

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



**Belfast  
City Council**

7<sup>th</sup> October, 2020

## **MEETING OF LICENSING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet remotely via Microsoft Teams on Wednesday, 14th October, 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) Licences Issued Under Delegated Authority (Pages 1 - 4)
- (b) Houses in Multiple Occupation (HMO) Licenses Issued Under Delegated Authority (Pages 5 - 8)
- (c) Applications for the renewal of a Licence to operate a House of Multiple Occupation for 4 Landseer Street (Pages 9 - 28)
- (d) Applications for the renewal of a Licence to operate a House of Multiple Occupation for 7 Pretoria Street (Pages 29 - 48)

- (e) Applications for the renewal of a Licence to operate a House of Multiple Occupation for 29 St Ives Gardens (Pages 49 - 70)
- (f) Applications for the renewal of a Licence to operate a House of Multiple Occupation for 4 Stranmillis Park (Pages 71 - 92)
- (g) Applications for the renewal of a Licence to operate a House of Multiple Occupation for 4 Stranmillis Gardens (Pages 93 - 112)
- (h) Applications for the renewal of a Licence to operate a House of Multiple Occupation for 50 Stranmillis Gardens (Pages 113 - 132)
- (i) Applications for the renewal of a Licence to operate a House of Multiple Occupation for 32 Stranmillis Gardens (Pages 133 - 162)

3. **Non-Delegated Matters**

- (a) Houses in Multiple Occupation (HMO) Update (Pages 163 - 214)



|                           |  |
|---------------------------|--|
| <b>Subject:</b>           | <b>Licences Issued Under Delegated Authority</b>         |
| <b>Date:</b>              | 14 October 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        | 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.   |
| <b>3.0</b> | <b>Main report</b>  |

**Key Issues**

- 3.1 Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the following Entertainments Licences were issued since your last meeting.

| Premises and Location  | Type of Application | Applicant                               |
|--|---------------------|---|
| BBC Blackstaff House, 62-64 Great Victoria Street, Belfast, BT2 8HQ. | Renewal             | Mr Mark Taylor                          |
| City Hall, Donegall Square, Belfast, BT1 5GS.                        | Renewal             | Ms Carole Greenan, Belfast City Council |
| Mountainview Social Club, 8 Enfield Street, Belfast, BT13            | Renewal             | Mr Walter Wilson                        |

- 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:

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

| Premises and Location                                   | Type of Application | Applicant                              |
|---|---------------------|--|
| Thompsons Garage, 3 Pattersons Place, Belfast, BT1 4GW. | Renewal             | Mr Stephen Boyd, Endless Music 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, 14 Shaftesbury Square & 1-7 Donegall Road, Belfast, BT2 7DB. | Renewal             | Mr Gerald Steinberg, Oasis Retail Service Ltd |
| Players, 22 Shaftesbury Square, Belfast, BT2 7BD.                                 | Renewal             | Mr Liam Boyle, Play SS Ltd                    |
| Players, Unit 5-6, 133-137 Lisburn Road, Belfast, BT9 7AG.                        | Renewal             | Mr Liam Boyle, Play LR Ltd                    |
| Funtime, 157a Antrim Road, Belfast, BT15 2GW.                                     | Renewal             | Mr Patrick Quinn, P & F Group Ltd.            |

|     |   |                         |   |
|-----|---|-------------------------|---|
| 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 the following Road Closure Orders were made since your last meeting. |                         |   |
|     | <b>Location</b>   | <b>Type of Activity</b> | <b>Date and Hours permitted</b>   |
|     | Corporation Street  | Filming                 | 05:00 19 <sup>th</sup> September –<br>23:00 20 <sup>th</sup> September 2020 |
| 3.6 | <b><u>Financial &amp; Resource Implications</u></b>   |                         |   |
|     | None  |                         |   |
| 3.7 | <b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b>  |                         |   |
|     | There are no issues associated with this report.  |                         |   |

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| <b>Subject:</b>           | <b>Houses in Multiple Occupation (HMO) Licenses Issued Under Delegated Authority</b>                 |
| <b>Date:</b>              | 14 October 2020  |
| <b>Reporting Officer:</b> | Kevin Bloomfield, NIHMO Manager, 07584 270820  |
| <b>Contact Officer:</b>   | Valerie Brown, City Services Manager, tel. 9027 0668 & Kevin Bloomfield, NIHMO Manager, 07584 270820 |

