 754 983 860">Renewal</td> <td data-bbox="983 754 1425 860">Mr Alan Simms, The Limelight Belfast Ltd</td> </tr> <tr> <td data-bbox="280 860 775 943">Benedicts Hotel, 17-21 Bradbury Place, Belfast, BT7</td> <td data-bbox="775 860 983 943">Renewal</td> <td data-bbox="983 860 1425 943">Mr Edmund Simpson, Elmoreton Ltd</td> </tr> <tr> <td data-bbox="280 943 775 1048">Brantwood Football &amp; Recreation Club, Jellicoe Avenue, Belfast, BT15</td> <td data-bbox="775 943 983 1048">Renewal</td> <td data-bbox="983 943 1425 1048">Mr Noel Holmes</td> </tr> <tr> <td data-bbox="280 1048 775 1131">Cregagh Congregational Church, Graham Gardens, Belfast, BT6</td> <td data-bbox="775 1048 983 1131">Renewal</td> <td data-bbox="983 1048 1425 1131">Mr Warnock Craig</td> </tr> <tr> <td data-bbox="280 1131 775 1214">Crown Jesus Ministries, 5-7 Calvin Street, Belfast, BT5</td> <td data-bbox="775 1131 983 1214">Grant</td> <td data-bbox="983 1131 1425 1214">Mr Richard Kernohan</td> </tr> <tr> <td data-bbox="280 1214 775 1296">Dee Street Community Centre, 12-16 Dee Street, Belfast, BT4</td> <td data-bbox="775 1214 983 1296">Renewal</td> <td data-bbox="983 1214 1425 1296">Ms Catherine Taggart, Belfast City Council</td> </tr> <tr> <td data-bbox="280 1296 775 1379">Divis Community Centre, 9 Ardmoulin Place, Belfast, BT12</td> <td data-bbox="775 1296 983 1379">Renewal</td> <td data-bbox="983 1296 1425 1379">Ms Catherine Taggart, Belfast City Council</td> </tr> <tr> <td data-bbox="280 1379 775 1462">Falls Leisure Centre, 15-17 Falls Road, Belfast, BT12</td> <td data-bbox="775 1379 983 1462">Renewal</td> <td data-bbox="983 1379 1425 1462">Ms Jo Davison, Greenwich Leisure Ltd</td> </tr> <tr> <td data-bbox="280 1462 775 1545">Finaghy Community Centre, Geeragh Place, Belfast, BT10 0ER.</td> <td data-bbox="775 1462 983 1545">Renewal</td> <td data-bbox="983 1462 1425 1545">Ms Catherine Taggart, Belfast City Council</td> </tr> <tr> <td data-bbox="280 1545 775 1628">Hammer Main Hall, Agnes Street, Belfast, BT13 1GG.</td> <td data-bbox="775 1545 983 1628">Renewal</td> <td data-bbox="983 1545 1425 1628">Ms Catherine Taggart, Belfast City Council</td> </tr> <tr> <td data-bbox="280 1628 775 1711">Highfield Community Centre, High Green, Belfast, BT13 3SA.</td> <td data-bbox="775 1628 983 1711">Renewal</td> <td data-bbox="983 1628 1425 1711">Ms Catherine Taggart, Belfast City Council</td> </tr> <tr> <td data-bbox="280 1711 775 1794">Horn Drive Community Centre, 44A Horn Drive, Belfast, BT11</td> <td data-bbox="775 1711 983 1794">Renewal</td> <td data-bbox="983 1711 1425 1794">Ms Catherine Taggart, Belfast City Council</td> </tr> <tr> <td data-bbox="280 1794 775 1939">House, 59-65 Botanic Avenue, Belfast, BT7 1JJ.</td> <td data-bbox="775 1794 983 1939">Renewal</td> <td data-bbox="983 1794 1425 1939">Mr Michael Stewart, Botanic Way Ltd</td> </tr> </tbody> </table>	<b>Premises and Location</b>	<b>Type of Application</b>	<b>Applicant</b>	Alibi, 23-31 Bradbury Place, Belfast, BT7 1RR.	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<b>Premises and Location</b>	<b>Type of Application</b>	<b>Applicant</b>
Indoor Tennis Centre & Ozone Complex, Ormeau Embankment, Belfast, BT6 8LT.	Grant	Mr David Miller, Greenwich Leisure Ltd
Irish National Foresters, 14-18 Albert Street, Belfast, BT12	Renewal	Mr Gerry Lappin
John Hewitt Bar, 51 Donegall Street, Belfast, BT1	Renewal	Ms Joyce Green
Katy Dalys, Limelight & Limelight 2, 17-21 Ormeau Avenue, Belfast, BT2 8HD.	Variation	Mr Phil Donaldson, The Limelight Belfast Ltd
Larionad An Droichid, 20 Cooke Street, Belfast, BT7 2EP.	Renewal	Ms Kellie O' Dowd
Ligoniel Community Centre, 144 Ligoniel Road, Belfast, BT14	Renewal	Ms Catherine Taggart, Belfast City Council
Woodvale Community Centre, 79a Disraeli Street, Belfast, BT13	Renewal	Ms Catherine Taggart, Belfast City Council
Longfellows Bar, 115-119 My Ladys Road, Belfast, BT6 8FD.	Renewal	Mr Maxwell Swain
Markets Community Centre, Market Street, Belfast, BT2 8JA.	Renewal	Ms Catherine Taggart, Belfast City Council
Morton Community Centre, Lorne Street, Belfast, BT9 7DU.	Renewal	Ms Catherine Taggart, Belfast City Council
North Queen Street Community Centre, 46A Victoria Parade, Belfast, BT15 2EN.	Renewal	Ms Catherine Taggart, Belfast City Council
Ox Cave Restaurant, 3 Oxford Street, Belfast, BT1 3LA.	Renewal	Mr Stephen Toman, Varenne Restaurants Ltd
Park Avenue Hotel, 158 Holywood Road, Belfast, BT4	Renewal	Mrs Amanda Patrick, Park Avenue Hotel Ltd
Royal Bar, 33-35 Donegall Road, BT12 5JJ	Renewal	Mr Ronald Brown
Shaftesbury Recreation Centre, 97 Balfour Avenue, Belfast, BT7	Renewal	Mr Gerard Rice
Shamrock Sports & Social Club, 5A Flax Street, Belfast, BT14 7EJ.	Renewal	Mr Paul Carson
St Anne's Cathedral Church Hall, Donegall Street, Belfast, BT1 2HB.	Renewal	Ms Holly Wilson
Stormont Hotel, 587 Upper Newtownards Road, Belfast, BT4 3LP.	Renewal	Mr John Carson, Moyola Cellars Ltd
Suffolk Community Centre, Carnamore Park, Belfast, BT11 9LX.	Renewal	Ms Catherine Taggart, Belfast City Council

