

Public Document Pack

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



**Belfast
City Council**

13th May, 2020

MEETING OF LICENSING COMMITTEE

Dear Alderman/Councillor,

The following is a list of reports with recommendations which were due to be considered by above-named Committee on Wednesday, 20th May, 2020.

These decisions will now be taken by the Chief Executive in accordance with the authority delegated to her by the Council.

A table of Recommendations to Committee will also be sent separately by email and these should be completed by Party Leaders and returned by the deadline indicated in the email.

Yours faithfully,

SUZANNE WYLIE
Chief Executive

AGENDA:

1. Routine Matters

- (a) Declarations of Interest

2. Delegated Matters

- (a) Licenses Issued Under Delegated Authority (Pages 1 - 4)
- (b) Houses in Multiple Occupation (HMO) Licenses Issued Under Delegated Authority (Pages 5 - 10)
- (c) Applications for the renewal of a Licence to operate a House of Multiple Occupation for 23 Riverview Street, Belfast, BT9 5FD (Pages 11 - 32)
- (d) Applications for the renewal of a Licence to operate a House of Multiple Occupation for 14 Sandymount Street, Belfast, BT9 5DP (Pages 33 - 52)
- (e) Applications for the renewal of a Licence to operate a House of Multiple Occupation for 13 Landseer Street, Belfast, BT9 5AL (Pages 53 - 72)

- (f) Applications for the renewal of a Licence to operate a House of Multiple Occupation for 18 Landseer Street, Belfast, BT9 5AL (Pages 73 - 92)
- (g) Minded opinion on the granting of a Licence to operate a House in Multiple Occupation at 29 Stranmillis Park, Belfast, BT9 5AU (Pages 93 - 98)



Subject:	Licences Issued Under Delegated Authority
Date:	20 May 2020
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, Ext. 3375

Restricted Reports	
Is this report restricted?	Yes <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 Planning and Building Control is responsible for exercising all powers in relation to the issue, but not refusal, of Permits and Licences, excluding provisions relating to the issue of Licences where adverse representations have been made.
2.0	Recommendations
2.1	The Committee is requested to note the applications that have been issued under the Scheme of Delegation.

3.0	Main report																																																			
	<u>Key Issues</u>																																																			
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Premises and Location	Type of Application	Applicant
The Mount Inn, 156 North Queen Street, Belfast, BT15 1HQ.	Renewal	Mr Desmond Quinn
The National Grande Cafe Bar & Sixty6, 62-68 High Street, Belfast, BT1 2BE.	Renewal	Mr James Sinton, Cathedral Leisure Ltd
The SSE Arena, 2 Queens Quay, Belfast, BT3 9QQ.	Renewal	Mr Robert Fitzpatrick, Odyssey Trust Company Ltd
Ulster Hall, 30 Bedford Street, Belfast, BT2 7FF.	Renewal	Mr John Griffin, Belfast Waterfront & Ulster Hall Ltd
Ulster Museum, 4 Stranmillis Road, Belfast, BT9 5AB.	Renewal	Mr Ray Williams
York Road Civil Defence Association, 30 St Aubyn Street, Belfast, BT15 3QF.	Renewal	Mr Thomas Moore

3.2 Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the following Entertainments Licences were issued since your last meeting. In each case the Licence holder has been convicted of an offence under the Order within five years of the application for a Licence being submitted to the Council, however each conviction has previously been considered by the Committee and delegated authority has only been exercised on the basis that:

- a) All safety, technical and managerial matters have been maintained in accordance with the terms, conditions and restrictions of the Entertainments Licence,
- b) There has been no recurrence of the breach for which the applicant was convicted, or any other offences have been committed,
- c) There are no representations in respect of the application.

Premises and Location	Type of Application	Applicant
AM:PM, 38-44 Upper Arthur Street, Belfast, BT1 4GH.	Renewal	Mr Eamon McCusker, AM:PM Belfast Limited

3.3 Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 the following Amusement Permits were issued since your last meeting.