|   |   |
|---|---|
| <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>   |         |          |   |                    |  |                         |  |                  |                                   |                     |  |                     |   |                   |   |                   |   |                  |   |                    |   |                   |   |                 |   |                    |  |                       |   |                   |  |                     |  |                            |   |               |  |                    |  |                |   |                     |  |                  |   |                  |  |                 |   |                         |  |                   |
|---|--|---------|----------|---|--------------------|--|-------------------------|--|------------------|-----------------------------------|---------------------|--|---------------------|---|-------------------|---|-------------------|---|------------------|---|--------------------|---|-------------------|---|-----------------|---|--------------------|--|-----------------------|---|-------------------|--|---------------------|--|----------------------------|---|---------------|--|--------------------|--|----------------|---|---------------------|--|------------------|---|------------------|--|-----------------|---|-------------------------|--|-------------------|
| <b>3.1</b>  | <p><b><u>Key Issues</u></b></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> <tr> <th>Address</th><th>Licensee</th></tr> <tr> <td>65 JERUSALEM STREET, BELFAST, ANTRIM, BT7 1QP</td><td>Mr Conor McCloskey</td></tr> <tr> <td>117 AGINCOURT AVENUE, BELFAST, ANTRIM, BT7 1QD</td><td>Bearwood Warley Limited</td></tr> <tr> <td>105 WELLESLEY AVENUE, BELFAST, ANTRIM, BT9 6DH</td><td>Mr Robert Coburn</td></tr> <tr> <td>183 FALLS ROAD, BELFAST, BT12 6AF</td><td>Mr William Thompson</td></tr> <tr> <td>FLAT 3, 31 ASHLEY AVENUE, BELFAST, ANTRIM, BT9 7BT</td><td>Mr Patrick Crockart</td></tr> <tr> <td>31 COLENZO PARADE, BELFAST, ANTRIM, BT9 5AN</td><td>Mrs Maura Carolan</td></tr> <tr> <td>20 WESTMINSTER STREET, BELFAST, ANTRIM, BT7 1LA</td><td>Mr Patrick Conway</td></tr> <tr> <td>122 UNIVERSITY STREET, BELFAST, ANTRIM, BT7 1HH</td><td>Ms Jennifer Todd</td></tr> <tr> <td>FLAT 2, 9 EGLANTINE GARDENS, BELFAST, ANTRIM, BT9 6EZ</td><td>Mr Edmond Carberry</td></tr> <tr> <td>144 ORMEAU ROAD, BELFAST, DOWN, BT7 2EB</td><td>Mr John McGleenan</td></tr> <tr> <td>85 DUNLUCE AVENUE, BELFAST, ANTRIM, BT9 7AW</td><td>Swee Kiang Fong</td></tr> <tr> <td>60 PALESTINE STREET, BELFAST, ANTRIM, BT7 1QL</td><td>Mr Gavin McCormack</td></tr> <tr> <td>48 FANE STREET, BELFAST, ANTRIM, BT9 7BW</td><td>Ms Angela Wai Kan Lee</td></tr> <tr> <td>32 TATES AVENUE, BELFAST, ANTRIM, BT9 7BY</td><td>Mrs Mary McIntyre</td></tr> <tr> <td>FLAT 2, 31 ASHLEY AVENUE, BELFAST, ANTRIM, BT9 7BT</td><td>Mr Patrick Crockart</td></tr> <tr> <td>33 SANDYMOUNT STREET, BELFAST, ANTRIM, BT9 5DP</td><td>Mrs Aileen Margaret Grugan</td></tr> <tr> <td>8 LANDSEER STREET, BELFAST, ANTRIM, BT9 5AL</td><td>Ms Grace Kerr</td></tr> <tr> <td>505A FALLS ROAD, BELFAST, ANTRIM, BT12 6DE</td><td>Mr Terence Maguire</td></tr> <tr> <td>6 LAGANVALE STREET, BELFAST, ANTRIM, BT9 5FR</td><td>Mr Adam Irvine</td></tr> <tr> <td>FLAT 3, 11, LANDSEER STREET, BELFAST, BT9 5AL</td><td>Mr Dermot McCrystal</td></tr> <tr> <td>75 UNIVERSITY AVENUE, BELFAST, ANTRIM, BT7 1GX</td><td>Mr John Mellotte</td></tr> <tr> <td>121 UNIVERSITY AVENUE, BELFAST, ANTRIM, BT7 1GX</td><td>Mr John Cathcart</td></tr> <tr> <td>25 RATHDRUM STREET, BELFAST, ANTRIM, BT9 7GB</td><td>Mr Graeme Hanna</td></tr> <tr> <td>22 STRANMILLIS PARK, BELFAST, ANTRIM, BT9 5AU</td><td>Mr Thomas John McGinley</td></tr> <tr> <td>12 STRANMILLIS GARDENS, BELFAST, ANTRIM, BT9 5AS</td><td>Mrs Mary McIntyre</td></tr> </table> | Address | Licensee | 65 JERUSALEM STREET, BELFAST, ANTRIM, BT7 1QP | Mr Conor McCloskey | 117 AGINCOURT AVENUE, BELFAST, ANTRIM, BT7 1QD | Bearwood Warley Limited | 105 WELLESLEY AVENUE, BELFAST, ANTRIM, BT9 6DH | Mr Robert Coburn | 183 FALLS ROAD, BELFAST, BT12 6AF | Mr William Thompson | FLAT 3, 31 ASHLEY AVENUE, BELFAST, ANTRIM, BT9 7BT | Mr Patrick Crockart | 31 COLENZO PARADE, BELFAST, ANTRIM, BT9 5AN | Mrs Maura Carolan | 20 WESTMINSTER STREET, BELFAST, ANTRIM, BT7 1LA | Mr Patrick Conway | 122 UNIVERSITY STREET, BELFAST, ANTRIM, BT7 1HH | Ms Jennifer Todd | FLAT 2, 9 EGLANTINE GARDENS, BELFAST, ANTRIM, BT9 6EZ | Mr Edmond Carberry | 144 ORMEAU ROAD, BELFAST, DOWN, BT7 2EB | Mr John McGleenan | 85 DUNLUCE AVENUE, BELFAST, ANTRIM, BT9 7AW | Swee Kiang Fong | 60 PALESTINE STREET, BELFAST, ANTRIM, BT7 1QL | Mr Gavin McCormack | 48 FANE STREET, BELFAST, ANTRIM, BT9 7BW | Ms Angela Wai Kan Lee | 32 TATES AVENUE, BELFAST, ANTRIM, BT9 7BY | Mrs Mary McIntyre | FLAT 2, 31 ASHLEY AVENUE, BELFAST, ANTRIM, BT9 7BT | Mr Patrick Crockart | 33 SANDYMOUNT STREET, BELFAST, ANTRIM, BT9 5DP | Mrs Aileen Margaret Grugan | 8 LANDSEER STREET, BELFAST, ANTRIM, BT9 5AL | Ms Grace Kerr | 505A FALLS ROAD, BELFAST, ANTRIM, BT12 6DE | Mr Terence Maguire | 6 LAGANVALE STREET, BELFAST, ANTRIM, BT9 5FR | Mr Adam Irvine | FLAT 3, 11, LANDSEER STREET, BELFAST, BT9 5AL | Mr Dermot McCrystal | 75 UNIVERSITY AVENUE, BELFAST, ANTRIM, BT7 1GX | Mr John Mellotte | 121 UNIVERSITY AVENUE, BELFAST, ANTRIM, BT7 1GX | Mr John Cathcart | 25 RATHDRUM STREET, BELFAST, ANTRIM, BT9 7GB | Mr Graeme Hanna | 22 STRANMILLIS PARK, BELFAST, ANTRIM, BT9 5AU | Mr Thomas John McGinley | 12 STRANMILLIS GARDENS, BELFAST, ANTRIM, BT9 5AS | Mrs Mary McIntyre |
| Address   | Licensee   |         |          |   |                    |  |                         |  |                  |                                   |                     |  |                     |   |                   |   |                   |   |                  |   |                    |   |                   |   |                 |   |                    |  |                       |   |                   |  |                     |  |                            |   |               |  |                    |  |                |   |                     |  |                  |   |                  |  |                 |   |                         |  |                   |
| 65 JERUSALEM STREET, BELFAST, ANTRIM, BT7 1QP         | Mr Conor McCloskey   |         |          |   |                    |  |                         |  |                  |                                   |                     |  |                     |   |                   |   |                   |   |                  |   |                    |   |                   |   |                 |   |                    |  |                       |   |                   |  |                     |  |                            |   |               |  |                    |  |                |   |                     |  |                  |   |                  |  |                 |   |                         |  |                   |
| 117 AGINCOURT AVENUE, BELFAST, ANTRIM, BT7 1QD        | Bearwood Warley Limited  |         |          |   |                    |  |                         |  |                  |                                   |                     |  |                     |   |                   |   |                   |   |                  |   |                    |   |                   |   |                 |   |                    |  |                       |   |                   |  |                     |  |                            |   |               |  |                    |  |                |   |                     |  |                  |   |                  |  |                 |   |                         |  |                   |
| 105 WELLESLEY AVENUE, BELFAST, ANTRIM, BT9 6DH        | Mr Robert Coburn   |         |          |   |                    |  |                         |  |                  |                                   |                     |  |                     |   |                   |   |                   |   |                  |   |                    |   |                   |   |                 |   |                    |  |                       |   |                   |  |                     |  |                            |   |               |  |                    |  |                |   |                     |  |                  |   |                  |  |                 |   |                         |  |                   |
| 183 FALLS ROAD, BELFAST, BT12 6AF                     | Mr William Thompson  |         |          |   |                    |  |                         |  |                  |                                   |                     |  |                     |   |                   |   |                   |   |                  |   |                    |   |                   |   |                 |   |                    |  |                       |   |                   |  |                     |  |                            |   |               |  |                    |  |                |   |                     |  |                  |   |                  |  |                 |   |                         |  |                   |
| FLAT 3, 31 ASHLEY AVENUE, BELFAST, ANTRIM, BT9 7BT    | Mr Patrick Crockart  |         |          |   |                    |  |                         |  |                  |                                   |                     |  |                     |   |                   |   |                   |   |                  |   |                    |   |                   |   |                 |   |                    |  |                       |   |                   |  |                     |  |                            |   |               |  |                    |  |                |   |                     |  |                  |   |                  |  |                 |   |                         |  |                   |
| 31 COLENZO PARADE, BELFAST, ANTRIM, BT9 5AN           | Mrs Maura Carolan  |         |          |   |                    |  |                         |  |                  |                                   |                     |  |                     |   |                   |   |                   |   |                  |   |                    |   |                   |   |                 |   |                    |  |                       |   |                   |  |                     |  |                            |   |               |  |                    |  |                |   |                     |  |                  |   |                  |  |                 |   |                         |  |                   |
| 20 WESTMINSTER STREET, BELFAST, ANTRIM, BT7 1LA       | Mr Patrick Conway  |         |          |   |                    |  |                         |  |                  |                                   |                     |  |                     |   |                   |   |                   |   |                  |   |                    |   |                   |   |                 |   |                    |  |                       |   |                   |  |                     |  |                            |   |               |  |                    |  |                |   |                     |  |                  |   |                  |  |                 |   |                         |  |                   |
| 122 UNIVERSITY STREET, BELFAST, ANTRIM, BT7 1HH       | Ms Jennifer Todd   |         |          |   |                    |  |                         |  |                  |                                   |                     |  |                     |   |                   |   |                   |   |                  |   |                    |   |                   |   |                 |   |                    |  |                       |   |                   |  |                     |  |                            |   |               |  |                    |  |                |   |                     |  |                  |   |                  |  |                 |   |                         |  |                   |
| FLAT 2, 9 EGLANTINE GARDENS, BELFAST, ANTRIM, BT9 6EZ | Mr Edmond Carberry   |         |          |   |                    |  |                         |  |                  |                                   |                     |  |                     |   |                   |   |                   |   |                  |   |                    |   |                   |   |                 |   |                    |  |                       |   |                   |  |                     |  |                            |   |               |  |                    |  |                |   |                     |  |                  |   |                  |  |                 |   |                         |  |                   |
| 144 ORMEAU ROAD, BELFAST, DOWN, BT7 2EB               | Mr John McGleenan  |         |          |   |                    |  |                         |  |                  |                                   |                     |  |                     |   |                   |   |                   |   |                  |   |                    |   |                   |   |                 |   |                    |  |                       |   |                   |  |                     |  |                            |   |               |  |                    |  |                |   |                     |  |                  |   |                  |  |                 |   |                         |  |                   |
| 85 DUNLUCE AVENUE, BELFAST, ANTRIM, BT9 7AW           | Swee Kiang Fong  |         |          |   |                    |  |                         |  |                  |                                   |                     |  |                     |   |                   |   |                   |   |                  |   |                    |   |                   |   |                 |   |                    |  |                       |   |                   |  |                     |  |                            |   |               |  |                    |  |                |   |                     |  |                  |   |                  |  |                 |   |                         |  |                   |
| 60 PALESTINE STREET, BELFAST, ANTRIM, BT7 1QL         | Mr Gavin McCormack   |         |          |   |                    |  |                         |  |                  |                                   |                     |  |                     |   |                   |   |                   |   |                  |   |                    |   |                   |   |                 |   |                    |  |                       |   |                   |  |                     |  |                            |   |               |  |                    |  |                |   |                     |  |                  |   |                  |  |                 |   |                         |  |                   |
| 48 FANE STREET, BELFAST, ANTRIM, BT9 7BW              | Ms Angela Wai Kan Lee  |         |          |   |                    |  |                         |  |                  |                                   |                     |  |                     |   |                   |   |                   |   |                  |   |                    |   |                   |   |                 |   |                    |  |                       |   |                   |  |                     |  |                            |   |               |  |                    |  |                |   |                     |  |                  |   |                  |  |                 |   |                         |  |                   |
| 32 TATES AVENUE, BELFAST, ANTRIM, BT9 7BY             | Mrs Mary McIntyre  |         |          |   |                    |  |                         |  |                  |                                   |                     |  |                     |   |                   |   |                   |   |                  |   |                    |   |                   |   |                 |   |                    |  |                       |   |                   |  |                     |  |                            |   |               |  |                    |  |                |   |                     |  |                  |   |                  |  |                 |   |                         |  |                   |
| FLAT 2, 31 ASHLEY AVENUE, BELFAST, ANTRIM, BT9 7BT    | Mr Patrick Crockart  |         |          |   |                    |  |                         |  |                  |                                   |                     |  |                     |   |                   |   |                   |   |                  |   |                    |   |                   |   |                 |   |                    |  |                       |   |                   |  |                     |  |                            |   |               |  |                    |  |                |   |                     |  |                  |   |                  |  |                 |   |                         |  |                   |
| 33 SANDYMOUNT STREET, BELFAST, ANTRIM, BT9 5DP        | Mrs Aileen Margaret Grugan   |         |          |   |                    |  |                         |  |                  |                                   |                     |  |                     |   |                   |   |                   |   |                  |   |                    |   |                   |   |                 |   |                    |  |                       |   |                   |  |                     |  |                            |   |               |  |                    |  |                |   |                     |  |                  |   |                  |  |                 |   |                         |  |                   |
| 8 LANDSEER STREET, BELFAST, ANTRIM, BT9 5AL           | Ms Grace Kerr  |         |          |   |                    |  |                         |  |                  |                                   |                     |  |                     |   |                   |   |                   |   |                  |   |                    |   |                   |   |                 |   |                    |  |                       |   |                   |  |                     |  |                            |   |               |  |                    |  |                |   |                     |  |                  |   |                  |  |                 |   |                         |  |                   |
| 505A FALLS ROAD, BELFAST, ANTRIM, BT12 6DE            | Mr Terence Maguire   |         |          |   |                    |  |                         |  |                  |                                   |                     |  |                     |   |                   |   |                   |   |                  |   |                    |   |                   |   |                 |   |                    |  |                       |   |                   |  |                     |  |                            |   |               |  |                    |  |                |   |                     |  |                  |   |                  |  |                 |   |                         |  |                   |
| 6 LAGANVALE STREET, BELFAST, ANTRIM, BT9 5FR          | Mr Adam Irvine   |         |          |   |                    |  |                         |  |                  |                                   |                     |  |                     |   |                   |   |                   |   |                  |   |                    |   |                   |   |                 |   |                    |  |                       |   |                   |  |                     |  |                            |   |               |  |                    |  |                |   |                     |  |                  |   |                  |  |                 |   |                         |  |                   |
| FLAT 3, 11, LANDSEER STREET, BELFAST, BT9 5AL         | Mr Dermot McCrystal  |         |          |   |                    |  |                         |  |                  |                                   |                     |  |                     |   |                   |   |                   |   |                  |   |                    |   |                   |   |                 |   |                    |  |                       |   |                   |  |                     |  |                            |   |               |  |                    |  |                |   |                     |  |                  |   |                  |  |                 |   |                         |  |                   |
| 75 UNIVERSITY AVENUE, BELFAST, ANTRIM, BT7 1GX        | Mr John Mellotte   |         |          |   |                    |  |                         |  |                  |                                   |                     |  |                     |   |                   |   |                   |   |                  |   |                    |   |                   |   |                 |   |                    |  |                       |   |                   |  |                     |  |                            |   |               |  |                    |  |                |   |                     |  |                  |   |                  |  |                 |   |                         |  |                   |
| 121 UNIVERSITY AVENUE, BELFAST, ANTRIM, BT7 1GX       | Mr John Cathcart   |         |          |   |                    |  |                         |  |                  |                                   |                     |  |                     |   |                   |   |                   |   |                  |   |                    |   |                   |   |                 |   |                    |  |                       |   |                   |  |                     |  |                            |   |               |  |                    |  |                |   |                     |  |                  |   |                  |  |                 |   |                         |  |                   |
| 25 RATHDRUM STREET, BELFAST, ANTRIM, BT9 7GB          | Mr Graeme Hanna  |         |          |   |                    |  |                         |  |                  |                                   |                     |  |                     |   |                   |   |                   |   |                  |   |                    |   |                   |   |                 |   |                    |  |                       |   |                   |  |                     |  |                            |   |               |  |                    |  |                |   |                     |  |                  |   |                  |  |                 |   |                         |  |                   |
| 22 STRANMILLIS PARK, BELFAST, ANTRIM, BT9 5AU         | Mr Thomas John McGinley  |         |          |   |                    |  |                         |  |                  |                                   |                     |  |                     |   |                   |   |                   |   |                  |   |                    |   |                   |   |                 |   |                    |  |                       |   |                   |  |                     |  |                            |   |               |  |                    |  |                |   |                     |  |                  |   |                  |  |                 |   |                         |  |                   |
| 12 STRANMILLIS GARDENS, BELFAST, ANTRIM, BT9 5AS      | Mrs Mary McIntyre  |         |          |   |                    |  |                         |  |                  |                                   |                     |  |                     |   |                   |   |                   |   |                  |   |                    |   |                   |   |                 |   |                    |  |                       |   |                   |  |                     |  |                            |   |               |  |                    |  |                |   |                     |  |                  |   |                  |  |                 |   |                         |  |                   |