<b>Premises and Location</b>	<b>Type of Application</b>	<b>Applicant</b>
The Crown Bar, 46 Great Victoria Street, Belfast, BT2 7BA.	Renewal	Mr Alan Campbell, Mitchells & Butlers Leisure Retail
The National Grande Cafe Bar & Sixty6, 62-68 High Street, Belfast, BT1	Renewal	Mr James Sinton, Cathedral Leisure Ltd
The Topsy Bird, 96-100 Ann Street, Belfast, BT1	Transfer	Mr Matt Mckenna, Glendola Leisure (Holdings) Ltd
Titanic Hotel, Queens Road, Belfast, BT3 9DT.	Renewal	Mr Adrian McNally, Titanic Hotel Belfast Ltd
Whiterock Community Centre, Whiterock Road, Belfast, BT12 1FW.	Renewal	Ms Catherine Taggart, Belfast City Council
Woodvale Community Centre, 79a Disraeli Street, Belfast, BT13 3HT.	Renewal	Ms Catherine Taggart, Belfast City Council

3.2 Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 there were no Amusement Permits issued since your last meeting.

3.3 Under the terms of the Street Trading Act (Northern Ireland) 2001 there were no Street Trading Licences issued since your last meeting.

3.4 Under the terms of the Road Traffic Regulation (Northern Ireland) Order 1997 there were no Road Closure Orders were made since your last meeting.

3.5 **Financial & Resource Implications**

None

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

There are no issues associated with this report.



<b>Subject:</b>	<b>Competing Stationary Street Trading Licence applications for Fountain Lane site</b>
<b>Date:</b>	22 January 2020
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, Ext. 2435
<b>Contact Officer:</b>	James Cunningham, Regulatory Services Manager, Ext. 3375

<b>Restricted Reports</b>	
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"/>

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	To consider two separate and competing Street Trading Licence applications to trade at the designated site in Fountain Lane, 45ft from the junction with Donegall Place.
1.2	Members are reminded that the normal process for dealing with competing Street Trading Licence applications is that the Service will bring the matter to your attention for consideration.
1.3	Both applications comply with the designating resolution for the site.
1.4	Committee may wish to note there is another site in Fountain Lane, 60ft from its junction with Donegall Place, this site is vacant.
1.5	Details of the applications are outlined below:
	<b>Applicant 1</b>

1.6	Mr Sean Donnelly has applied for the grant of a Stationary Street Trading Licence at the designated site in Fountain Lane to sell tour tickets, tour memorabilia and gifts. The proposed times of trading are Monday to Sunday from 9.00 am to 5.00 pm. Mr Donnelly proposes to use a stall on wheels measuring 3m by 1.5m.
1.7	Members may wish to note that Mr Donnelly is a director of Titanic and City Tours.
1.8	Members are reminded that, at your meeting in August 2019, Mr Donnelly was granted the Stationary Street Trading Licence to trade at the designated site in Fountain Street 20ft from the junction with Wellington Place. After hearing the appeal from the unsuccessful applicants at you meeting on 13 November 2019 the Committee confirmed the decision to grant Mr Donnelly the Licence.
<b>Applicant 2</b>	
1.9	Mr Michael Kerr has applied for the grant of a Stationary Street Trading Licence at the designated site in Fountain Lane to trade from a traditional market stall measuring 3m by 1.5m. The proposed times of trading are Monday to Sunday from 6.00 am to 10.00 pm. Mr Kerr proposes to sell: <ul style="list-style-type: none"> <li>• Souvenirs and Memorabilia;</li> <li>• Special Day, Occasions and Celebration goods and accessories;</li> <li>• Wrapping paper and cards;</li> <li>• Light Up Novelties;</li> <li>• Flowers and plants;</li> <li>• Clothing and Clothing accessories;</li> <li>• Jokes;</li> <li>• Toys;</li> <li>• Confectionery;</li> <li>• Cold Beverages</li> <li>• Jewellery;</li> <li>• Flags;</li> <li>• Whistles;</li> <li>• Batteries;</li> <li>• Art work;</li> <li>• Beauty and Cosmetics;</li> <li>• Football merchandise;</li> <li>• Tour tickets for all operators;</li> </ul>
1.10	Members may wish to note that Mr Kerr has indicated he would sell tour tickets for: Bus Tours, Trout Tours NI, Wee Toast Tours, Belfast City Sightseeing, Titanic and City Tours, Black Taxi Tours, Taxi Trax, Cic Taxi and Tours, Giants Causeway, Game of Thrones Tours, McCombs Travel, Travel Ireland, Walking Tours, Titanic Tours, Ghost Tours, Boat Tours, Bike Tours, Crumlin Road Gaol Tours and The Gobbins Coastal Path Tours.
1.11	Mr Kerr has stated in his application that he will also be a free information point.
1.12	Mr Kerr had previously made an application for the Stationary Street Trading Licence to trade at the designated site in Fountain Street 20ft from the junction with Wellington Place. The Licensing Committee granted the Licence to Mr Sean Donnelly.
<b>2.0</b>	<b>Recommendations</b>



<p>2.1</p> <p>2.2</p> <p>2.3</p> <p>2.4</p>	<p>Based on the submissions presented and considering any amendments to the applications, the Committee is requested to consider each application in turn, taking into account Section 5 of the Street Trading Licensing Policy outlined in paragraph 3.5, and decide whether it is minded to:</p> <ol style="list-style-type: none"> <li>1. Grant and approve the Licence to Mr Sean Donnelly; or</li> <li>2. Grant and approve the Licence to Mr Michael Kerr; or</li> <li>3. Grant and approve the Licence to one of the applicants with additional Conditions, and then;</li> <li>4. Refuse the Licence application, under the discretionary grounds as outlined at paragraph 3.3 below, of the applicants who have not been granted a Licence.</li> </ol> <p>Members may attach any reasonable Conditions when granting a Street Trading Licence.</p> <p>When minded to refuse a Licence application, the applicant must be informed that they will be permitted to make representation regarding the refusal to the Council, with such representations to be made not less than 21 days from the date of notice.</p> <p>As a consequence, the actual decision to grant and refuse the Licences will be considered at a meeting on a later date. There is a right of appeal to the Magistrate’s Court against any refusal on these grounds.</p>
<p><b>3.0</b></p>	<p><b>Key Issues</b></p>
<p>3.1</p> <p>3.2</p> <p>3.3</p>	<p>The Street Trading Act (Northern Ireland) 2001 (the Act) places a statutory obligation on a district council to grant an application for a Street Trading Licence unless there are sufficient grounds to refuse it.</p> <p>Section 8 of the Act sets out circumstances in which an application must be refused, however there are no such grounds of refusal applicable to these licence applications.</p> <p>Section 9 of the Act sets out discretionary grounds under which a district council may refuse to grant an application.</p> <p>a. That –</p> <ol style="list-style-type: none"> <li>i. The location at which the applicant wishes to trade as a stationary trader is unsuitable;</li> <li>ii. The space in the designated street in which the applicant wishes to trade as a stationary trader is inadequate for the applicant to do so without causing undue interference or inconvenience to persons or vehicles using the street;</li> <li>iii. The area or areas of the district in which the applicant wishes to trade as a mobile trader are unsuitable for the applicant to do so without causing undue interference or inconvenience to persons or vehicles in the area or areas;</li> <li>iv. There are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade;</li> <li>v. The nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply,</li> </ol>

