

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



**Belfast
City Council**

12th February, 2020

MEETING OF LICENSING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room - City Hall on Wednesday, 19th February, 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) Houses in Multiple Occupation (HMO) Licenses Issued Under Delegated Authority (Pages 1 - 4)
- (b) Applications for the renewal of a Licence to operate a House of Multiple Occupation for 86 University Avenue (Pages 5 - 34)
- (c) Applications for the renewal of a Licence to operate a House of Multiple Occupation for 77 Haypark Avenue, Street (Pages 35 - 54)
- (d) Applications for the renewal of a Licence to operate a House of Multiple Occupation for 5 Edinburgh Mews (Pages 55 - 74)

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Subject:	Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority
Date:	19 February 2020
Reporting Officer:	Kevin Bloomfield, NIHMO Manager, ext. 5910
Contact Officer:	Valerie Brown, City Services Manager, tel. 9027 0668 & Kevin Bloomfield, NIHMO Manager, ext. 5910

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

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

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

3.0	Main report																																																																																										
3.1	<p><u>Key Issues</u></p> <p>Under the terms of the Houses in Multiple Occupation Act (Northern Ireland) 2016 the following HMO Licences were issued during January 2020.</p> <table border="1"> <thead> <tr> <th>Applicant</th> <th>HMO Location</th> </tr> </thead> <tbody> <tr><td>Mrs Diane Ethel Scott</td><td>43 Ulsterville Gardens, Belfast, BT9 7BA</td></tr> <tr><td>Mrs Nancy Margaret Leaney</td><td>Flat 2, 33, Ulsterville Avenue, Belfast, BT9 7AS</td></tr> <tr><td>Mr Martin King</td><td>FLAT 2, 31 INDIA STREET, BELFAST, ANTRIM, BT7 1LJ</td></tr> <tr><td>Mr Patrick McKillop</td><td>FLAT 1, 78 CROMWELL ROAD, BELFAST, ANTRIM, BT7 1JY</td></tr> <tr><td>Mr Chris Guy</td><td>17 Ava Avenue, Belfast, BT7 3BN</td></tr> <tr><td>Mr John McGrade</td><td>25 Penrose Street, Belfast, BT7 1QX</td></tr> <tr><td>Mr John McGovern</td><td>44 COLLEGE PARK AVENUE, BELFAST, ANTRIM, BT7 1LR</td></tr> <tr><td>Ms Laveena Sabherwal</td><td>60 Sandymount Street, Belfast, BT9 5DQ</td></tr> <tr><td>Mr Martin 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Mr Norman Henderson	FLAT 2, 17 INDIA STREET, BELFAST, ANTRIM, BT7 1LJ
Ms Eileen Byrne	30 Penrose Street, Belfast, BT7 1QX
Dr James Gilroy	41 Landseer Street, Belfast, BT9 5AL
Mr Patrick Kelly	69 GREAT NORTHERN STREET, BELFAST, ANTRIM, BT9 7FL
Mrs Veronica Lillis	55 Melrose Street, Belfast, BT9 7DL