|     |  |                       |
|-----|--|-----------------------|
|     | FLAT 2, 87 WELLESLEY AVENUE, BELFAST, ANTRIM, BT9 6DH                        | Mr William Devlin     |
|     | 27 ULSTERVILLE GARDENS, BELFAST, ANTRIM, BT9 7BA                             | Mr Paul Gerard Conlon |
|     | 96 STRANMILLIS ROAD, BELFAST, ANTRIM, BT9 5AE                                | Mr Paul Stewart       |
|     | 16 ST IVES GARDENS, BELFAST, ANTRIM, BT9 5DN                                 | Mr Conall Anderson    |
|     | FLAT 6, 82 RUGBY AVENUE, MALONE LOWER, BELFAST, ANTRIM, BT7 1RG              | Mr James Sheridan     |
|     | FLAT 2, 82 RUGBY AVENUE, MALONE LOWER, BELFAST, ANTRIM, BT7 1RG              | Mr James Sheridan     |
|     | FLAT 1, 82 RUGBY AVENUE, MALONE LOWER, BELFAST, ANTRIM, BT7 1RG              | Mr James Sheridan     |
|     | <b><u>Financial &amp; Resource Implications</u></b>                          |                       |
| 3.2 | None   |                       |
|     | <b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b> |                       |
| 3.3 | There are no issues associated with this report.                             |                       |

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| <b>Subject:</b>           | <b>Applications for the renewal of a Licence to operate a House of Multiple Occupation for 4 Landseer, Belfast. BT9 5AL</b> |
| <b>Date:</b>              | 14 October 2020   |
| <b>Reporting Officer:</b> | Kevin Bloomfield, HMO Unit Manager, Ext. 5910   |
| <b>Contact Officer:</b>   | Kevin Bloomfield, HMO Unit Manager, Ext. 5910<br>Nora Largey, Divisional Solicitor, Ext. 6049                               |

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

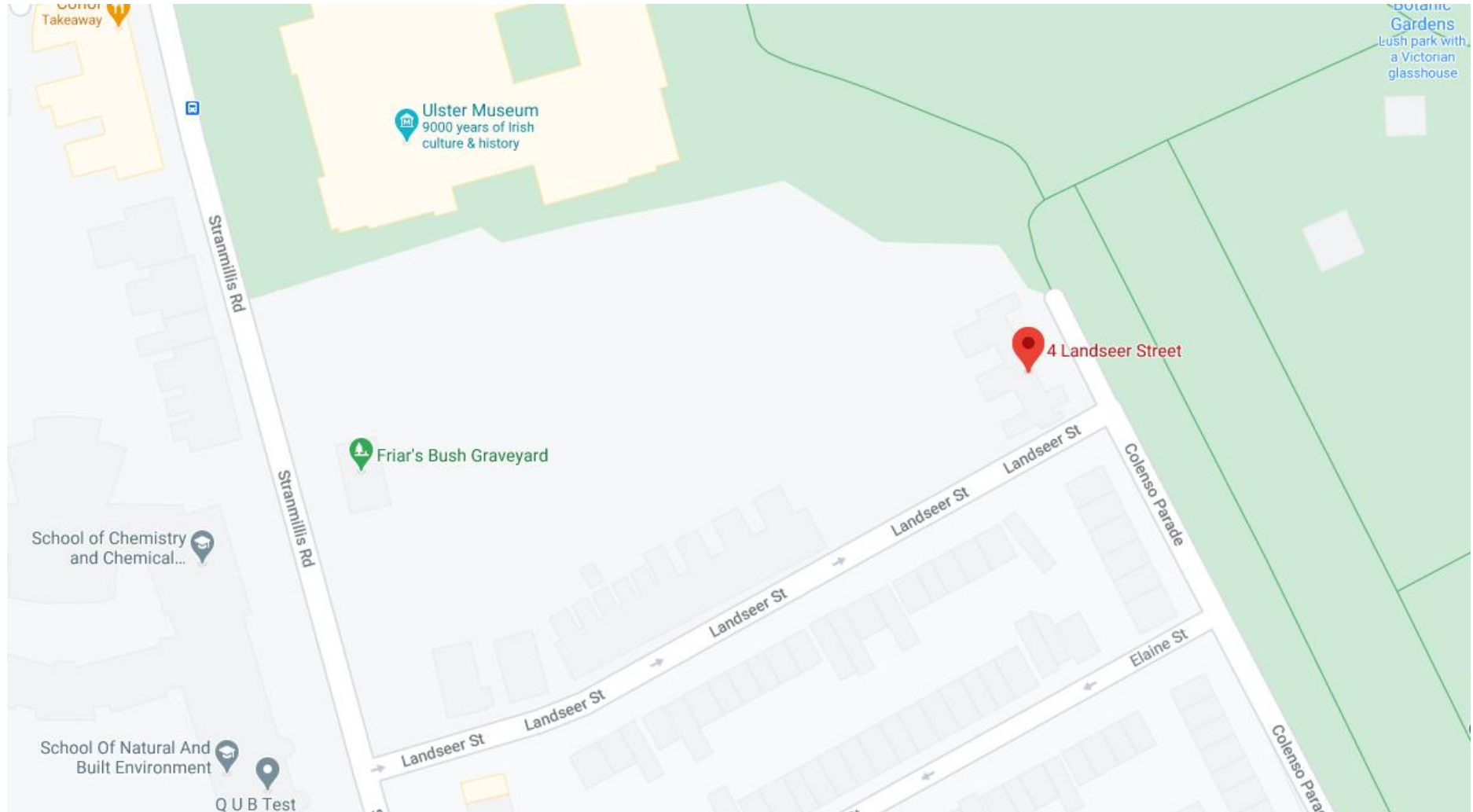
|     |  |                 |                |                                      |
|-----|--|-----------------|----------------|--------------------------------------|
| 1.0 | Purpose of Report or Summary of main Issues  |                 |                |                                      |
| 1.1 | To consider an application for the renewal of a Licence permitting the use of premises as a House in Multiple Occupation (HMO).  |                 |                |                                      |
|     | Premises   | Application No. | Applicant(s)   | Managing Agents                      |
|     | 4 Landseer Street<br>Belfast<br>BT9 5AL  | 7070            | Mr John Gordon | Quicklet Property Management Limited |
| 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.  |                 |                |                                      |

|            |  |
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| <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 County 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>   |
|            | <b><u>Key Issues</u></b>   |
| 3.1        | <p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that:</p> <ul style="list-style-type: none"> <li>a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control;</li> <li>b) the owner, and any managing agent of it, are fit and proper persons;</li> <li>c) the proposed management arrangements are satisfactory);</li> <li>d) the granting of the licence will not result in overprovision of HMOs in the locality;</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        | When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.  |
| 3.3        | 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.  |
|            | <b><u>Objections</u></b>   |
| 3.5        | <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"> <li>a) Over provision of HMOs in this area, leading to densification of the neighbourhood and reducing living quality.</li> </ul> <p>As this is a renewal application Section 20 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 prohibits the Council from taking into account issues around overprovision.</p>  |

|     |   |
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| 3.6 | <p>The NIHMO Unit has consulted with following units within the Council's City and Neighbourhood Services Department -</p> <ul style="list-style-type: none"> <li>(a) Environmental Protection Unit ("EPU") - who have confirmed that in relation to night-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> <li>(b) Environmental Protection Unit ("EPU") - who have confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> <li>(c) Public Health and Housing Unit ("PHHU") - who have confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> <li>(d) Cleansing Enforcement ("CE") - who have confirmed that in relation to litter and waste , there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> </ul> <p><b><u>Convictions</u></b></p> <p>3.7 The applicants and managing agent have confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.2 of this report.</p> <p>3.8 The applicant(s) or managing agent have not been convicted of any HMO related offences by the Council. The EPU, PHHU and CE, solely in respect of their statutory functions, have confirmed that there are no relevant, previous convictions in respect of the applicant, managing agent or occupants. Due to data protection issues which have recently arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue. Officers are not aware of any issues relevant to the applicant's fitness.</p> <p><b><u>Attendance</u></b></p> <p>3.9 The applicant and/or their 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 4 August 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><b><u>Notice of proposed decision</u></b></p> <p>3.11 On the 30 September 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>3.12 The notice of proposed decision stated that the council proposed to grant the licence in the terms applied for.</p> |
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| 3.13 | <b><u>Financial and Resource Implications</u></b><br><br>None. The cost of assessing the application and officer inspections are provided for within existing budgets. |
| 3.14 | <b><u>Equality and Good Relations Implications</u></b><br><br>There are no equality or good relations issues associated with this report.                              |
| 4.0  | <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 – Notice of proposed decision</li> </ul>    |

## Appendix 1 – Location Map – 4 Landseer Street



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| <b>Subject:</b>           | <b>Applications for the renewal of a Licence to operate a House of Multiple Occupation for 7 Pretoria Street, Belfast. BT9 5AQ</b> |
| <b>Date:</b>              | 14 October 2020  |
| <b>Reporting Officer:</b> | Kevin Bloomfield, HMO Unit Manager, Ext. 5910  |
| <b>Contact Officer:</b>   | Kevin Bloomfield, HMO Unit Manager, Ext. 5910<br>Nora Largey, Divisional Solicitor, Ext. 6049                                      |