	<p>would adversely affect the general amenity of the area in which the applicant wishes to trade;</p> <p>b. That the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;</p> <p>c. That the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence;</p> <p>d. That the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;</p> <p>e. That the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence;</p> <p>f. That the applicant has failed to provide the particulars required by the council to deal with the application;</p> <p>g. That the applicant has failed to provide or identify suitable or adequate arrangements for storing any articles, things or receptacles in or with which he proposes to trade.</p> <p>There is a right of appeal to the Magistrate's Court against any refusal on these grounds.</p>
3.4	Members are reminded that the Council, in March 2011, agreed an amended Street Trading Licensing Policy to allow for circumstances where there are two or more applications for the same designated pitch within the City.
3.5	<p>Section 5 of the Policy provides guidance on how to deal with competing licence applications and states that without prejudice to the discretionary grounds for refusing an application the Council may also take the following into account:</p> <ol style="list-style-type: none"> <li>1. The suitability of the application in the context of the area or street;</li> <li>2. The suitability of allowing more than one application in the area or street;</li> <li>3. The commodities or services which each applicant intends to sell or supply;</li> <li>4. The merits of each application in the context of the character and appearance of the proposed area;</li> <li>5. Whether a mobile trader/a number of mobile traders will affect the character and appearance of the proposed area;</li> <li>6. Any potential adverse impact caused to the character and appearance of the proposed location by the application, by a mobile trader or by a number of mobile traders;</li> <li>7. The extent to which the sale of the commodity will provide a useful service not otherwise provided in the area.</li> </ol>
3.6	Committee is reminded that, at your meeting on the 19 September 2018, when considering whether to allow for the sale of bus tour tickets at another site, you agreed that any resulting applications to sell bus tour tickets would be considered by the Committee and, if approved, be granted on a one-year trial basis. Committee may wish to do likewise when considering these applications.
3.7	

3.8	<p>The applicants have been invited to appear before Committee and make a brief presentation on matters such as how the business will be operated, the design of the stall, how the commodities they propose to sell will add to the area and address any concerns with their proposals.</p>
3.9	<p>After considering representations from the applicants you will then be required to make a minded to decision that you are minded to grant one of the applications and to refuse the other. Committee must give grounds as to why they are minded to refuse an application.</p>
3.10	<p>Committee is reminded that the applicant for the Licence whose application you are minded to refuse will be permitted to make written representation to the Council. As a consequence, the actual decision to grant and refuse the Licences will be considered at a meeting on a later date.</p>
	<p><b><u>Financial &amp; Resource Implications</u></b></p>
3.11	<p>If the Committee grants a Licence, the Stationary Street Trading Licence fee is as follows:</p> <ul style="list-style-type: none"> <li>• Application Fee of £150, and</li> <li>• A Licence fee, for Monday to Sunday, of £1250 per annum.</li> </ul>
	<p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p>
3.12	<p>There are no issues associated with this report.</p>
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>• None</li> </ul>

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<b>Subject:</b>	<b>Objections received to an application for the renewal of a 7-Day Annual Entertainments Licence for the Hatfield Bar</b>
<b>Date:</b>	22 January, 2020
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Darren McCamphill, Senior Building Control Surveyor, ext 2444

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"/>

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>				
1.1	<p>To consider whether to accept late objections to an application for the renewal of a 7-Day Annual Entertainments Licence for the Hatfield House.</p> <table style="margin-left: 40px; border: none;"> <thead> <tr> <th style="text-align: left; padding-right: 20px;"><b>Premises and Locations</b></th> <th><b>Applicant</b></th> </tr> </thead> <tbody> <tr> <td style="padding-right: 20px;">Hatfield House 128-130 Ormeau Road Belfast BT7 2EB</td> <td>Mr Kieran Cassidy Cavanreagh Limited</td> </tr> </tbody> </table>	<b>Premises and Locations</b>	<b>Applicant</b>	Hatfield House 128-130 Ormeau Road Belfast BT7 2EB	Mr Kieran Cassidy Cavanreagh Limited
<b>Premises and Locations</b>	<b>Applicant</b>				
Hatfield House 128-130 Ormeau Road Belfast BT7 2EB	Mr Kieran Cassidy Cavanreagh Limited				
1.2	The application for renewal of the licence was received on 25 October 2019. Subsequent to the application being received, objections to the renewal application were received from 20 representatives. All objections were outside the 28-day statutory period.				
<b>2.0</b>	<b>Recommendations</b>				
2.1	As the objections against the application were received outside the 28-day statutory period you are required to determine if you wish to exercise your discretion to consider them and, if so, give the objectors and the applicant an opportunity of appearing before and being heard by the Committee.				
2.2	If you decide not to take the objections into account, then the renewal application will be dealt with under the Scheme of Delegation.				
2.3					

	Should you exercise your discretion you are required to set a suitable date and time to receive the persons who made the representations, the applicant, and/or their representatives and, after having received their submissions, make a recommendation regarding the application.
<b>3.0</b>	<b>Main report</b>
	<b><u>Key Issues</u></b>
3.1	Members are reminded that, at your meeting on 18 January 2017, you considered a report regarding representations received outside the 28-day statutory period and agreed to adopt the following criteria when considering late objections: <ol style="list-style-type: none"> <li>1. Has a reasonable explanation been provided, in writing, by the objector as to why their representation was not made within the 28-day period;</li> <li>2. Does the representation provide substantially different additional information to that already contained within representations that have been received within the 28-day period;</li> <li>3. How far outside the 28-day period were the representations received;</li> <li>4. The proximity of the objectors to the premises;</li> <li>5. The number of other representations received outside the 28-day period;</li> <li>6. Whether there are any other material considerations which would warrant consideration of the objection.</li> </ol>
3.2	As a result of concerns about loud entertainment music, and other matters of public nuisance, written representation objecting to the application has been received. 20 representations have been received all of which are outside the 28-day statutory period.
3.3	Arising from your decision of 18 January 2017 the Service have received correspondence from 5 of the objectors outlining the reason for their late objection.
3.4	Officers from the Service have been in regular contact with the Licensee since October 2019 following initial complaints received from the public regarding the premises and is aware that the licensee has engaged with an Acoustic Consultant regarding noise mitigation measures.
3.5	At this time, objections to renewal of the 7-Day Annual Entertainments Licence have not been withdrawn.
3.6	Should Members wish to exercise their discretion and consider objections received outside the 28-day statutory period, the application will be brought back to Committee at a suitable future date.
3.7	Copies of the original objection letters from the 5 individuals who have provided a rationale outlining the reason for their late objection are attached as Appendix 1 and each of their responses outlining why their objections were outside the 28-day period are attached as Appendix 2.
	<b><u>Financial &amp; Resource Implications</u></b>
3.8	None.
	<b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b>
3.9	There are no issues associated with this report.