Mr Conor McRory	19 The Cloisters, Belfast, BT7 1GD
Mr Rory Doyle	55 Carmel Street, Belfast, BT7 1QE
Mr Michael Henry Gannon	59 Portallo Street, Belfast, BT6 9BE
Mr Albert McNeill	4 Ashley Mews, Belfast, BT9 7BN
Mr Robert Greer	59 Flat 2, Cromwell Road, Belfast, BT7 1TY
Mr Declan Boyle	13 Agincourt Street, Belfast, BT7 1RB
Mrs Cecilia Marie Smyth	45 Windsor Road, Belfast, BT9 7FP
Mr Mark Cassidy	1 Rugby Parade, Belfast, BT7 1PY
Mr William McGillan	11 Carmel Street, Belfast, BT7 1QE
Mr Leo Connell	78 Ulsterville Gardens, Belfast, BT9 7BB
Ms Fiona Claire Lindsay	9 Mowhan Street, Belfast, BT9 7HJ
Mr Liam Francis McQuillan	69 Ulsterville Gardens, Belfast, BT9 7BB
Mr William Crabbe	107 Wellesley Avenue, Belfast, BT9 6DH
Mr Eoin Tipping	78 Sandhurst Drive, Belfast, BT9 5AZ
Mrs Veronica Lillis	35 Ulsterville Gardens, Belfast, BT9 7BA
Mr Cathal Sinnott	17 Mowhan Street, Belfast, BT9 7HJ
Mr Sean Grimes	99 University Avenue, Belfast, BT7 1GX
Mr John Convery	17 Ulsterville Gardens, Belfast, BT9 7BA
Mr Declan Boyle	17 VIOLET STREET, BELFAST, ANTRIM, BT12 7AN
Mr Alistair Steele	FLAT 2, 100 EGLANTINE AVENUE, BELFAST, ANTRIM, BT9 6EU
Mr Kieran Campbell	FLAT 3, 116 FITZROY AVENUE, BELFAST, ANTRIM, BT7 1HX
Mr Ciaran Doherty	59 NORTHBROOK STREET, BELFAST, ANTRIM, BT9 7DH
Mr Matthew George Gray	FLAT 2, 17 INDIA STREET, BELFAST, ANTRIM, BT7 1LJ
Mr John Joseph Magill	30 Penrose Street, Belfast, BT7 1QX
Mr Conor Justin Davey	41 Landseer Street, Belfast, BT9 5AL
Mr Gerry McAleenan	69 GREAT NORTHERN STREET, BELFAST, ANTRIM, BT9 7FL
Mr Aidan Rafferty	55 Melrose Street, Belfast, BT9 7DL
Mr John Connolly	19 The Cloisters, Belfast, BT7 1GD
Mrs Eilis Adamson	12 ARDENLEE PARK, BELFAST, DOWN, BT6 8QR
Mr Paul McGreevy	157 Dunluce Avenue, Belfast, BT9 7AX
Mr David Buckingham	15 Chadwick Street, Belfast, BT9 7FB
Mrs Caitriona Lavery	64 The Boulevard, Belfast, BT7 3LN
Mr Kevin McGuigan	12 The Cloisters, Belfast, BT7 1GD
Mr Ryan O'Gara	48 Nansen Street, Belfast, BT12 6AT
Mr Patrick Quinn	2 Malone Avenue, Belfast, BT9 6ER
Mr John McClean	104C MALONE AVENUE, BELFAST, ANTRIM, BT9 6ES
Mr Maurice Macaulay	63 Donnybrook Street, Belfast, BT9 7DB
Mr Nicholas O'Shiel	38 Edinburgh Street, Belfast, BT9 7DS
Mr Martin Mackin	51 Ulsterville Avenue, Belfast, BT9 7AT
Mr Graham Johnston	39 Edinburgh Street, Belfast, BT9 7DS
Mr Anthony Kelly	31 ELGIN STREET, BALLYNAFOY, BELFAST, DOWN, BT7 3AG
Mr Pat Haughey	24 Magdala Street, Belfast, BT7 1PU
Mr James Desmond Walmsley	8 India Street, Belfast, BT7 1LJ
Mr Colin Moran	38 EIA STREET, BELFAST, ANTRIM, BT14 6BT
Mr David McKee	Rose Terrace, 21b Chlorine Gardens, Belfast, BT9 5DL
Mr Sean O'Rourke	14 The Cloisters, Belfast, BT7 1GD