Premises and Location	Type of Application	Applicant
Oasis Gaming Centre, 7 Wellington Place, Belfast, BT1 6GB.	Renewal	Mr Gerald Steinberg, Oasis Retail Service Limited

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

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

Financial & Resource Implications

3.6 None

Equality or Good Relations Implications/Rural Needs Assessment

3.7 There are no issues associated with this report.



Subject:	Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority
Date:	20 May 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 April 2020.</p> <table border="1"> <thead> <tr> <th>Address</th> <th>Licensee</th> </tr> </thead> <tbody> <tr><td>46 Elaine Street</td><td>Mr Stephen George Henderson</td></tr> <tr><td>74 Sandymount Street</td><td>Mr John Farrell</td></tr> <tr><td>38 Donnybrook Street</td><td>Ms Avril Bruce</td></tr> <tr><td>8 Cairo Street</td><td>Mr Stephen Magill</td></tr> <tr><td>Flat 2, 5 Lawrence Street</td><td>Mr Shane O'Hare</td></tr> <tr><td>52 Mount Prospect Park</td><td>Mr Peter Grant</td></tr> <tr><td>28 Eblana Street</td><td>Ms Patricia Hamilton</td></tr> <tr><td>Flat D, 9 Ireton Street</td><td>Mr Anthony Curry</td></tr> <tr><td>Flat C, 9 Ireton Street</td><td>Mr Anthony Curry</td></tr> <tr><td>Apartment 1 78 Fitzroy Avenue</td><td>Mr Cathal McKeown</td></tr> <tr><td>26 Cromwell Road</td><td>Mr Patrick McKillop</td></tr> 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138 Fitzroy Avenue	Mr Colin Quinn
417 Woodstock Road	Mr Richard Smyth
36 Magdala Street	Mrs Gemma Stokes
73 University Avenue	Mr Fergus Fitzsimons
Flat2, 27 Landseer street	Mr Bernard Fitzpatrick
Flat 2, 455 Falls Road	Mr Colm McCandless
Apartment 1, 10 Dunluce Avenue	Mr David McCaughey
2 Sandymount Street	Mr David McCaughey
Flat 2, 20 Fitzroy Avenue	Mr Conor Breslin
Flat 2 ,24 Ireton Street	Mr Charles Anthony Curry
Flat 1, 24 Ireton Street	Mr Charles Anthony Curry
129 Dunluce Avenue	Mrs Christine Morton
Flat 3 13 Ireton Street	Mr William John Curry
Flat 2 13 Ireton Street	Mr William John Curry
Flat 1 13 Ireton Street	Mr William John Curry
Flat 2, 72 Cromwell Road	Mr James Kerlin
56 University Avenue	Mr Brian Gerard Kelly
19 Elaine Street	Mr Colum Twomey
5 Stranmillis Street	Mr Nathan Oliver
4 India Street	Mr John Megaw
4 India Street	Mr John Megaw
Flat 2, 55 Fitzwilliam Street	Mr Darragh O'Neill
50 Sandymount Street	Mrs Anne McAlary
10 Cadogan Street	Mr Fraser Graham
20 Eblana Street	Mr Thomas Donnelly
Apartment C, 66 Fitzroy Avenue	Mr Christopher McCann
41 Melrose Street	Miss Bernadette Scullion
Apartment C, 64 Fitzroy Avenue	Mr Christopher McCann
Apartment B, 64 Fitzroy Avenue	Mr Christopher McCann
36 Elaine Street	Ms Marion Kerr
8 Ulsterville Gardens	Miss Alexandra Young
47 Sandhurst Gardens	Mr Arthur McLogan
81 Haypark Avenue	Mr Aidan Carey
84 Rugby Road	Mr Roy Dixon
6 Sandymount Street	Ms Nicola Coey
108 University Avenue	Mr Martin Fitzpatrick
173 Dunluce Avenue	Ms Joanne Mahaffy
115 University Avenue	Mr Stephen Calvert
16 Dunluce Avenue	Mr Eddie Fung
Flat 3, 17 Ireton Street	Mr Mervyn Weir
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128 University Avenue	Mr Brian Jardine
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10 Ulsterville Gardens	Mr Kenny Carey
112 Malone Avenue	Mrs Suzanne Craig-Harkin
7 Melrose Street	Mr Mervyn Weir
60 Melrose Street	Mr Mervyn Weir
62 Melrose Street	Mr Mervyn Weir
33 Landseer Street	Mr James Thomas McGeown