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

|     |  |                 |  |                 |
|-----|--|-----------------|--|-----------------|
| 1.0 | Purpose of Report or Summary of main Issues  |                 |  |                 |
| 1.1 | To consider an application for the renewal of a Licence permitting the use of premises as a House in Multiple Occupation (HMO).  |                 |  |                 |
|     | Premises   | Application No. | Applicant(s)                                 | Managing Agents |
|     | 7 Pretoria Street<br>Belfast<br>BT9 5AQ  | 7062            | Mr Thomas Muldoon<br>& Mrs Helena<br>Muldoon | None            |
| 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.  |                 |  |                 |

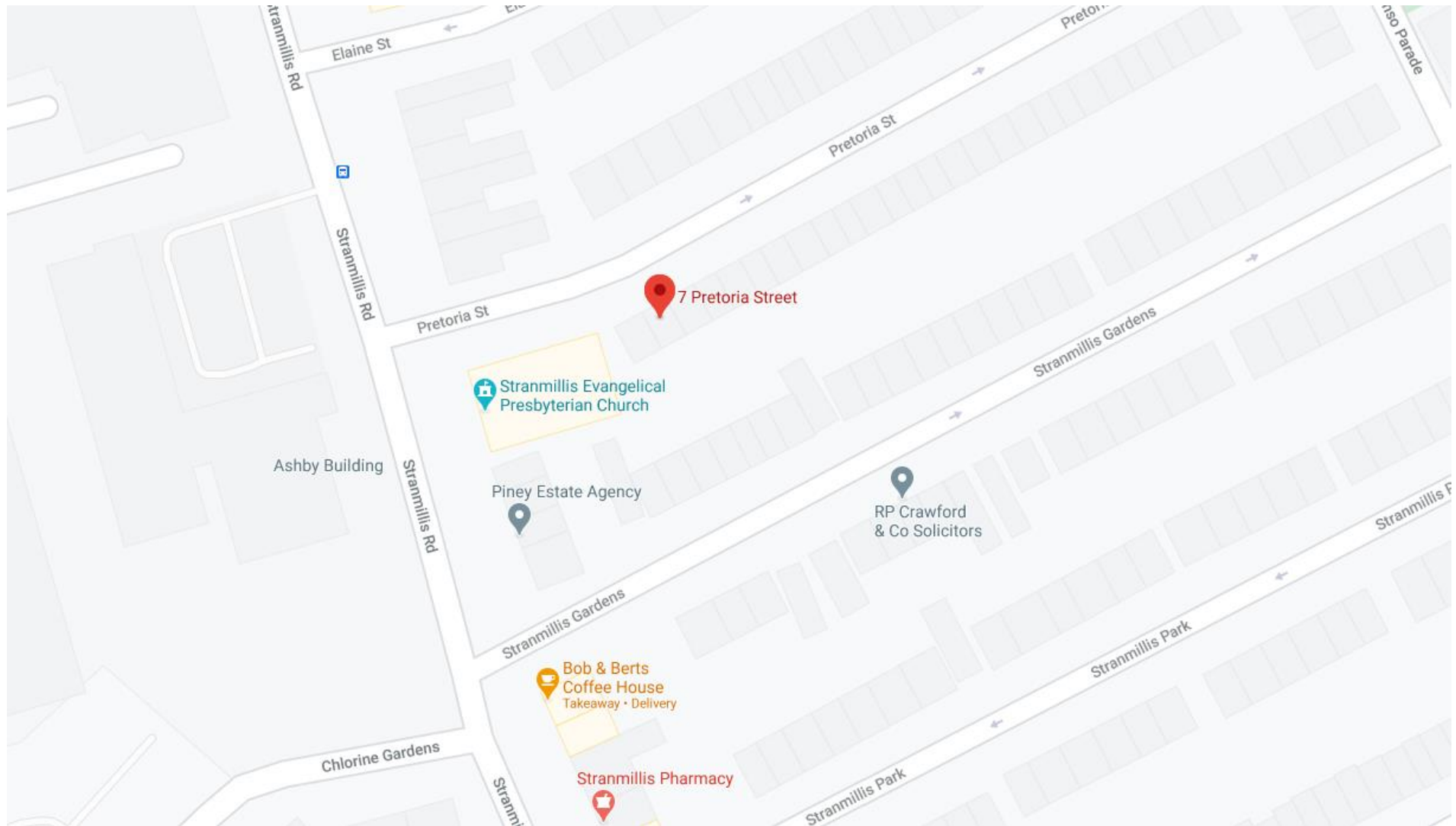
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| <b>2.0</b> | <b>Recommendations</b>   |
| 2.1        | <p>Taking into account the information presented Committee is asked to hear from the objectors and applicant and make a decision to either:</p> <ul style="list-style-type: none"> <li>(i) Grant 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 County 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>   |
|            | <p><b><u>Key Issues</u></b></p> <p>3.1 Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that:</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, and any managing agent of it, are fit and proper persons;</li> <li>c) the proposed management arrangements are satisfactory);</li> <li>d) the granting of the licence will not result in overprovision of HMOs in the locality;</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> <p>3.2 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>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.</p> <p>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> <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> |

|     |   |
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| 3.6 | <p>a) Over provision of HMOs in this area, leading to densification of the neighbourhood and reducing living quality.</p> <p>As this is a renewal application Section 20 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 prohibits the Council from taking into account issues around overprovision. The NIHMO Unit has consulted with following units within the Council's City and Neighbourhood Services Department -</p> <p>(a) Environmental Protection Unit ("EPU") - who have confirmed that in relation to night-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(b) Environmental Protection Unit ("EPU") - who have confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(c) Public Health and Housing Unit ("PHHU") - who have confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(d) Cleansing Enforcement ("CE") - who have confirmed that in relation to litter and waste , there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p><b><u>Convictions</u></b></p> <p>3.7 The applicants and managing agent have confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.2 of this report.</p> <p>3.8 The applicant(s) or managing agent have not been convicted of any HMO related offences by the Council. The EPU, PHHU and CE, solely in respect of their statutory functions, have confirmed that there are no relevant, previous convictions in respect of the applicant, managing agent or occupants. Due to data protection issues which have recently arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue. Officers are not aware of any issues relevant to the applicant's fitness.</p> <p><b><u>Attendance</u></b></p> <p>3.9 The applicant and/or their 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 18 September 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><b><u>Notice of proposed decision</u></b></p> <p>3.11 On the 30 September 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> |
|-----|---|

|            |   |
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| 3.12       | The notice of proposed decision stated that the council proposed to grant the licence in the terms applied for.   |
| 3.13       | <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> |
| 3.14       | <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 – Notice of proposed decision</li> </ul>           |



## Appendix 1 – Location Map – 7 Pretoria Street



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| <b>Subject:</b>           | <b>Applications for the renewal of a Licence to operate a House of Multiple Occupation for 29 St Ives Gardens, Belfast. BT9 5DN</b> |
| <b>Date:</b>              | 14 October 2020   |
| <b>Reporting Officer:</b> | Kevin Bloomfield, HMO Unit Manager, Ext. 5910   |
| <b>Contact Officer:</b>   | Kevin Bloomfield, HMO Unit Manager, Ext. 5910<br>Nora Largey, Divisional Solicitor, Ext. 6049                                       |

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

|     |  |                 |                  |                 |
|-----|--|-----------------|------------------|-----------------|
| 1.0 | Purpose of Report or Summary of main Issues  |                 |                  |                 |
| 1.1 | To consider an application for the renewal of a Licence permitting the use of premises as a House in Multiple Occupation (HMO).  |                 |                  |                 |
|     | Premises   | Application No. | Applicant(s)     | Managing Agents |
|     | 29 St Ives Gardens<br>Belfast<br>BT9 5   | 7076            | Mrs Jan Crawford | None            |
| 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.  |                 |                  |                 |

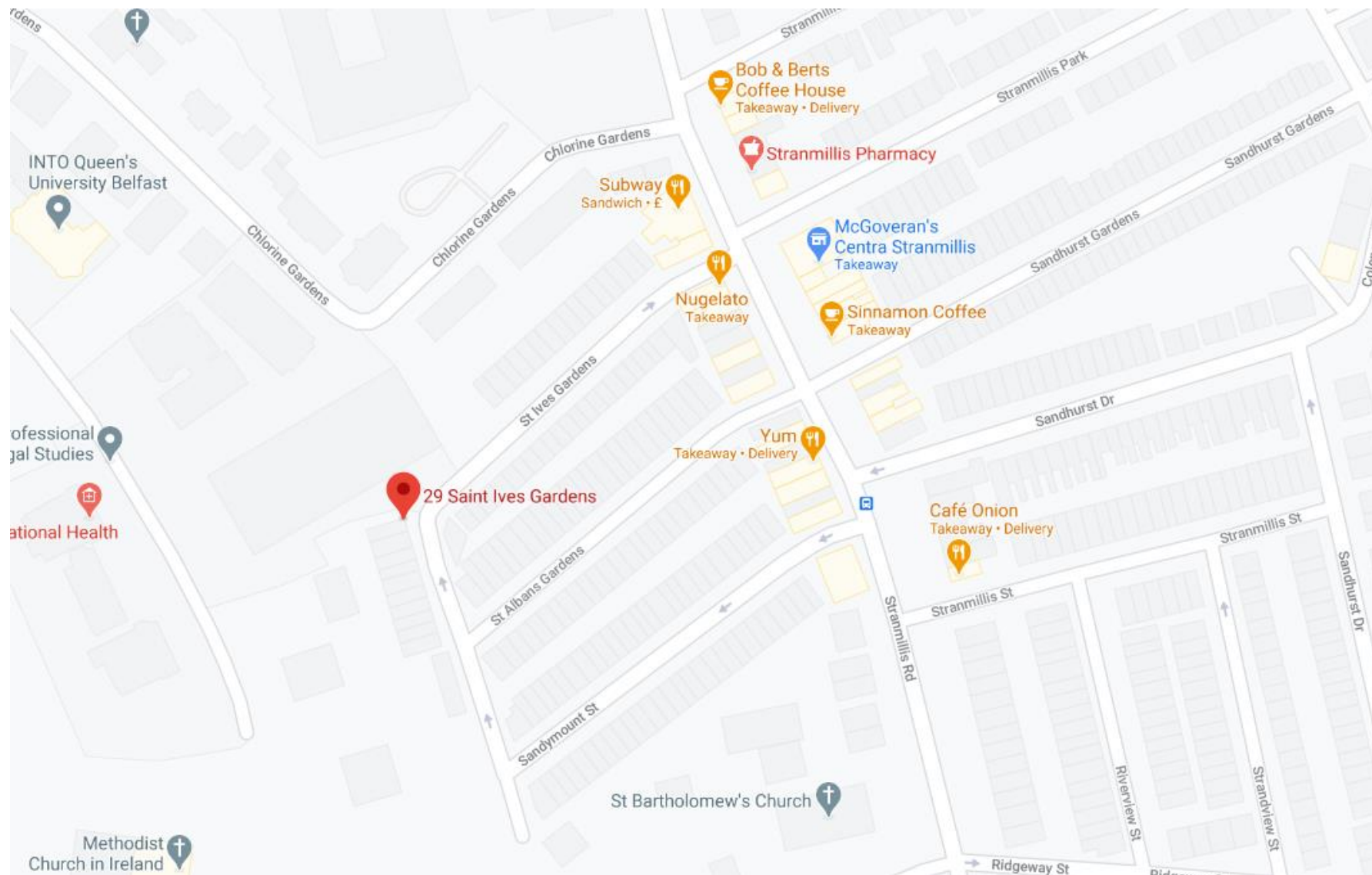
|            |  |
|------------|--|
| <b>2.0</b> | <b>Recommendations</b>   |
| 2.1        | <p>Taking into account the information presented Committee is asked to hear from the objectors and applicant and make a decision to either:</p> <ul style="list-style-type: none"> <li>(i) Grant the application, 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 County 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>   |
|            | <b><u>Key Issues</u></b>   |
| 3.1        | <p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that:</p> <ul style="list-style-type: none"> <li>a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control;</li> <li>b) the owner, and any managing agent of it, are fit and proper persons;</li> <li>c) the proposed management arrangements are satisfactory);</li> <li>d) the granting of the licence will not result in overprovision of HMOs in the locality;</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        | When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.  |
| 3.3        | 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.  |
|            | <b><u>Objections</u></b>   |
| 3.5        | <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"> <li>a) Over provision of HMOs in this area, leading to densification of the neighbourhood and reducing living quality.</li> </ul> <p>As this is a renewal application Section 20 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 prohibits the Council from taking into account issues around overprovision.</p>  |