	Mrs Gillian Mullan	29 Sandhurst Drive, Belfast, BT9 5AY	
	Mr Neil Marcus Blundell	FLAT 3, 8 IRETON STREET, BELFAST, ANTRIM, BT7 1LH	
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	Mr Neil Marcus Blundell	FLAT 1, 8 IRETON STREET, BELFAST, ANTRIM, BT7 1LH	
	Mr Stephen McNulty	2 Dunville Street, Belfast, BT12 4NF	
	Mrs Paula Marie Long	Rose Terrace, 21a Chlorine Gardens, Belfast, BT9 5DL	
	Mr William Hamilton	21 Stranmillis Gardens, Belfast, BT9 5AS	
	Ms Anne Coulter	116 University Avenue, Belfast, BT7 1GZ	
	Mr Adrian Truesdale	14 Riverview Street, Belfast, BT9 5FD	
	Mr Alan Truesdale	15 Riverview Street, Belfast, BT9 5FD	
	Mr Gerry McAleenan	4 Haypark Avenue, Belfast, BT7 3FD	
	Mr Liam Donal Young	40 Dunluce Avenue, Belfast, BT9 7AY	
	Mr Eugene Doris	193 Dunluce Avenue, Belfast, BT9 7AX	
	Mr Peter McCrossan	83 Rugby Avenue, Malone Lower, BT7 1RE	
	Mr Samuel Ramsey Stewart	130 University Avenue, Belfast, BT7 1GZ	
	Mr Neil McVeigh	26 Malone Avenue, Belfast, BT9 6ER	
	Mr Richard Crane	78 Rugby Road, Belfast, BT7 1PT	
	Mrs Mary Brigid Macaulay	31 Stranmillis Road, Belfast, BT9 5AF	
	Mr William Rooney	APT 3, 75 DUNLUCE AVENUE, BELFAST, ANTRIM, BT9 7AW	
3.2	<u>Financial & Resource Implications</u>		
	None		
3.3	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>		
	There are no issues associated with this report.		



Subject:	Applications for the renewal of a Licence to operate a House of Multiple Occupation for 86 University Avenue, Belfast
Date:	19 February 2020
Reporting Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910
Contact Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, Divisional Solicitor, Ext. 6049

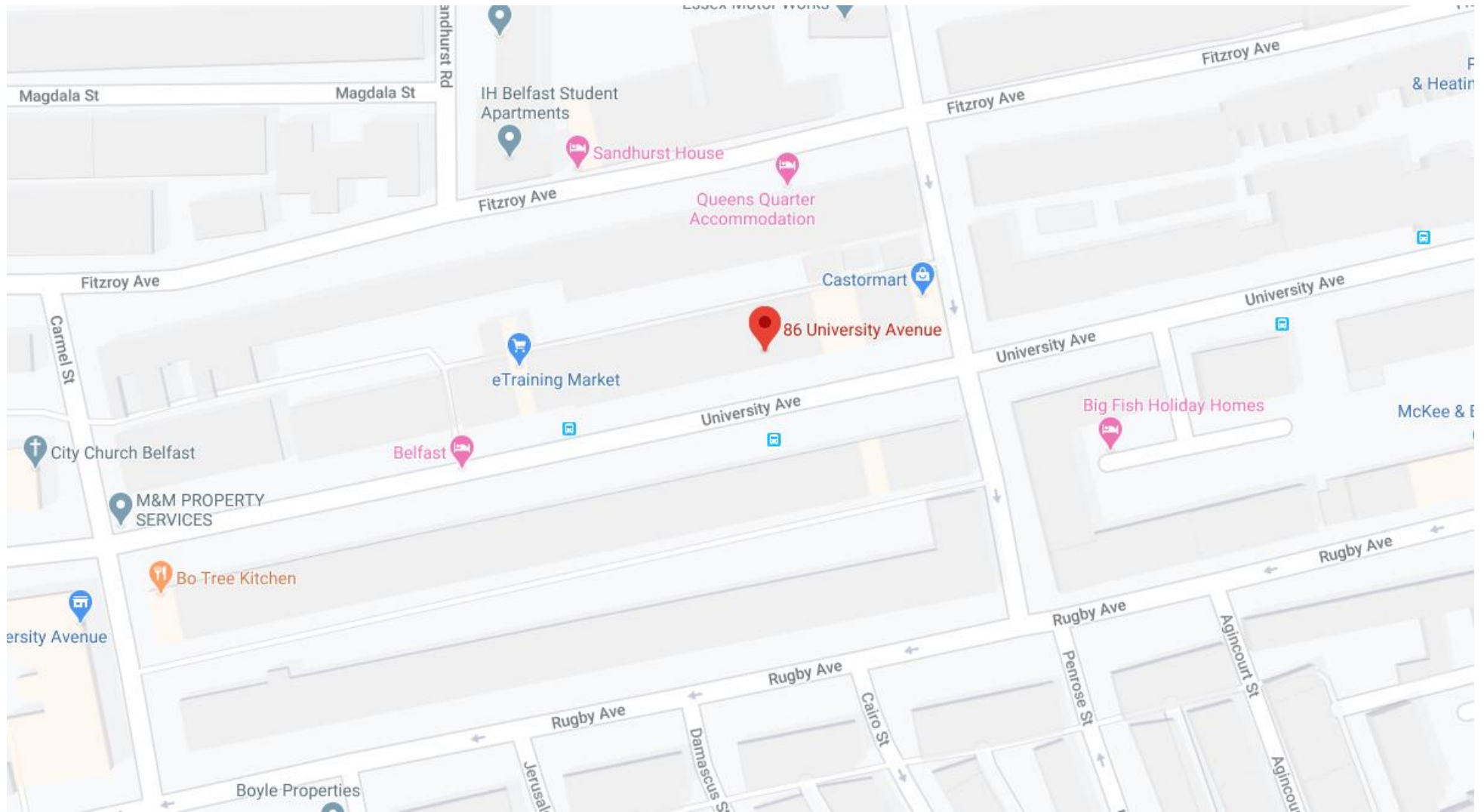
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues						
1.1	<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>86 University Avenue Belfast, BT7 1GY</td> <td></td> <td>Mr Patrick Boyle</td> </tr> </tbody> </table>	Premises and Location	Ref. No.	Applicant	86 University Avenue Belfast, BT7 1GY		Mr Patrick Boyle
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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.						