<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"><li data-bbox="288 259 746 293">• Appendix 1 – Objection E-mails</li><li data-bbox="288 331 1246 365">• Appendix 2 – Rationale to support objection outside the 28-day period</li></ul>

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<b>Subject:</b>	<b>Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority</b>
<b>Date:</b>	22 January 2020
<b>Reporting Officer:</b>	Kevin Bloomfield, NIHMO Manager, ext. 5910
<b>Contact Officer:</b>	Valerie Brown, City Services Manager, tel. 9027 0668 & Kevin Bloomfield, NIHMO Manager, ext. 5910

<b>Restricted Reports</b>	
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"/>

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
<b>1.1</b>	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.
<b>2.0</b>	<b>Recommendations</b>
<b>2.1</b>	The Committee is requested to note the applications that have been issued under the Scheme of Delegation.

<b>3.0</b>	<b>Main report</b>																																																														
	<p data-bbox="236 226 392 255"><b><u>Key Issues</u></b></p> <p data-bbox="165 293 1474 389"><b>3.1</b> Under the terms of the Houses in Multiple Occupation Act (Northern Ireland) 2016 &amp; The Houses in Multiple Occupation (Commencement and Transitional Provisions) Order (Northern Ireland) 2019 the following HMO Licences were issued since your last meeting.</p> <table border="1" data-bbox="236 423 1482 555"> <thead> <tr> <th data-bbox="236 423 667 490"><b>Applicant</b></th> <th data-bbox="675 423 1482 490"><b>HMO Location</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="236 490 667 524">Mr Mustaq Ahmed Arif</td> <td data-bbox="675 490 1482 524">71 WELLESLEY AVENUE, BELFAST, ANTRIM, BT9 6DG</td> </tr> <tr> <td data-bbox="236 524 667 555">Mr Ciaran Smyth</td> <td data-bbox="675 524 1482 555">29 Elaine Street, Belfast, BT9 5AR</td> </tr> </tbody> </table> <p data-bbox="165 591 1474 658"><b>3.2</b> Under the terms of the Houses in Multiple Occupation Act (Northern Ireland) 2016 the 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<b>Subject:</b>	<b>Applications for the renewal of a Licence to operate a House of Multiple Occupation for 85 Dunluce Avenue, Belfast</b>
<b>Date:</b>	22 <sup>nd</sup> January 2020
<b>Reporting Officer:</b>	Kevin Bloomfield, HMO Unit Manager, Ext. 5910
<b>Contact Officer:</b>	Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, Divisional Solicitor, Ext. 6049

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>						
1.1	To consider an application for the renewal of a Licence permitting the use of premises as a House in Multiple Occupation (HMO).  <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><b>Premises and Location</b></td> <td style="width: 33%;"><b>Ref. No.</b></td> <td style="width: 33%;"><b>Applicant</b></td> </tr> <tr> <td>85 Dunluce Avenue Belfast BT9 7AW</td> <td></td> <td>Gavin Fong</td> </tr> </table>	<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	85 Dunluce Avenue Belfast BT9 7AW		Gavin Fong
<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
85 Dunluce Avenue Belfast BT9 7AW		Gavin Fong					
1.2	Members will be aware that responsibility for HMO's was transferred to local district councils in April 2019 with the introduction of a new licensing regime. Any existing registrations under the old NIHE Registration Scheme operated were deemed to be licences at the point of transfer. 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.						
1.3	The purpose of the Houses in Multiple Occupation Act (Northern Ireland) 2016 ('the 2016 Act') is to enable better regulation of Houses in Multiple Occupation (HMO), by introducing a system of licensing, a fitness test for applicants and new provisions about standards of housing.						
1.4	Following the publication of this application, an objection was received in relation to the application. This objection raises general concerns about the overprovision of HMO's, the anti-social behaviour associated with HMO's, their effect on communities and issues around planning permission. None of these issues raise concerns specific to the applicant's premises.						

1.5	As a valid objection has been received, the application must be considered by Committee which must, after hearing from the objector and the applicant, decide whether to grant the renewal application.
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>Taking into account the information presented Committee is asked to hear from the objectors and applicant and make a decision to either:</p> <ul style="list-style-type: none"> <li>(i) Grant the application, with or without any special conditions; or</li> <li>(ii) Refuse the application.</li> </ul>
2.2	If the application is refused, the applicant has a right of appeal to the Magistrates Court. Such an appeal must be lodged within 28 days of formal notification of the decision. The licence will remain in place pending the appeal.
2.3	Objectors have no right of appeal but may be able to judicially review the Council's decision
<b>3.0</b>	<b>Main report</b>
3.1	<p><b><u>Key Issues</u></b></p> <p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied of the following:</p> <ul style="list-style-type: none"> <li>a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control;</li> <li>b) the owner of the living accommodation, and any managing agent of it, are fit and proper persons;</li> <li>c) the proposed management arrangements for the living accommodation are satisfactory);</li> <li>d) the granting of the licence will not result in overprovision of HMOs in the locality in which the living accommodation is situated;</li> <li>e) the living accommodation is fit for human habitation and— <ul style="list-style-type: none"> <li>(i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or</li> <li>(ii) can be made so suitable by including conditions in the licence.</li> </ul> </li> </ul>
3.2	The issues which can be taken into account when considering the fitness of an applicant are set out at Section 10 of the 2016 Act and includes 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.
3.3	Section 20 of the 2016 Act states where the holder of an HMO licence makes an application for renewal, the council must apply the above provisions except for (a) and (d); namely whether the use is a breach of planning control or would result in overprovision.
3.4	Members will recall that counsel has advised that councils cannot taken into account the absence of planning permission through the prism of fitness. On the basis of this advice, Legal Services have confirmed that this also applies to issues around overprovision.