10 Elaine Street	Mr James Thomas McGeown
17 Landseer Street	Mr James Thomas McGeown
31 Landseer Street	Mr James Thomas McGeown
5 Landseer Street	Mr James Thomas McGeown
87a Great Northern Street	Mr Garnet Mullan
31 Magdala Street	Ms Olive Macleod
35 Woodcot Avenue	Mr Michael Henry Gannon
Apartment 3, 16 Magdala Street	Mr Don Campbell
Apartment 2 16 Magdala Street	Mr Don Campbell
56 Stranmillis Gardens	Mr Thomas O'Neill
68 Sandymount Street	Mr Thomas O'Neill
33 Stranmillis Gardens	Mr Philip Crilly
14 Stranmillis Gardens	Mr Thomas French
8 The Cloisters	Miss Paula Tiernan
13b Cameron Street	Mr Ronald West
17 Sandhurst Drive	Mr Mark Little
24 Rathcool Street	Mr Richard Smyth
9 Rathdrum Street	Mr Patrick Hamill
88 Stratheden Street Belfast	Mr Ciaran Long
1 Brookvale Drive	Mr Stephen McCloskey
14 Ulsterville Gardens	Mr Alyn McKee
Apartment 2 31 Riverview Street	Mr Eunan Kane
Flat 3, 126-128 Fitzroy Avenue	Mr Brian Fox
Flat 2, 126-128 Fitzroy Avenue	Mr Brian Fox
Flat 2 74 University Street	Mr Sean O'Rourke
6 Southview Street	Mr Maurice McGivern
27 The Cloisters	Mr Raymond McFarland
47 Agincourt Avenue	Mr Timothy Hughes
16 Chadwick Street	Mr Henry McLlveen
Flat 3, 58 University Street	Mr Timothy Hughes
36 Jerusalem Street	Mr Gerry Finnegan
4 Wellington Park Avenue	Ms Helen Blane
25 Riverview Street	Mrs Eilis Adamson
92 The Cloisters	Mr William Bradley
35 Elaine Street	Mrs Mary McIntyre
154 Dunluce Avenue	Mr Sean Gerald Johnston
5 St Albans Gardens	Mrs Deirdre Bradley
319 Donegall Road	Mrs Deborah McConaghie
7 Stranmillis Gardens	Mr Geoffrey Brown
44 Jerusalem Street	Mr Michael McQuillan
60 Ulsterville Gardens	Dr Clare Kettle
213a Lisburn Road	Mr Cathal Diamond
17 University Avenue	Mr Peter Traynor
14 Chlorine Gardens	Mr Arthur McLogan
37 Sandhurst Drive	Mr Peter Finegan
43 Landseer Street	Mr Peter Finegan
Flat 1 20 Wellington Park Avenue	Mr John McClean
31 Hatfield Street	Mr Damian McCloskey
19 Ulsterville Gardens	Mrs Patricia Rice
2a Landseer Street	Mr Damian Young
51 Lisburn Avenue	Mr Andrew McCaughey
20 The Cloisters	Mrs Cora Maria Kelly
31 Rossmore Avenue	Mrs Deborah McKibben

	116 Dunluce Avenue	Mr Dermot Doran
	41 Donegall Pass	Mr Jonathan Taylor
	34 damascus street	Mr Patrick Cavanagh
	29b Chlorine Gardens	Mr David McKee
	104 Cromwell Road	Mr Ronan Madine
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.	

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Subject:	Applications for the renewal of a Licence to operate a House of Multiple Occupation for 23 Riverview Street, Belfast, BT9 5FD
Date:	20 May 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>23 Riverview Street Belfast, BT9 5FD</td> <td></td> <td>Mr Clive Coffey</td> </tr> </tbody> </table>	Premises and Location	Ref. No.	Applicant	23 Riverview Street Belfast, BT9 5FD		Mr Clive Coffey
Premises and Location	Ref. No.	Applicant					
23 Riverview Street Belfast, BT9 5FD		Mr Clive Coffey					
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	Following the publication of this application, an objection was received in relation to the application. This objection raises general concerns about the overprovision of HMOs, balanced communities, infrastructure and safety checks						
1.4	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
3.1	<p><u>Key Issues</u></p> <p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that:</p> <ul style="list-style-type: none"> a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control; b) the owner, and any managing agent of it, are fit and proper persons; c) the proposed management arrangements are satisfactory); d) the granting of the licence will not result in overprovision of HMOs in the locality; e) the living accommodation is fit for human habitation and— <ul style="list-style-type: none"> (i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or (ii) can be made so suitable by including conditions in the licence.
3.2	<p>When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.</p>
3.3	<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>
3.5	<p><u>Objections</u></p> <p>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"> a) Over provision of HMOs in this area, leading to densification of the neighbourhood and reducing living quality; b) Room sizes; c) The need for safety checks