2.0	Recommendations
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"> (i) Grant the application, with or without any special conditions; or (ii) Refuse the application.
2.2	<p>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.</p>
2.3	<p>Objectors have no right of appeal but may be able to judicially review the Council's decision</p>
3.0	Main report
	<u>Key Issues</u>
3.1	<p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied of the following:</p> <ul style="list-style-type: none"> a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control; b) the owner of the living accommodation, and any managing agent of it, are fit and proper persons; c) the proposed management arrangements for the living accommodation are satisfactory); d) the granting of the licence will not result in overprovision of HMOs in the locality in which the living accommodation is situated; 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.
3.2	<p>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.</p>
3.3	<p>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.</p>
3.4	<p>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>

	<p><u>Objections</u></p> <p>3.5 Following publication of notice of the application, 5 objections were received in relation to the renewal application. A copy of the objections are appended to this report. As appears from the objections, the issues raised are as follows:</p> <ul style="list-style-type: none"> 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. f) 2 of the objectors refer to the wrong proposed licensee <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.</p> <p>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.</p> <p><u>Applicant</u></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><u>Suitability of the premises</u></p> <p>3.10 An inspection of the premises was carried out by Officers from the Service on 14 November 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><u>Notice of proposed decision</u></p> <p>3.11 On the 4th February 2020, 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><u>Financial and Resource Implications</u></p> <p>3.12 None. The cost of assessing the application and officer inspections are provided for within existing budgets.</p>
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	<p><u>Equality and Good Relations Implications</u></p> <p>There are no equality or good relations issues associated with this report.</p>
4.0	Appendices – Documents Attached
	<ul style="list-style-type: none">• Appendix 1 – Location Map• Appendix 2 – Objections (5No)• Appendix 3 – Notice of proposed decision



Appendix 1 – Location map

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of the Local Government Act (Northern Ireland) 2014.

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of the Local Government Act (Northern Ireland) 2014.