## **Objections**

3.5 Following publication of notice of the application, an objection was received in relation to the renewal application. A copy of that objection is appended to this report. As appears from the objection, the issues raised are as follows:

- a) Over provision of HMOs in this area, leading to densification of the neighbourhood and reducing living quality;
- b) Over densification has produced excess household rubbish emanating from HMOs;
- c) Over provision of HMOs has created problems of excess car parking, noise and anti-social behaviour;
- d) Problems associated with HMOs cause settled families to move out, destroying community cohesion in previously strongly bonded neighbourhoods;
- e) A plan should be put in place to reduce current HMO levels to that set out in the HMO Subject Plan.

3.6 The objector also raises issues in relation to new HMO licence applications and premises which do not have the benefit of planning permission, which are not relevant to this application.

3.7 As none of these objections are specific to the premises in question, and some of the issues cannot be taken into account, the advice of Legal Services was sought. They advised that as these objections are not specific to the premises and/or irrelevant due to the legislative provisions a decision to refuse the application would not be sustainable upon appeal. In those circumstances it was considered in the interests of fairness to write to the objector raising this advice and inviting her to either amend the objections or withdraw same. The Objector declined to do so.

3.8 Members will be aware that on 29th October 2019 the Council's City Growth & Regeneration Committee agreed to designate the Wider University and Lower Ormeau area as a Special Action Area under Community Planning and to develop a long term vision and development plan to include a housing plan, a spatial planning approach and a regeneration programme. This intended to comprehensively tackle the general issues which the objector has raised.

## **Applicant**

3.9 The applicant and/or his representatives will be available to discuss any matters relating to the renewal of the licence should they arise during your meeting.

## **Suitability of the premises**

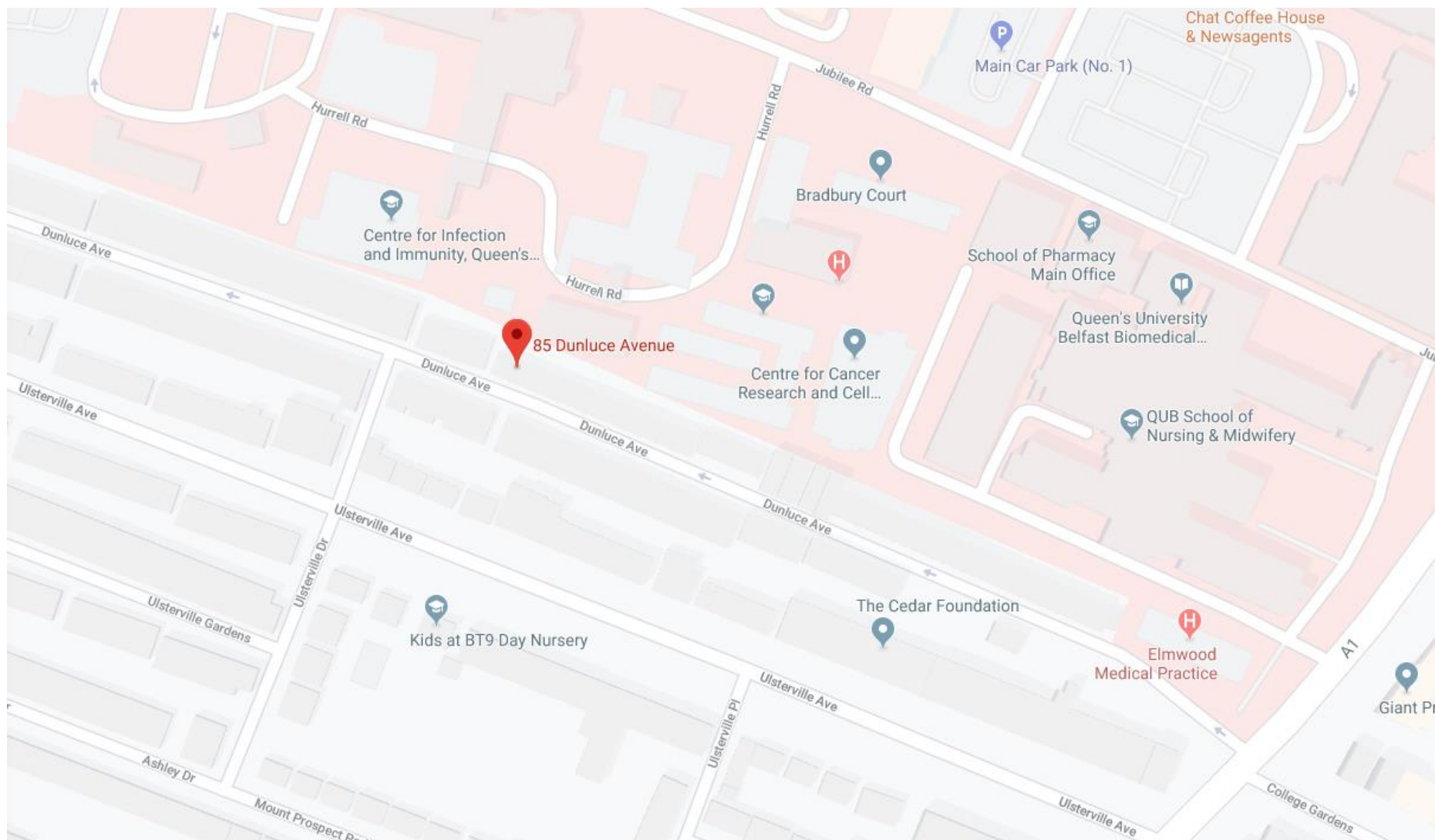
3.10 An inspection of the premises was carried out by Officers from the Service on 29 July 2019. The inspections revealed that the applicant was continuing to adhere to the terms and conditions of the existing license and no contraventions were discovered.

## **Notice of proposed decision**

3.11 On the 20<sup>th</sup> December 2019, 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.

## **Financial and Resource Implications**

3.12	<p>None. The cost of assessing the application and officer inspections are provided for within existing budgets.</p> <p><b><u>Equality and Good Relations Implications</u></b></p>
3.13	<p>There are no equality or good relations issues associated with this report.</p>
4.0	<p><b>Appendices – Documents Attached</b></p>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Location Map</li> <li>• Appendix 2 – Objection</li> <li>• Appendix 3 – Correspondence with objector</li> <li>• Appendix 4 – Notice of proposed decision</li> </ul>



**85 Dunluce Avenue, Belfast, BT9 7AW**

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of the Local Government Act (Northern Ireland) 2014.