3.6	Point a), b) and c) are not specific to the premises and as this is a renewal application the legislation prohibits the Council from taking into account issues around overprovision.
3.7	The NIHMO Unit has consulted with City and Neighbourhood Services who have advised they haven't received any noise complaints.
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 is intended to comprehensively tackle the general issue which the objector has raised.
<u>Applicant</u>	
3.09	The applicant has confirmed that he has not been convicted of any relevant offences as set out at paragraph 3.1 of this report. The applicant has not been being convicted of any offences by the Council. Due to data protection issues which have recently arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue. Officers are not aware of any issues relevant to the applicant's fitness.
3.10	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.
<u>Suitability of the premises</u>	
3.11	An inspection of the premises was carried out by Officers from the Service on 11 March 2020. The inspections revealed that the applicant was continuing to adhere to the terms and conditions of the existing licence and no contraventions were discovered.
<u>Notice of proposed decision</u>	
3.12	On the 5 May 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.
<u>Financial and Resource Implications</u>	
3.13	None. The cost of assessing the application and officer inspections are provided for within existing budgets.
<u>Equality and Good Relations Implications</u>	
3.14	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 	

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Appendix 1 – 23 Riverview Street, Belfast, BT9 5FD



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By virtue of paragraph(s) 3 of Part 1 of Schedule 6
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 14 Sandymount Street, Belfast, BT9 5DP
Date:	20 May 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;"> <tr> <td style="width: 40%;">Premises and Location</td> <td style="width: 20%;">Ref. No.</td> <td style="width: 40%;">Applicant</td> </tr> <tr> <td>14 Sandymount Street Belfast BTP 5DP</td> <td></td> <td>Mr Declan Wright</td> </tr> </table>	Premises and Location	Ref. No.	Applicant	14 Sandymount Street Belfast BTP 5DP		Mr Declan Wright
Premises and Location	Ref. No.	Applicant					
14 Sandymount Street Belfast BTP 5DP		Mr Declan Wright					
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>Following the publication of this application, an objection was received in relation to the application. This objection raises general concerns about the overprovision of HMOs, balanced communities, infrastructure and safety checks</p>						
1.4	<p>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.</p>						

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
3.1	<p><u>Key Issues</u></p> <p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that:</p> <ul style="list-style-type: none"> a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control; b) the owner, and any managing agent of it, are fit and proper persons; c) the proposed management arrangements are satisfactory); d) the granting of the licence will not result in overprovision of HMOs in the locality; e) the living accommodation is fit for human habitation and— <ul style="list-style-type: none"> (i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or (ii) can be made so suitable by including conditions in the licence.
3.2	<p>When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.</p>
3.3	<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>
3.5	<p><u>Objections</u></p> <p>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"> a) Over provision of HMOs in this area, leading to densification of the neighbourhood and reducing living quality; b) Room sizes; c) The need for safety checks

3.6	Point a), b) and c) are not specific to the premises and as this is a renewal application the legislation prohibits the Council from taking into account issues around overprovision.
3.7	The NIHMO Unit has consulted with City and Neighbourhood Services who have advised they haven't received any noise complaints.
3.8	<p><u>Applicant</u></p> <p>The applicant has confirmed that he has not been convicted of any relevant offences as set out at paragraph 3.1 of this report. The applicant has not been being convicted of any offences by the Council. Due to data protection issues which have recently arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue. Officers are not aware of any issues relevant to the applicant's fitness.</p>
3.09	<p>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>
3.10	<p>An inspection of the premises was carried out by Officers from the Service on 28 February 2020. 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>
3.11	<p>On the 5 May 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>
3.12	<p>None. The cost of assessing the application and officer inspections are provided for within existing budgets.</p> <p><u>Equality and Good Relations Implications</u></p>
3.13	<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 – Objection • Appendix 3 – Notice of proposed decision

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Appendix 1 – 14 Sandymount Street, Belfast, BT9 5DP



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Subject:	Applications for the renewal of a Licence to operate a House of Multiple Occupation for 13 Landseer Street, Belfast, BT9 5AL
Date:	20 May 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"/>