|     |   |
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| 3.6 | <p>The NIHMO Unit has consulted with following units within the Council's City and Neighbourhood Services Department -</p> <ul style="list-style-type: none"> <li>(a) Environmental Protection Unit ("EPU") - who have confirmed that in relation to night-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> <li>(b) Environmental Protection Unit ("EPU") - who have confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> <li>(c) Public Health and Housing Unit ("PHHU") - who have confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> <li>(d) Cleansing Enforcement ("CE") - who have confirmed that in relation to litter and waste , there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> </ul> <p><b><u>Fitness of the Applicant</u></b></p> <p>3.7 Details of the applicant's history, relating to the requirement for a licence holder to be a fit and proper person, were considered on the 19 August 2020 by this committee, in view of an application to renew a HMO licence for <b>29 Stranmillis Park, Belfast, BT9 5AU</b>. The committee elected to renew the licence. Details of the applicant's history are included in Appendix 4 to this report</p> <p>3.8 The applicant(s) or managing agent have not been convicted of any HMO related offences by the Council. The EPU, PHHU and CE, solely in respect of their statutory functions, have confirmed that there are no relevant, previous convictions in respect of the applicant, managing agent or occupants. Due to data protection issues which have recently arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue. Officers are not aware of any issues relevant to the applicant's fitness.</p> <p><b><u>Attendance</u></b></p> <p>3.9 The applicant and/or their 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 18 September 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><b><u>Notice of proposed decision</u></b></p> <p>3.11 On the 30 September 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>3.12 The notice of proposed decision stated that the council proposed to grant the licence in the terms applied for.</p> |
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|            |   |
|------------|---|
| 3.13       | <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>                                   |
| 3.14       | <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 – Notice of proposed decision</li> <li>• Appendix 4 – Applicant's history</li> </ul> |

## Appendix 1 – Location Map – 29 St Ives Gardens



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| <b>Subject:</b>           | <b>Applications for the renewal of a Licence to operate a House of Multiple Occupation for 4 Stranmillis Park, Belfast. BT9 5AU</b> |
| <b>Date:</b>              | 14 October 2020   |
| <b>Reporting Officer:</b> | Kevin Bloomfield, HMO Unit Manager, Ext. 5910   |
| <b>Contact Officer:</b>   | Kevin Bloomfield, HMO Unit Manager, Ext. 5910<br>Nora Largey, Divisional Solicitor, Ext. 6049                                       |

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

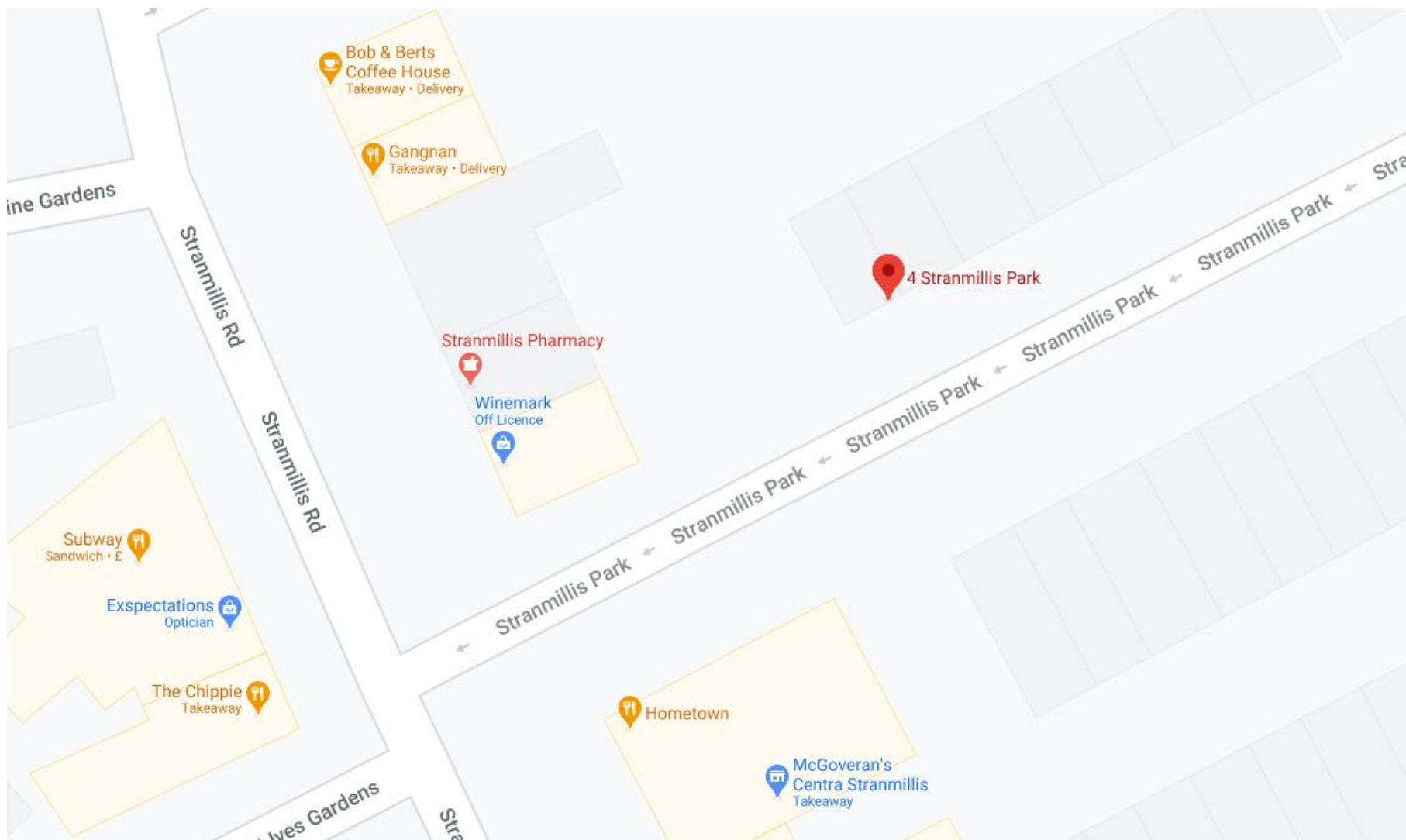
|     |  |                 |                                      |                     |
|-----|--|-----------------|--------------------------------------|---------------------|
| 1.0 | Purpose of Report or Summary of main Issues  |                 |                                      |                     |
| 1.1 | To consider an application for the renewal of a Licence permitting the use of premises as a House in Multiple Occupation (HMO).  |                 |                                      |                     |
|     | Premises   | Application No. | Applicant(s)                         | Managing Agents     |
|     | 4 Stranmillis Park<br>Belfast<br>BT9 5AU   | 7519            | Mr John Miller and<br>Ms Susan Scott | Piney Estate Agents |
| 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.  |                 |                                      |                     |

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| <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 County 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>   |
|            | <b><u>Key Issues</u></b>   |
| 3.1        | <p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that:</p> <ul style="list-style-type: none"> <li>a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control;</li> <li>b) the owner, and any managing agent of it, are fit and proper persons;</li> <li>c) the proposed management arrangements are satisfactory);</li> <li>d) the granting of the licence will not result in overprovision of HMOs in the locality;</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        | When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.  |
| 3.3        | 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.  |
|            | <b><u>Objections</u></b>   |
| 3.5        | <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"> <li>a) Over provision of HMOs in the Stranmillis HMO Policy Area.</li> </ul> <p>As this is a renewal application Section 20 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 prohibits the Council from taking into account issues around overprovision.</p>   |

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| 3.6 | <p>The NIHMO Unit has consulted with following units within the Council's City and Neighbourhood Services Department -</p> <ul style="list-style-type: none"> <li>(a) Environmental Protection Unit ("EPU") - who have confirmed that in relation to night-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> <li>(b) Environmental Protection Unit ("EPU") - who have confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> <li>(c) Public Health and Housing Unit ("PHHU") - who have confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> <li>(d) Cleansing Enforcement ("CE") - who have confirmed that in relation to litter and waste , there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> </ul> <p><b><u>Convictions</u></b></p> <p>3.7 The applicants and managing agent have confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.2 of this report.</p> <p>3.8 The applicant(s) or managing agent have not been convicted of any HMO related offences by the Council. The EPU, PHHU and CE, solely in respect of their statutory functions, have confirmed that there are no relevant, previous convictions in respect of the applicant, managing agent or occupants. Due to data protection issues which have recently arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue. Officers are not aware of any issues relevant to the applicant's fitness.</p> <p><b><u>Attendance</u></b></p> <p>3.9 The applicant and/or their 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 12 August 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><b><u>Notice of proposed decision</u></b></p> <p>3.11 On the 15 September 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>3.12 The notice of proposed decision stated that the council proposed to grant the licence in the terms applied for.</p> |
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## Appendix 1 – Location Map – 4 Stranmillis Park



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| <b>Subject:</b>           | <b>Applications for the renewal of a Licence to operate a House of Multiple Occupation for 4 Stranmillis Gardens, Belfast. BT9 5AS</b> |
| <b>Date:</b>              | 14 October 2020  |
| <b>Reporting Officer:</b> | Kevin Bloomfield, HMO Unit Manager, Ext. 5910  |
| <b>Contact Officer:</b>   | Kevin Bloomfield, HMO Unit Manager, Ext. 5910<br>Nora Largey, Divisional Solicitor, Ext. 6049  |