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<b>Subject:</b>	<b>Applications for the renewal of a Licence to operate a House of Multiple Occupation for India Street, Belfast</b>
<b>Date:</b>	22 <sup>nd</sup> January 2020
<b>Reporting Officer:</b>	Kevin Bloomfield, HMO Unit Manager, Ext. 5910
<b>Contact Officer:</b>	Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, Divisional Solicitor, Ext. 6049

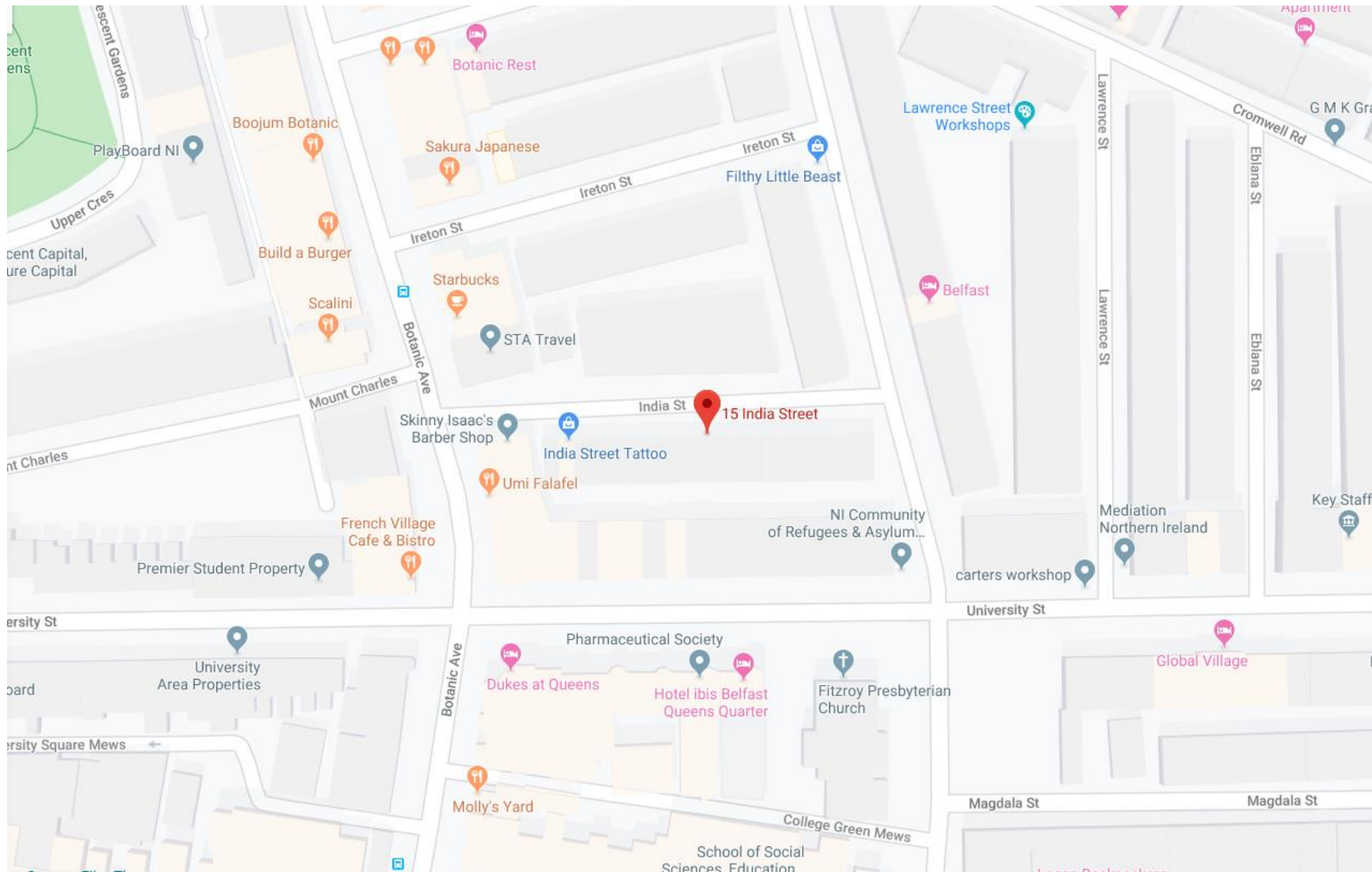
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Is the decision eligible for Call-in?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>						
1.1	<p>To consider an application for the renewal of a Licence permitting the use of premises as a House in Multiple Occupation (HMO).</p> <table style="width: 100%; margin-left: 40px;"> <thead> <tr> <th style="text-align: left;">Premises and Location</th> <th style="text-align: left;">Ref. No.</th> <th style="text-align: left;">Applicant</th> </tr> </thead> <tbody> <tr> <td>Flat 2, 15 India Street, Belfast, BT7 1LJ</td> <td></td> <td>Mrs Mary Cameron Edward Cameron</td> </tr> </tbody> </table>	Premises and Location	Ref. No.	Applicant	Flat 2, 15 India Street, Belfast, BT7 1LJ		Mrs Mary Cameron Edward Cameron
Premises and Location	Ref. No.	Applicant					
Flat 2, 15 India Street, Belfast, BT7 1LJ		Mrs Mary Cameron Edward Cameron					
1.2	Members will be aware that responsibility for HMO's was transferred to local district councils in April 2019 with the introduction of a new licensing regime. Any existing registrations under the old NIHE Registration Scheme operated were deemed to be licences at the point of transfer. 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.						
1.3	The purpose of the Houses in Multiple Occupation Act (Northern Ireland) 2016 ('the 2016 Act') is to enable better regulation of Houses in Multiple Occupation (HMO), by introducing a system of licensing, a fitness test for applicants and new provisions about standards of housing.						
1.4	Following the publication of this application, an objection was received in relation to the application. This objection raises general concerns about the overprovision of HMO's, the anti-social behaviour associated with HMO's, their effect on communities and issues around planning permission. None of these issues raise concerns specific to the applicant's premises.						

1.5	As a valid objection has been received, the application must be considered by Committee which must, after hearing from the objector and the applicant, decide whether to grant the renewal application.
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>Taking into account the information presented Committee is asked to hear from the objectors and applicant and make a decision to either:</p> <ul style="list-style-type: none"> <li>(i) Grant the application, with or without any special conditions; or</li> <li>(ii) Refuse the application.</li> </ul>
2.2	If the application is refused, the applicant has a right of appeal to the Magistrates Court. Such an appeal must be lodged within 28 days of formal notification of the decision. The licence will remain in place pending the appeal.
2.3	Objectors have no right of appeal but may be able to judicially review the Council's decision
<b>3.0</b>	<b>Main report</b>
3.1	<p><b><u>Key Issues</u></b></p> <p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied of the following:</p> <ul style="list-style-type: none"> <li>a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control;</li> <li>b) the owner of the living accommodation, and any managing agent of it, are fit and proper persons;</li> <li>c) the proposed management arrangements for the living accommodation are satisfactory);</li> <li>d) the granting of the licence will not result in overprovision of HMOs in the locality in which the living accommodation is situated;</li> <li>e) the living accommodation is fit for human habitation and— <ul style="list-style-type: none"> <li>(i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or</li> <li>(ii) can be made so suitable by including conditions in the licence.</li> </ul> </li> </ul>
3.2	The issues which can be taken into account when considering the fitness of an applicant are set out at Section 10 of the 2016 Act and includes 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.
3.3	Section 20 of the 2016 Act states where the holder of an HMO licence makes an application for renewal, the council must apply the above provisions except for (a) and (d); namely whether the use is a breach of planning control or would result in overprovision.
3.4	Members will recall that counsel has advised that councils cannot taken into account the absence of planning permission through the prism of fitness. On the basis of this advice, Legal Services have confirmed that this also applies to issues around overprovision.