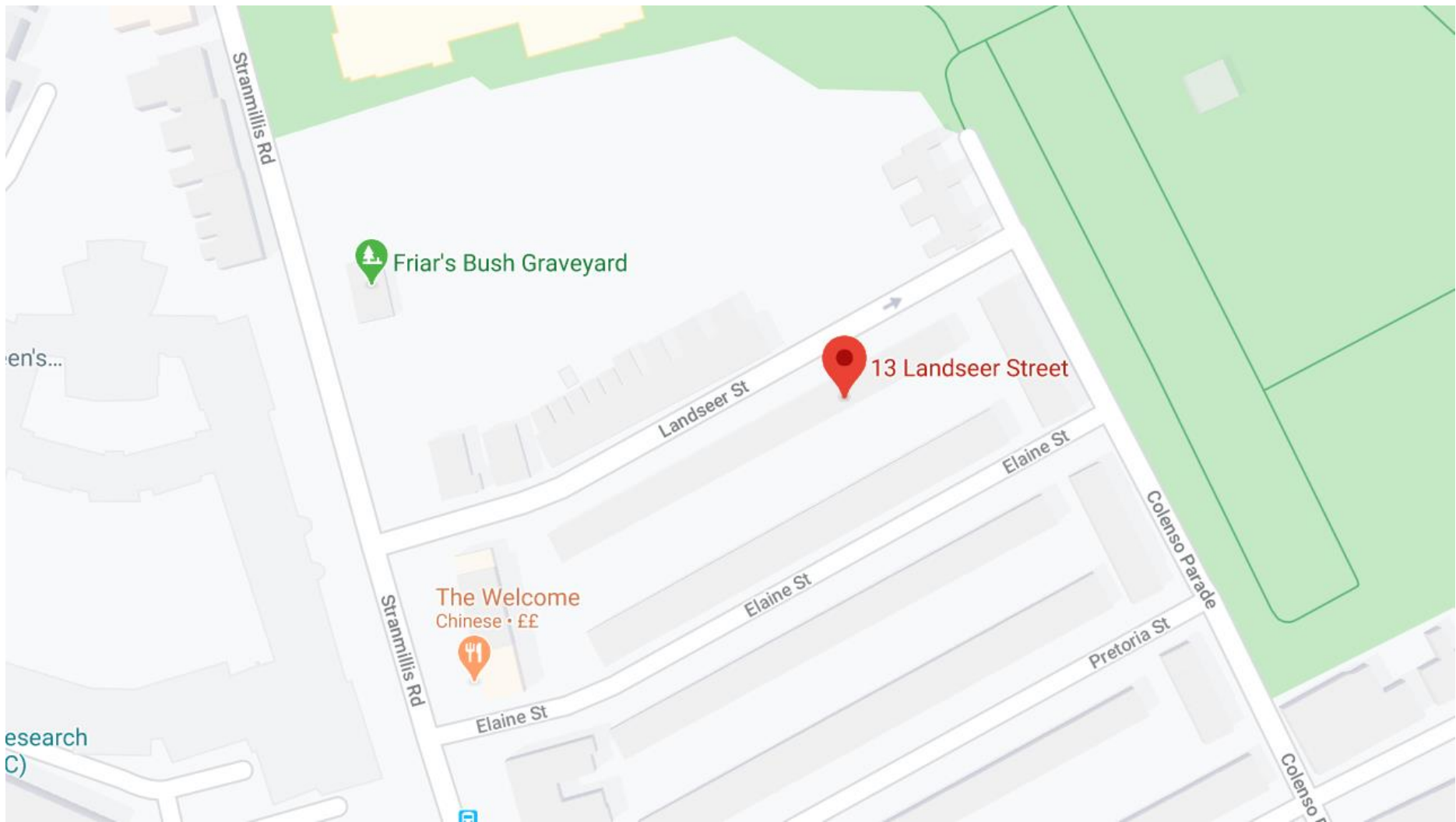
1.0	Purpose of Report or Summary of main Issues						
1.1	<p>To consider an application for the renewal of a Licence permitting the use of premises as a House in Multiple Occupation (HMO).</p> <table style="width: 100%; margin-left: 40px;"> <thead> <tr> <th style="text-align: left;">Premises and Location</th> <th style="text-align: left;">Ref. No.</th> <th style="text-align: left;">Applicant</th> </tr> </thead> <tbody> <tr> <td>13 Landseer Street Belfast BTP 5AL</td> <td>7125</td> <td>Mr Malcolm Thom</td> </tr> </tbody> </table>	Premises and Location	Ref. No.	Applicant	13 Landseer Street Belfast BTP 5AL	7125	Mr Malcolm Thom
Premises and Location	Ref. No.	Applicant					
13 Landseer Street Belfast BTP 5AL	7125	Mr Malcolm Thom					
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	Following the publication of this application, an objection was received in relation to the application. This objection raises general concerns about the overprovision of HMOs, balanced communities, infrastructure and safety checks						
1.4	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						