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Subject:	Applications for the renewal of a Licence to operate a House of Multiple Occupation for 77 Haypark Avenue, Street, Belfast
Date:	19 February 2020
Reporting Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910
Contact Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, Divisional Solicitor, Ext. 6049

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

1.0	Purpose of Report or Summary of main Issues						
1.1	<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>77 Haypark Avenue Belfast, BT7 3FE</td> <td></td> <td>Mr Terry McIntyre Ms Mairead McIntyre</td> </tr> </tbody> </table>	Premises and Location	Ref. No.	Applicant	77 Haypark Avenue Belfast, BT7 3FE		Mr Terry McIntyre Ms Mairead McIntyre
Premises and Location	Ref. No.	Applicant					
77 Haypark Avenue Belfast, BT7 3FE		Mr Terry McIntyre Ms Mairead McIntyre					
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.						

2.0	Recommendations
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"> (i) Grant the application, with or without any special conditions; or (ii) Refuse the application.
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
3.0	Main report
	<u>Key Issues</u>
3.1	<p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied of the following:</p> <ul style="list-style-type: none"> a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control; b) the owner of the living accommodation, and any managing agent of it, are fit and proper persons; c) the proposed management arrangements for the living accommodation are satisfactory); d) the granting of the licence will not result in overprovision of HMOs in the locality in which the living accommodation is situated; 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.
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.

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 26 November 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.