	<p><b><u>Objections</u></b></p> <p>3.5 Following publication of notice of the application, an objection was received in relation to the renewal application. A copy of that objection is appended to this report. As appears from the objection, the issues raised are as follows:</p> <ul style="list-style-type: none"> <li>a) Over provision of HMOs in this area, leading to densification of the neighbourhood and reducing living quality;</li> <li>b) Over densification has produced excess household rubbish emanating from HMOs;</li> <li>c) Over provision of HMOs has created problems of excess car parking, noise and anti-social behaviour;</li> <li>d) Problems associated with HMOs cause settled families to move out, destroying community cohesion in previously strongly bonded neighbourhoods;</li> <li>e) A plan should be put in place to reduce current HMO levels to that set out in the HMO Subject Plan.</li> </ul> <p>3.6 The objector also raises issues in relation to new HMO licence applications and premises which do not have the benefit of planning permission, which are not relevant to this application.</p> <p>3.7 As none of these objections are specific to the premises in question, and some of the issues cannot be taken into account, the advice of Legal Services was sought. They advised that as these objections are not specific to the premises and/or irrelevant due to the legislative provisions a decision to refuse the application would not be sustainable upon appeal. In those circumstances it was considered in the interests of fairness to write to the objector raising this advice and inviting her to either amend the objections or withdraw same. The Objector declined to do so.</p> <p>3.8 Members will be aware that on 29th October 2019 the Council's City Growth &amp; Regeneration Committee agreed to designate the Wider University and Lower Ormeau area as a Special Action Area under Community Planning and to develop a long term vision and development plan to include a housing plan, a spatial planning approach and a regeneration programme. This intended to comprehensively tackle the general issues which the objector has raised.</p> <p><b><u>Applicant</u></b></p> <p>3.9 The applicant and/or his representatives will be available to discuss any matters relating to the renewal of the licence should they arise during your meeting.</p> <p><b><u>Suitability of the premises</u></b></p> <p>3.10 An inspection of the premises was carried out by Officers from the Service on 22 October 2019. The inspections revealed that the applicant was continuing to adhere to the terms and conditions of the existing licence and no contraventions were discovered.</p> <p><b><u>Notice of proposed decision</u></b></p> <p>3.11 On the 20<sup>th</sup> December 2019, 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.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p>None. The cost of assessing the application and officer inspections are provided for within existing budgets.</p>
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3.12	<p><b><u>Equality and Good Relations Implications</u></b></p> <p>There are no equality or good relations issues associated with this report.</p>
3.13	
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Location Map</li> <li>• Appendix 2 – Objection</li> <li>• Appendix 3 – Correspondence with objector</li> <li>• Appendix 4 – Notice of proposed decision</li> </ul>



**Flat 2, 15 India Street, Belfast, BT7 1LJ**

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<b>Subject:</b>	<b>Applications for the renewal of a Licence to operate a House of Multiple Occupation for Elaine Street, Belfast</b>
<b>Date:</b>	22 <sup>nd</sup> January 2020
<b>Reporting Officer:</b>	Kevin Bloomfield, HMO Unit Manager, Ext. 5910
<b>Contact Officer:</b>	Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, Divisional Solicitor, Ext. 6049

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>						
1.1	<p>To consider an application for the renewal of a Licence permitting the use of premises as a House in Multiple Occupation (HMO).</p> <table style="width: 100%; margin-left: 40px;"> <tr> <td style="width: 30%;"><b>Premises and Location</b></td> <td style="width: 30%;"><b>Ref. No.</b></td> <td style="width: 40%;"><b>Applicant</b></td> </tr> <tr> <td>22 Elaine Street, Belfast, BT9 5AR</td> <td></td> <td>Debra Jordan Nial Jordan</td> </tr> </table>	<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	22 Elaine Street, Belfast, BT9 5AR		Debra Jordan Nial Jordan
<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
22 Elaine Street, Belfast, BT9 5AR		Debra Jordan Nial Jordan					
1.2	<p>Members will be aware that responsibility for HMO's was transferred to local district councils in April 2019 with the introduction of a new licensing regime. Any existing registrations under the old NIHE Registration Scheme operated were deemed to be licences at the point of transfer. 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.</p>						
1.3	<p>The purpose of the Houses in Multiple Occupation Act (Northern Ireland) 2016 ('the 2016 Act') is to enable better regulation of Houses in Multiple Occupation (HMO), by introducing a system of licensing, a fitness test for applicants and new provisions about standards of housing.</p>						
1.4	<p>Following the publication of this application, an objection was received in relation to the application. This objection raises general concerns about the overprovision of HMO's, the anti-social behaviour associated with HMO's, their effect on communities and issues around planning permission. None of these issues raise concerns specific to the applicant's premises.</p>						

1.5	As a valid objection has been received, the application must be considered by Committee which must, after hearing from the objector and the applicant, decide whether to grant the renewal application.
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>Taking into account the information presented Committee is asked to hear from the objectors and applicant and make a decision to either:</p> <ul style="list-style-type: none"> <li>(i) Grant the application, with or without any special conditions; or</li> <li>(ii) Refuse the application.</li> </ul>
2.2	If the application is refused, the applicant has a right of appeal to the Magistrates Court. Such an appeal must be lodged within 28 days of formal notification of the decision. The licence will remain in place pending the appeal.
2.3	Objectors have no right of appeal but may be able to judicially review the Council's decision
<b>3.0</b>	<b>Main report</b>
3.1	<p><b><u>Key Issues</u></b></p> <p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied of the following:</p> <ul style="list-style-type: none"> <li>a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control;</li> <li>b) the owner of the living accommodation, and any managing agent of it, are fit and proper persons;</li> <li>c) the proposed management arrangements for the living accommodation are satisfactory);</li> <li>d) the granting of the licence will not result in overprovision of HMOs in the locality in which the living accommodation is situated;</li> <li>e) the living accommodation is fit for human habitation and— <ul style="list-style-type: none"> <li>(i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or</li> <li>(ii) can be made so suitable by including conditions in the licence.</li> </ul> </li> </ul>
3.2	The issues which can be taken into account when considering the fitness of an applicant are set out at Section 10 of the 2016 Act and includes 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.
3.3	Section 20 of the 2016 Act states where the holder of an HMO licence makes an application for renewal, the council must apply the above provisions except for (a) and (d); namely whether the use is a breach of planning control or would result in overprovision.
3.4	Members will recall that counsel has advised that councils cannot taken into account the absence of planning permission through the prism of fitness. On the basis of this advice,