<p>2.1</p> <p>2.2</p> <p>2.3</p>	<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. <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> <p>Objectors have no right of appeal but may be able to judicially review the Council’s decision</p>
<p>3.0</p>	<p>Main report</p>
<p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p> <p>3.5</p> <p>3.6</p>	<p><u>Key Issues</u></p> <p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that:</p> <ul style="list-style-type: none"> a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control; b) the owner, and any managing agent of it, are fit and proper persons; c) the proposed management arrangements are satisfactory); d) the granting of the licence will not result in overprovision of HMOs in the locality; e) the living accommodation is fit for human habitation and— <ul style="list-style-type: none"> (i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or (ii) can be made so suitable by including conditions in the licence. <p>When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.</p> <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> <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>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"> a) Over provision of HMOs in this area, leading to densification of the neighbourhood and reducing living quality; b) Room sizes; c) The need for safety checks <p>Point a), b) and c) are not specific to the premises and as this is a renewal application the legislation prohibits the Council from taking into account issues around overprovision.</p>

3.7	<p>The NIHMO Unit has consulted with City and Neighbourhood Services who have advised that a small number of noise complaints have been received in respect of the property. However, these have been generally rare and infrequent in nature, with the most recent complaint being received on 10 May 2018. The Council was not required to take any formal enforcement action as a result of any of the complaints received</p> <p><u>Applicant</u></p>
3.8	<p>The applicant has confirmed that he has not been convicted of any relevant offences as set out at paragraph 3.1 of this report. The applicant has not been being convicted of any offences by the Council. Due to data protection issues which have recently arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue. Officers are not aware of any issues relevant to the applicant's fitness.</p>
3.09	<p>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>
3.10	<p>An inspection of the premises was carried out by Officers from the Service on 3 March 2020. 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>
3.11	<p>On the 6 May 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>
3.12	<p>None. The cost of assessing the application and officer inspections are provided for within existing budgets.</p> <p><u>Equality and Good Relations Implications</u></p>
3.13	<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 – Objection • Appendix 3 – Notice of proposed decision

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Appendix 1 – Location Map



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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 18 Landseer Street, Belfast, BT9 5AL
Date:	20 May 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>18 Landseer Street Belfast BTP 5AL</td> <td></td> <td>Mr Jackson Bailie</td> </tr> </tbody> </table>	Premises and Location	Ref. No.	Applicant	18 Landseer Street Belfast BTP 5AL		Mr Jackson Bailie
Premises and Location	Ref. No.	Applicant					
18 Landseer Street Belfast BTP 5AL		Mr Jackson Bailie					
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	Following the publication of this application, an objection was received in relation to the application. This objection raises general concerns about the overprovision of HMOs, balanced communities, infrastructure and safety checks						
1.4	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						

<p>2.1</p> <p>2.2</p> <p>2.3</p>	<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. <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> <p>Objectors have no right of appeal but may be able to judicially review the Council's decision</p>
<p>3.0</p>	<p>Main report</p>
<p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p> <p>3.5</p> <p>3.6</p>	<p><u>Key Issues</u></p> <p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that:</p> <ul style="list-style-type: none"> a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control; b) the owner, and any managing agent of it, are fit and proper persons; c) the proposed management arrangements are satisfactory); d) the granting of the licence will not result in overprovision of HMOs in the locality; e) the living accommodation is fit for human habitation and— <ul style="list-style-type: none"> (i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or (ii) can be made so suitable by including conditions in the licence. <p>When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.</p> <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> <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>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"> a) Over provision of HMOs in this area, leading to densification of the neighbourhood and reducing living quality; b) Room sizes; c) The need for safety checks <p>Point a), b) and c) are not specific to the premises and as this is a renewal application the legislation prohibits the Council from taking into account issues around overprovision.</p>

3.7	<p>The NIHMO Unit has consulted with City and Neighbourhood Services who have advised they haven't received any noise complaints.</p> <p><u>Applicant</u></p>
3.8	<p>The applicant has confirmed that he has not been convicted of any relevant offences as set out at paragraph 3.1 of this report. The applicant has not been being convicted of any offences by the Council. Due to data protection issues which have recently arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue. Officers are not aware of any issues relevant to the applicant's fitness.</p>
3.09	<p>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>
3.10	<p>An inspection of the premises was carried out by Officers from the Service on 24 February 2020. 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>
3.11	<p>On the 5 May 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>
3.12	<p>None. The cost of assessing the application and officer inspections are provided for within existing budgets.</p> <p><u>Equality and Good Relations Implications</u></p>
3.13	<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 – Objection • Appendix 3 – Notice of proposed decision

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Appendix 1 – 18 Landseer Street, Belfast, BT9 5AL



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