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

|     |  |                 |                       |                   |
|-----|--|-----------------|-----------------------|-------------------|
| 1.0 | Purpose of Report or Summary of main Issues  |                 |                       |                   |
| 1.1 | To consider an application for the renewal of a Licence permitting the use of premises as a House in Multiple Occupation (HMO).  |                 |                       |                   |
|     | Premises   | Application No. | Applicant(s)          | Managing Agents   |
|     | 4 Stranmillis Gdns<br>Belfast<br>BT9 5AS   | 7601            | Mrs Maureen<br>Hughes | R S Laird Limited |
| 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.  |                 |                       |                   |

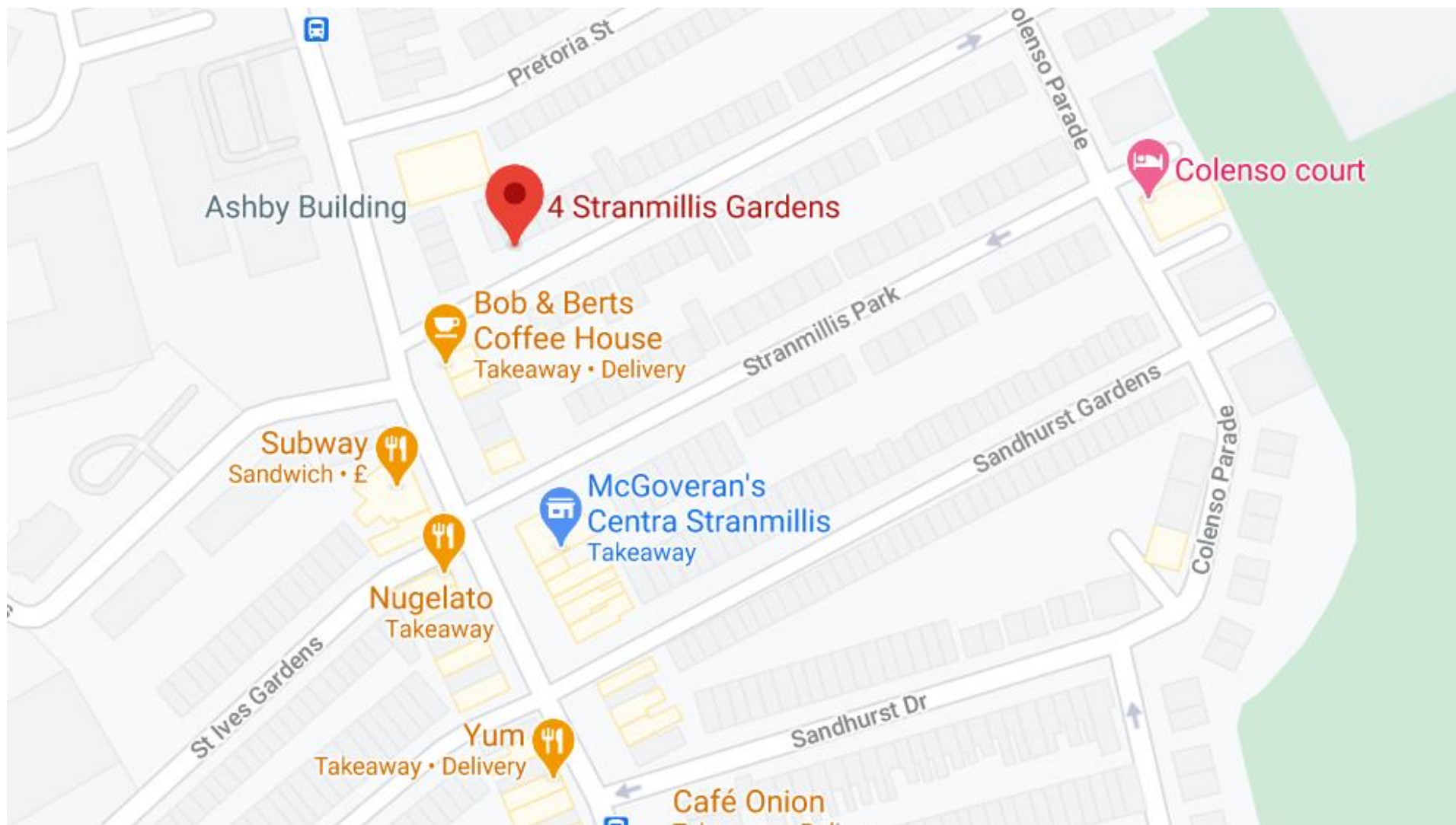
|            |  |
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| <b>2.0</b> | <b>Recommendations</b>   |
| 2.1        | <p>Taking into account the information presented Committee is asked to hear from the objectors and applicant and make a decision to either:</p> <ul style="list-style-type: none"> <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 County 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>   |
|            | <b><u>Key Issues</u></b>   |
| 3.1        | <p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that:</p> <ul style="list-style-type: none"> <li>a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control;</li> <li>b) the owner, and any managing agent of it, are fit and proper persons;</li> <li>c) the proposed management arrangements are satisfactory);</li> <li>d) the granting of the licence will not result in overprovision of HMOs in the locality;</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        | When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.  |
| 3.3        | 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.  |
|            | <b><u>Objections</u></b>   |
| 3.5        | <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"> <li>a) Over provision of HMOs in the Stranmillis HMO Policy Area.</li> </ul> <p>As this is a renewal application Section 20 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 prohibits the Council from taking into account issues around overprovision.</p>   |



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| 3.6 | <p>The NIHMO Unit has consulted with following units within the Council's City and Neighbourhood Services Department -</p> <ul style="list-style-type: none"> <li>(a) Environmental Protection Unit ("EPU") - who have confirmed that in relation to night-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> <li>(b) Environmental Protection Unit ("EPU") - who have confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> <li>(c) Public Health and Housing Unit ("PHHU") - who have confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> <li>(d) Cleansing Enforcement ("CE") - who have confirmed that in relation to litter and waste , there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> </ul> <p><b><u>Convictions</u></b></p> <p>3.7 The applicants and managing agent have confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.2 of this report.</p> <p>3.8 The applicant(s) or managing agent have not been convicted of any HMO related offences by the Council. The EPU, PHHU and CE, solely in respect of their statutory functions, have confirmed that there are no relevant, previous convictions in respect of the applicant, managing agent or occupants. Due to data protection issues which have recently arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue. Officers are not aware of any issues relevant to the applicant's fitness.</p> <p><b><u>Attendance</u></b></p> <p>3.9 The applicant and/or their 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 8 September 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><b><u>Notice of proposed decision</u></b></p> <p>3.11 On the 30 September 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>3.12 The notice of proposed decision stated that the council proposed to grant the licence in the terms applied for.</p> |
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## Appendix 1 – Location Map – 4 Stranmillis Gardens



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| <b>Subject:</b>           | <b>Applications for the renewal of a Licence to operate a House of Multiple Occupation for 50 Stranmillis Gardens, Belfast. BT9 5AT</b> |
| <b>Date:</b>              | 14 October 2020   |
| <b>Reporting Officer:</b> | Kevin Bloomfield, HMO Unit Manager, Ext. 5910   |
| <b>Contact Officer:</b>   | Kevin Bloomfield, HMO Unit Manager, Ext. 5910<br>Nora Largey, Divisional Solicitor, Ext. 6049   |

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

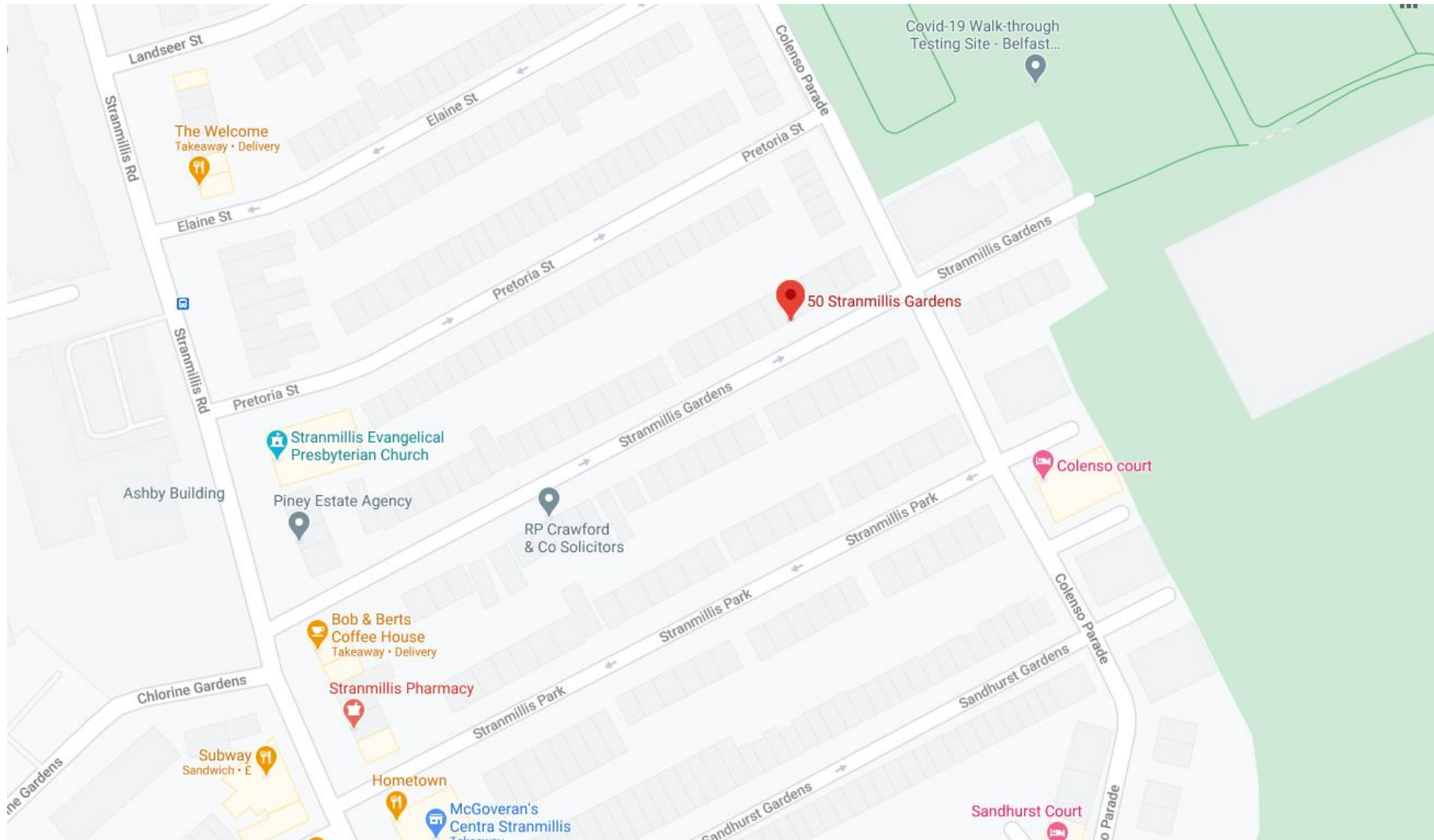
|     |  |                 |   |                   |
|-----|--|-----------------|---|-------------------|
| 1.0 | Purpose of Report or Summary of main Issues  |                 |   |                   |
| 1.1 | To consider an application for the renewal of a Licence permitting the use of premises as a House in Multiple Occupation (HMO).  |                 |   |                   |
|     | Premises   | Application No. | Applicant(s)                                  | Managing Agents   |
|     | 50 Stranmillis Gdns<br>Belfast<br>BT9 5AT  | 7542            | Mrs Therese<br>Gorman & Mr Martin<br>McMullan | R S Laird Limited |
| 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.  |                 |   |                   |