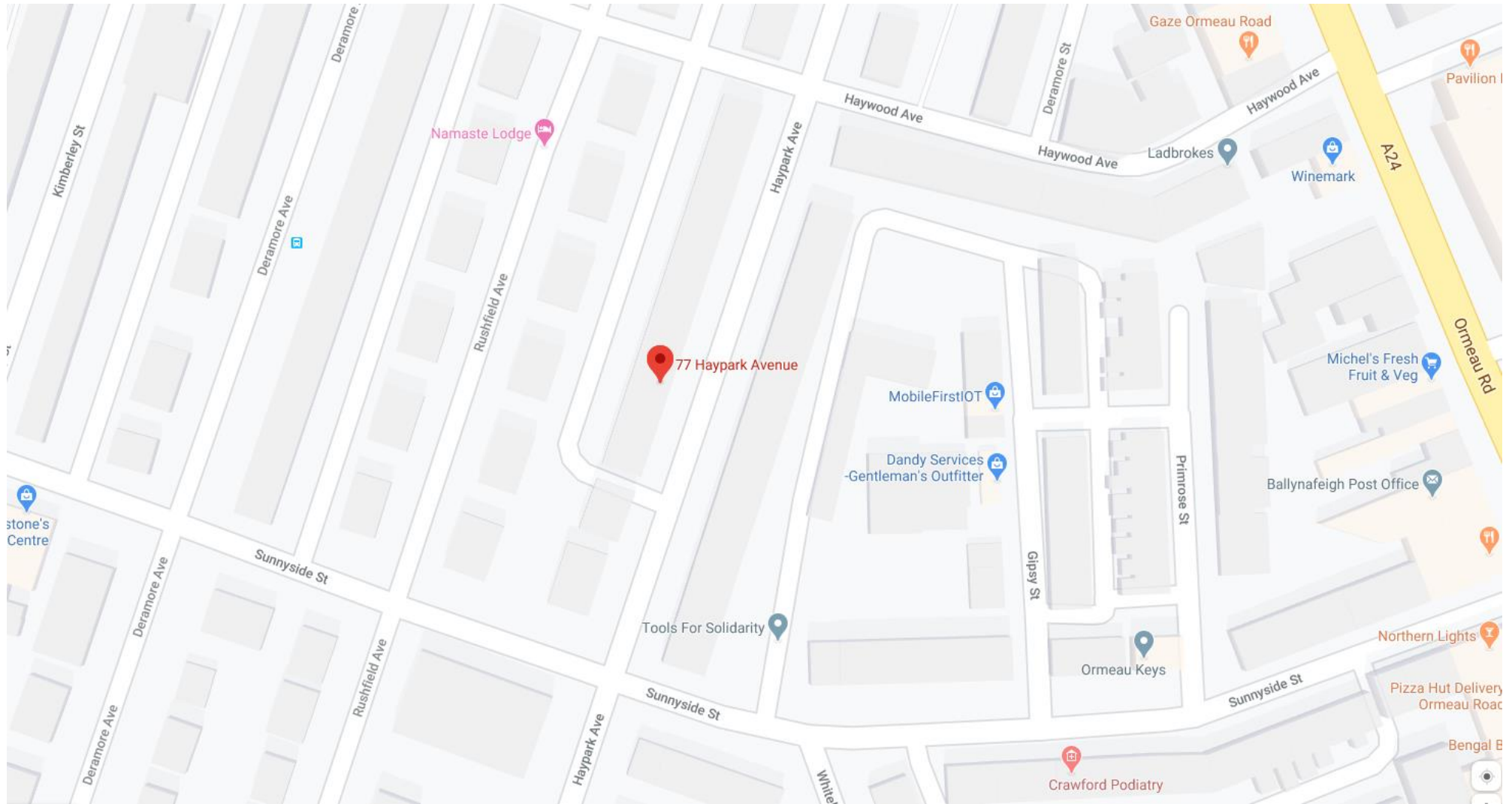
Notice of proposed decision

3.11 On the 4th February 2020, 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 None. The cost of assessing the application and officer inspections are provided for within existing budgets.

	<u>Equality and Good Relations Implications</u> There are no equality or good relations issues associated with this report.
4.0	Appendices – Documents Attached
	<ul style="list-style-type: none">• Appendix 1 – Location Map• Appendix 2 – Objection• Appendix 3 – Notice of proposed decision



Appendix 1 - 77 Haypark Avenue, Belfast, BY7 3FE

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Subject:	Applications for the renewal of a Licence to operate a House of Multiple Occupation for 5 Edinburgh Mews, Belfast
Date:	19 February 2020
Reporting Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910
Contact Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, Divisional Solicitor, Ext. 6049

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

1.0	Purpose of Report or Summary of main Issues						
1.1	<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>5 Edinburgh Mews Belfast, BT9 7EQ</td> <td></td> <td>Mrs Lorraine Grimley</td> </tr> </tbody> </table>	Premises and Location	Ref. No.	Applicant	5 Edinburgh Mews Belfast, BT9 7EQ		Mrs Lorraine Grimley
Premises and Location	Ref. No.	Applicant					
5 Edinburgh Mews Belfast, BT9 7EQ		Mrs Lorraine Grimley					
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.						

2.0	Recommendations
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"> (i) Grant the application, with or without any special conditions; or (ii) Refuse the application.
2.2	<p>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.</p>
2.3	<p>Objectors have no right of appeal but may be able to judicially review the Council's decision</p>
3.0	Main report
	<u>Key Issues</u>
3.1	<p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied of the following:</p> <ul style="list-style-type: none"> a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control; b) the owner of the living accommodation, and any managing agent of it, are fit and proper persons; c) the proposed management arrangements for the living accommodation are satisfactory); d) the granting of the licence will not result in overprovision of HMOs in the locality in which the living accommodation is situated; 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.
3.2	<p>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.</p>
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- a) Over provision of HMOs in this area, leading to densification of the neighbourhood and reducing living quality;
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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.

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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 8 July 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.