	<p>Legal Services have confirmed that this also applies to issues around overprovision.</p> <p><b><u>Objections</u></b></p> <p>3.5 Following publication of notice of the application, an objection was received in relation to the renewal application. A copy of that objection is appended to this report. As appears from the objection, the issues raised are as follows:</p> <ul style="list-style-type: none"> <li>a) Over provision of HMOs in this area, leading to densification of the neighbourhood and reducing living quality;</li> <li>b) Over densification has produced excess household rubbish emanating from HMOs;</li> <li>c) Over provision of HMOs has created problems of excess car parking, noise and anti-social behaviour;</li> <li>d) Problems associated with HMOs cause settled families to move out, destroying community cohesion in previously strongly bonded neighbourhoods;</li> <li>e) A plan should be put in place to reduce current HMO levels to that set out in the HMO Subject Plan.</li> </ul> <p>3.6 The objector also raises issues in relation to new HMO licence applications and premises which do not have the benefit of planning permission, which are not relevant to this application.</p> <p>3.7 As none of these objections are specific to the premises in question, and some of the issues cannot be taken into account, the advice of Legal Services was sought. They advised that as these objections are not specific to the premises and/or irrelevant due to the legislative provisions a decision to refuse the application would not be sustainable upon appeal. In those circumstances it was considered in the interests of fairness to write to the objector raising this advice and inviting her to either amend the objections or withdraw same. The Objector declined to do so.</p> <p>3.8 Members will be aware that on 29th October 2019 the Council's City Growth &amp; Regeneration Committee agreed to designate the Wider University and Lower Ormeau area as a Special Action Area under Community Planning and to develop a long term vision and development plan to include a housing plan, a spatial planning approach and a regeneration programme. This intended to comprehensively tackle the general issues which the objector has raised.</p> <p><b><u>Applicant</u></b></p> <p>3.9 The applicant and/or his representatives will be available to discuss any matters relating to the renewal of the licence should they arise during your meeting.</p> <p><b><u>Suitability of the premises</u></b></p> <p>3.10 An inspection of the premises was carried out by Officers from the Service on 2 September 2019. The inspections revealed that the applicant was continuing to adhere to the terms and conditions of the existing licence and no contraventions were discovered.</p> <p><b><u>Notice of proposed decision</u></b></p> <p>3.11 On the 20<sup>th</sup> December 2019, 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.</p> <p><b><u>Financial and Resource Implications</u></b></p>
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3.12	<p>None. The cost of assessing the application and officer inspections are provided for within existing budgets.</p> <p><b><u>Equality and Good Relations Implications</u></b></p> <p>There are no equality or good relations issues associated with this report.</p>
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Location Map</li> <li>• Appendix 2 – Objection</li> <li>• Appendix 3 – Correspondence with objector</li> <li>• Appendix 4 – Notice of proposed decision</li> </ul>

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<b>Subject:</b>	<b>Review of Amusement Permit policy</b>
<b>Date:</b>	22 January 2020
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435

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

<b>1.0</b>	<b>Purpose of Report or Summary of Main Issues</b>
1.1	This report seeks Committee endorsement to commence a process to review and update the Amusement Permit policy which was ratified at Council on 1 May 2013.
1.2	When formulated it was anticipated that the policy would be reviewed every three years to remain abreast of the dynamics of the gambling industry and any changes in legislation.
<b>2.0</b>	<b>Recommendations</b>
2.1	Members are asked to agree that Officers commence a process to review the current Amusement Permit policy and note that a future report will be brought to Committee with a revised draft Policy for consideration.
<b>3.0</b>	<b>Main report</b>
	<b><u>Background</u></b>
3.1	The overall aim of the amusement permit policy is to serve as a guide for Elected Members, Council officers, applicants and the wider public on applications for amusement permits under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 in the Belfast City Council area.
3.2	By outlining those matters which may be taken into account in determining an application for an amusement permit this policy was developed to introduce greater clarity, transparency and consistency to the decision making process.
3.3	

	The need for the policy was highlighted by previous Court decisions on amusement permit applications.
3.4	<p><b><u>Amusement Permit Policy</u></b></p> <p>The Policy consists of two components:</p> <ol style="list-style-type: none"> <li>1. Legal requirements under the 1985 Order, and</li> <li>2. Assessment criteria for suitability of a location.</li> </ol>
3.5	<p>There are five interrelated criteria set out in the Policy that should typically be considered when assessing the suitability of a location for an amusement arcade:</p> <ol style="list-style-type: none"> <li>(a) Retail vibrancy and regeneration of Belfast:</li> <li>(b) Cumulative build-up of amusement arcades in a particular location:</li> <li>(c) Impact on the image and profile of Belfast:</li> <li>(d) Proximity to residential use:</li> <li>(e) Proximity to schools, youth centres, and residential institutions for vulnerable people:</li> </ol>
3.6	<p><b><u>Judicial review proceedings</u></b></p> <p>Members will recall, at your meeting of 13 November 2019, reconsidering an application from Hazeldene Enterprises Limited, for the grant of an Amusement Permit which was originally granted at your meeting on 6 October 2014.</p>
3.7	<p>Subsequently, Oasis Retail Services Limited, an objector to the grant of the amusement permit, sought leave to apply for Judicial Review in respect of the decision of the Council to grant the permit. The Court of Appeal decision, delivered on 24 September 2018, resulted in the quashing of the decision of the Council to grant a permit to Hazeldene Enterprises Limited.</p>
3.8	<p>One of the key findings of the Court of Appeal related to the consideration of cumulative impact on the grant of requested permits on the character of the area.</p>
3.9	<p>Members are advised that review of the Policy was delayed pending the outcome of the judicial review proceedings and that these must now be taken into account in any revised policy.</p>
3.10	<p><b><u>Review process</u></b></p> <p>When the initial policy was created a consultant with experience of policy formulation and planning matters was utilised and an exercise will be undertaken to procure a consultant to assist with the re-drafting of the policy.</p>
3.11	<p>This process will be undertaken in close liaison with Legal Services to enable a revised policy to be drafted for consideration by Members.</p>
3.12	<p>Following agreement on the revised policy a formal consultation will then be undertaken, in line with Council guidelines, and the findings will then inform a final revised policy for approval by Council.</p>
3.13	<p><b><u>Financial &amp; Resource Implications</u></b></p> <p>The financial and resource implications associated with this report will be catered for within current Service budget.</p>

3.14	<b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b> All equality and good relations issues will be taken into consideration in formulating a revised policy.
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"><li>• None</li></ul>

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