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| <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 County 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>   |
|            | <b><u>Key Issues</u></b>   |
| 3.1        | <p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that:</p> <ul style="list-style-type: none"> <li>a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control;</li> <li>b) the owner, and any managing agent of it, are fit and proper persons;</li> <li>c) the proposed management arrangements are satisfactory);</li> <li>d) the granting of the licence will not result in overprovision of HMOs in the locality;</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        | When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.  |
| 3.3        | 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.  |
|            | <b><u>Objections</u></b>   |
| 3.5        | <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"> <li>a) Over provision of HMOs in the Stranmillis HMO Policy Area.</li> </ul> <p>As this is a renewal application Section 20 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 prohibits the Council from taking into account issues around overprovision.</p>   |

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| 3.6 | <p>The NIHMO Unit has consulted with following units within the Council's City and Neighbourhood Services Department -</p> <ul style="list-style-type: none"> <li>(a) Environmental Protection Unit ("EPU") - who have confirmed that in relation to night-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> <li>(b) Environmental Protection Unit ("EPU") - who have confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> <li>(c) Public Health and Housing Unit ("PHHU") - who have confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> <li>(d) Cleansing Enforcement ("CE") - who have confirmed that in relation to litter and waste , there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</li> </ul> <p><b><u>Convictions</u></b></p> <p>3.7 The applicants and managing agent have confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.2 of this report.</p> <p>3.8 The applicant(s) or managing agent have not been convicted of any HMO related offences by the Council. The EPU, PHHU and CE, solely in respect of their statutory functions, have confirmed that there are no relevant, previous convictions in respect of the applicant, managing agent or occupants. Due to data protection issues which have recently arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue. Officers are not aware of any issues relevant to the applicant's fitness.</p> <p><b><u>Attendance</u></b></p> <p>3.9 The applicant and/or their 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 8 September 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><b><u>Notice of proposed decision</u></b></p> <p>3.11 On the 30 September 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>3.12 The notice of proposed decision stated that the council proposed to grant the licence in the terms applied for.</p> |
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## Appendix 1 – Location Map – 50 Stranmillis Gardens



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| <b>Subject:</b>           | <b>Applications for a New Licence to operate a House of Multiple Occupation for 32 Stranmillis Gardens, Belfast. BT9 5AS</b> |
| <b>Date:</b>              | 14 October 2020  |
| <b>Reporting Officer:</b> | Kevin Bloomfield, HMO Unit Manager, Ext. 5910  |
| <b>Contact Officer:</b>   | Kevin Bloomfield, HMO Unit Manager, Ext. 5910<br>Nora Largey, Divisional Solicitor, Ext. 6049                                |

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

|     |  |                 |                  |                 |
|-----|--|-----------------|------------------|-----------------|
| 1.0 | Purpose of Report or Summary of main Issues  |                 |                  |                 |
| 1.1 | To consider an application for a Licence permitting the use of premises as a House in Multiple Occupation (HMO).   |                 |                  |                 |
|     | Premises   | Application No. | Applicant(s)     | Managing Agents |
|     | 32 Stranmillis Gdns<br>Belfast<br>BT9 5AA  | 7222            | Mr Neil Rafferty | Key Lets NI     |
| 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 in the Stranmillis HMO Policy Area   |                 |                  |                 |
| 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 licence application.  |                 |                  |                 |

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| 1.5        | <p><b>Background</b></p> <p>The property was previously licensed as an HMO up and until the 20 August 2019, at which time the licence expired. Prior to the expiry of the licence the NIHMO Unit wrote to the owner on the 13 August 2019 reminding him that the licence on the property was about to expire.</p>   |
| 1.6        | <p>On the 02 October 2019 an authorised officer from the HMO Unit inspected the property and established that the property was occupied as an HMO by 5 individuals from more than 2 households.</p>   |
| 1.6        | <p>Officers wrote to Mr. Rafferty on the 2 October 2019 asking him if he had a reasonable excuse for operating the accommodation without it being licensed. As no such reasonable excuse was forthcoming the council issued a Fixed Penalty Notice (“FPN”) on the 14 October 2019 for the sum of £5000.00, offering Mr. Rafferty the opportunity of discharging any liability to conviction for the alleged offence, by paying the fixed penalty. Mr. Rafferty accepted the opportunity and paid the FPN on the 28 October 2019. Correspondence exchanged between the applicant, the applicant’s solicitor and the NIHMO Unit, in this regard, are appended to this report.</p> |
| 1.7        | <p>On the 28 November 2019 pursuant to Section 15 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 a Temporary Exemption Notice (TEN) was granted until 28 February 2020 after the owner specified the steps he would be taking with a view to securing the accommodation ceases to be an HMO. The TEN was subsequently extended until 28 May 2020. On the 17 July 2020 officers confirmed the property was no longer in HMO usage.</p>   |
| 1.8        | <p>On the 13 February 2020 an application for a new HMO licence was submitted to the NIHMO Unit.</p>  |
| <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        | <p>If the application is refused, the applicant has a right of appeal to the County 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>  |
| <b>3.0</b> | <b>Main report</b>  |
|            | <b><u>Key Issues</u></b>  |
| 3.1        | <p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that:</p> <ul style="list-style-type: none"> <li>a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control;</li> <li>b) the owner, and any managing agent of it, are fit and proper persons;</li> <li>c) the proposed management arrangements are satisfactory;</li> <li>d) the granting of the licence will not result in overprovision of HMOs in the locality;</li> </ul>   |

|     |  |
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|     | <p>e) the living accommodation is fit for human habitation and—</p> <p>(i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or</p> <p>(ii) can be made so suitable by including conditions in the licence.</p>  |
| 3.2 | <p>As this is a new application the HMO Unit consulted with the Council's Planning Service who confirmed that on 17 January 2020 a Certificate of Lawful Use or Development was granted with the planning reference <b>LA04/2019/2946/Idc</b></p>  |
| 3.3 | <p>For the purpose of determining whether or not the granting of a licence would result in an overprovision of HMOs in the locality of the accommodation, the locality was defined as being HMO Policy Area "HMO 2/19 Stranmillis" as defined in the document "Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015.</p>   |
| 3.4 | <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><b><u>Objections</u></b></p>  |
| 3.5 | <p>Following publication of notice of the application, an objection was received in relation to the licence application. A copy of that objection is appended to this report. As appears from the objection, the issues raised are as follows:</p> <p>a) Over provision of HMOs in the Stranmillis HMO Policy Area.</p>  |
| 3.6 | <p>The NIHMO Unit has consulted with following units within the Council's City and Neighbourhood Services Department -</p> <p>(a) Environmental Protection Unit ("EPU") - who have confirmed that in relation to night-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(b) Environmental Protection Unit ("EPU") - who have confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(c) Public Health and Housing Unit ("PHHU") - who have confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(d) Cleansing Enforcement ("CE") - who have confirmed that in relation to litter and waste , there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> |
|     | <p><b><u>Fitness</u></b></p>   |
| 3.7 | <p>The applicants and managing agent have confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.4 of this report.</p>   |

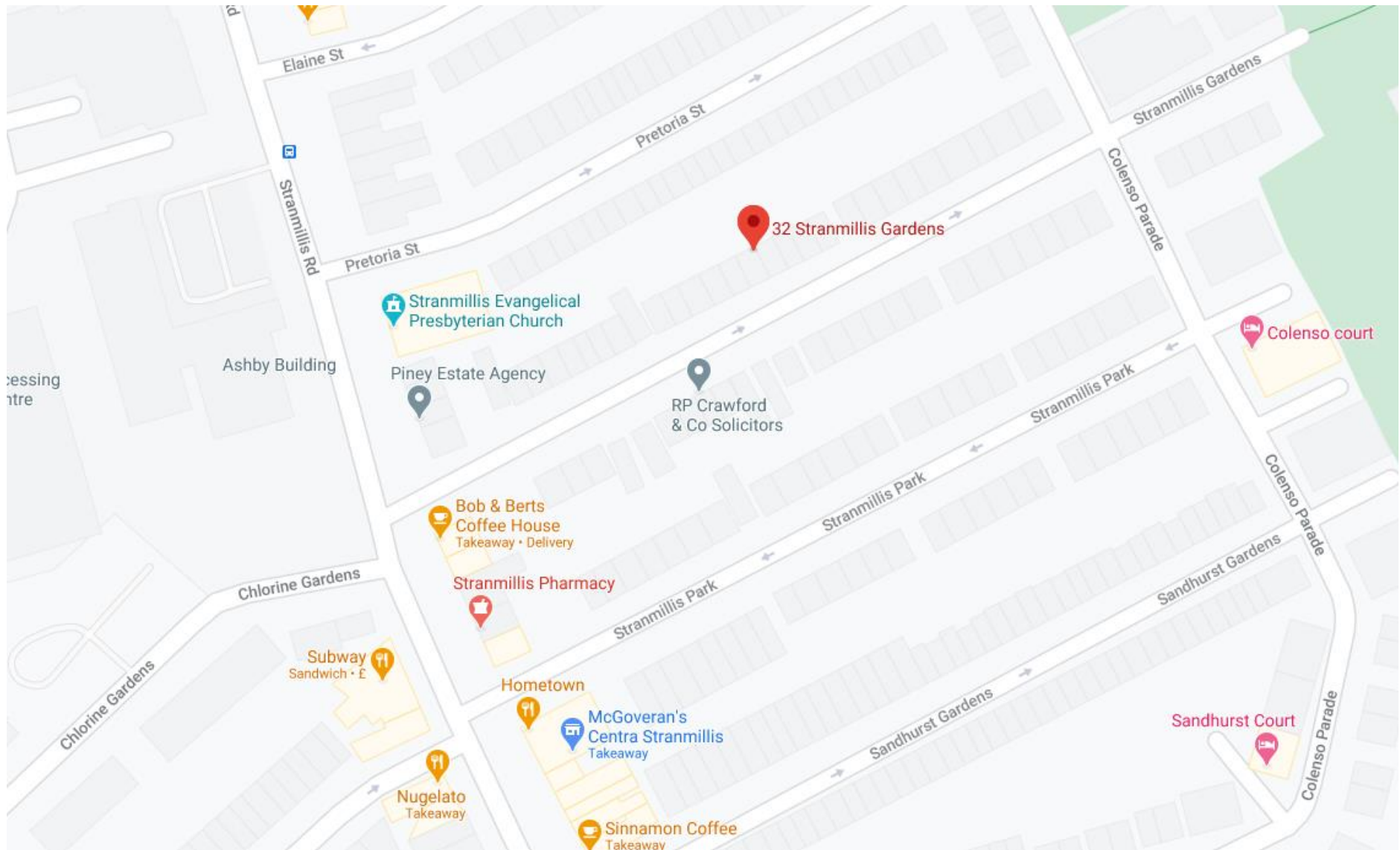
|      |  |
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| 3.8  | The applicant or managing agent have not been convicted of any HMO related offences by the Council. The EPU, PHHU and CE, solely in respect of their statutory functions, have confirmed that there are no relevant, previous convictions in respect of the applicant, managing agent or occupants. Due to data protection issues which have recently arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue.  |
| 3.9  | As set out at paragraph 1.6 of this report, the NIHMO Unit issued a FPN on the applicant, for operating the accommodation as an HMO without a licence.   |
| 3.10 | Officers are not aware of any other issue relevant to the Applicant's fitness.   |
|      | <b><u>Attendance</u></b>   |
| 3.11 | The applicant and/or their representatives will be available to discuss any matters relating to the renewal of the licence should they arise during your meeting.  |
|      | <b><u>Suitability of the premises</u></b>  |
| 3.12 | An inspection of the premises was carried out by Officers from the Service on 17 July 2020 at which time it was established that the property meet the physical standards for an HMO.  |
|      | <b><u>Notice of proposed decision</u></b>  |
| 3.13 | On the 30 September 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.  |
|      | The notice of proposed decision stated that the council proposed to refuse the licence.  |
|      | A statement of reasons for the proposal was included in the notice of proposed decision.   |
|      | <b><u>Statement of reasons for the proposed decision</u></b>   |
| 3.14 | <p><b><u>The statement of reasons outlined the following as the Council's basis for refusal:-</u></b></p> <p>"Pursuant to section 12 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 "2016 Act" the Council is satisfied that the granting of the HMO licence will result in overprovision of HMO accommodation in the locality of the accommodation for the purpose of section 8(2)(d) of the 2016 Act.</p> <p>For the purpose of section 12(2) of the Act the Council has determined the locality as being HMO Policy Area "HMO 2/19 Stranmillis" as defined in the document "Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015 (the "2015 Plan")</p> <p>In making this decision the Council has had regard to –</p> <ul style="list-style-type: none"> <li>(a) the number and capacity of <u>licensed</u> HMOs in the locality</li> <li>(b) the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need</li> </ul> <p>To inform the Council in its consideration of the above provisions, the Council has taken account of the 2015 Plan and in particular, Policy HMO 1 and Policy HMO 2.</p> |