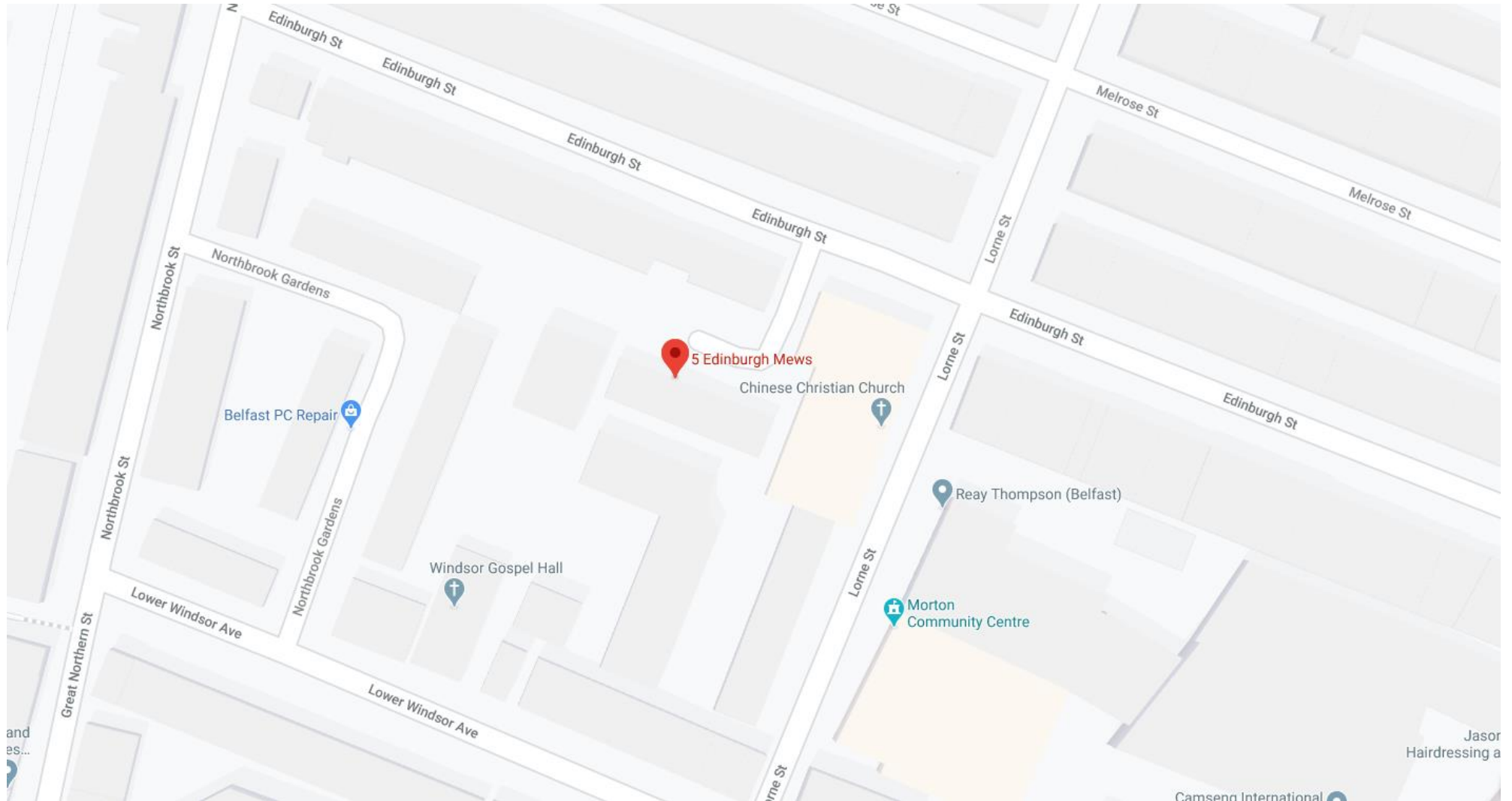
Notice of proposed decision

3.11 On the 4th February 2020, 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 None. The cost of assessing the application and officer inspections are provided for within existing budgets.

	<u>Equality and Good Relations Implications</u> There are no equality or good relations issues associated with this report.
4.0	Appendices – Documents Attached
	<ul style="list-style-type: none">• Appendix 1 – Location Map• Appendix 2 – Objection• Appendix 3 – Notice of proposed decision



Appendix 1 – 5 Edinburgh Mews

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