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| 3.15 | <p>On the date of assessment, 29 September 2020 there were a total of 366 licensed HMOs out of 761 dwelling units in HMO policy area “HMO 2/19 Stranmillis” which equates to 48% of the total dwelling units, which in turn exceeds the 30% development limit as set out at Policy HMO 1. The 366 licensed HMOs have a capacity of 1548 persons. The total number of dwelling units in a Policy Area is measured by Ordnance Survey’s Pointer database.</p> <p>Consequently, the council is satisfied that the granting of the HMO licence will result in overprovision of HMO accommodation in the locality of the accommodation for the purpose of section 8(2)(d) of the 2016 Act.”</p> <p><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> <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> |
| 4.0  | <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 – Notice of proposed decision</li> <li>• Appendix 4 – Correspondence with applicant regarding the FPN</li> <li>• Appendix 5 – Correspondence with applicant’s solicitor regarding the FPN</li> <li>• Appendix 6 – Map of HMO Policy Area “HMO 2/19 Stranmillis”</li> </ul>   |

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## Appendix 1 – Location Map – 32 Stranmillis Gardens



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The map shows a residential area with several streets. The central area is shaded in red and labeled 'HMO 2/19'. To the bottom left, another red-shaded area is labeled 'HMO 2/17'. The map includes labels for various streets such as Strandway Street, Sandhurst Drive, Sandhurst Lane, and Sandhurst Road. Other labels include 'The Vicarage Lodge', 'Cobey House (HMO 2/18)', and 'HMO 2/18'. The map also shows various buildings, including 'The Vicarage Lodge' and 'Cobey House (HMO 2/18)'.

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| <b>Subject:</b>           | <b>Houses in Multiple Occupation (HMO) Update</b>   |
| <b>Date:</b>              | 14 October 2020   |
| <b>Reporting Officer:</b> | Kevin Bloomfield, NIHMO Manager, 07584 270820   |
| <b>Contact Officer:</b>   | Valerie Brown, City Services Manager, tel. 9027 0668 & Nora Largey, Divisional Solicitor, Ext. 6049 |

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| <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> | Members will be aware that responsibility for HMO's was transferred to local district councils in April 2019 with the enactment of the Houses in Multiple Occupation Act (Northern Ireland) 2016 "2016 Act".   |
| <b>1.2</b> | Members expressed concern at the September's licensing committee meeting about the ongoing issues in the Holylands and other areas associated with HMOs, particularly around ASB. It was agreed that officers would bring back a report to this meeting outlining what potential action could be taken under HMO legislation to address that and other more medium term priorities, for example amendments to the HMO legislation. |
| <b>1.3</b> | This paper provides Members with information regarding the action being taken by the NIHMO Unit to address ASB in HMO accommodation and details of the proposed review of the Houses in Multiple Occupation (HMO) Licensing Scheme.  |

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| <b>2.0</b> | <b>Recommendations</b>   |
| <b>2.1</b> | The Committee is asked to note the additional measures which have been put in place to allow the NIHMO Unit to address ASB issues and the proposed review of the HMO Licensing Scheme.   |
| <b>3.0</b> | <b>Main report</b>   |
|            | <p><b><u>Key Issues</u></b></p> <p><b><u>Background</u></b></p> <p><b>3.1</b> On the 20 February 2019 this committee approved the Standard Licensing Conditions for Houses in Multiple Occupation (HMOs) in Northern Ireland attached in Appendix 1. The conditions imposed within that document apply to all houses in multiple occupation (HMOs) in Northern Ireland, and will be attached to all licences as they are issued. They are imposed for the purpose of regulating both the management, use and occupation of the HMO, and its condition and contents.</p> <p><b>3.2</b> Section 9 of the Standard Licensing Conditions require the licensee to have in place a policy / plan (approved in writing by the council) to deal with any anti-social behaviour linked to licensed premises, either directly or indirectly which is caused by or effects their tenants.</p> <p><b>3.3</b> To assist owners and managing agents in the preparing of their anti-social behaviour plans Members on the 20 February 2019 approved the guidance document 'Tackling Anti-Social Behaviour in HMO Properties, A Guide for Owners and Managing Agents' which is attached in Appendix 2.</p> <p><b>3.4</b> Only those properties licensed since the 1 April 2019 have the Standard Licensing Conditions and the requirement to have an ASB plan applied to them, this equates to 22% of licensed HMOs in Belfast. The remaining 78% of licensed HMOs retain the condition in place when they transferred from Statutory Registrations (granted by the NIHE) and became Licences pursuant to the provisions of The Houses in Multiple Occupation (Commencement and Transitional Provisions) Order (Northern Ireland) 2019.</p> <p><b>3.5</b> Section 10(6) of the Houses in Multiple Occupation Act (Northern Ireland) 2016 sets out certain matters which the Council must have regard to in deciding whether an owner or managing agent is a fit and proper person. It also allows councils to take into account any other matter which it considers to be relevant. This cannot however include over provision or breach of planning control where the application is for renewal.</p> <p><b>3.6</b> Amongst those mandatory considerations, the council must have regard to any anti-social behaviour engaged in by the owner/ manager the occupants and any anti-social behaviour which may affect their tenants. Officers are of the opinion that the Standard Licensing Conditions including the requirement for an anti-social behaviour ('ASB') Plan allows much more decisive action on the part of the Council and landlords alike when coupled with the progress that has been made on a number of issues recently which are discussed below.</p> <p><b><u>Information Sharing Protocol</u></b></p> <p><b>3.7</b> For a number of months Officers have been working on putting processes in place to ensure the proactive and managed sharing of internal data so as to effectively deal with complaints regarding HMO properties in the Belfast area. These arrangements were just recently formalised through an Information Sharing Protocol between the NIHMO Unit,</p> |

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|  | <p>Environmental Protection Unit (EPU), Public Health and Housing Unit (PHHU) and Cleansing Enforcement (CE).</p> <p><b><u>Sharing Information with HMO Owners</u></b></p> <p><b>3.8</b> The Information Sharing Protocol also regulates the arrangements for the sharing of data with HMO owners in circumstances where matters potentially affect their licence to operate the premises. This is an important development and a departure from our previous position which was based on GDPR concerns. The NIHMO unit will now share with HMO owners, where appropriate, the following information –</p> <ol style="list-style-type: none"> <li>1. details of Warning Notices, Fixed Penalty Notices and Abatement Notices served in respect of HMO property concerning night time domestic/neighbourhood noise;</li> <li>2. details of Warning Letters or Abatement Notices served in respect of HMO property concerning day time domestic/neighbourhood noise;</li> <li>3. details of Abatement Notices served in respect of HMO property where a statutory nuisance has been established as a result of the accumulation of rubbish which may/has attract vermin;</li> <li>4. details of Litter Clearing Notices and Fixed Penalty Notices served in respect of HMO property concerning litter and waste; and</li> <li>5. details of Covid-2 Prohibition Notices which Council have been advised of by the PSNI in relation to your HMO property</li> </ol> <p><b>3.9</b> On receipt of the aforementioned information, or on receipt of a complaint from any other source, the HMO owner must maintain a register of such complaints and advise the Council as to how the owner and/or the managing agent dealt with the problem. If a landlord fails to effectively deal with any reported ASB councils can consider varying or revoking the licence. All HMO landlords in Belfast have been advised of this development and that failure to deal with ASB may affect their licence regardless of whether there is a condition requiring an ASB Plan to be in place. See correspondence dated 8<sup>th</sup> September 2020 at Appendix 4.</p> <p><b>3.10</b> A temporary resource (subject to further review) has been added to support the NIHMO unit to manage ASB complaints and communication with Landlords.</p> <p><b><u>Varying HMO Licences</u></b></p> <p><b>3.11</b> Pursuant to Section 22 of the 2016 Act the council can during the terms of an HMO licence vary the licence to remove, add or vary any conditions included in the licence.</p> <p><b>3.12</b> Officers are considering how best to commence the process of varying the licences of those properties which are still under the old registration scheme conditions. This process can only be done on an individual case by case basis. The statutory process for varying a licence is cumbersome and any variation is subject to appeal in the Magistrates Court. Whilst courts have started sitting again, contested hearings for non-urgent cases are not proceeding so it is likely to be some time until any contested appeals would be concluded. It is not therefore considered that this is an immediately effective tool to deal with ASB presently occurring in some areas.</p> <p><b>3.13</b> Officers are continuing to explore with the DfC the possibility of amending The Houses in Multiple Occupation (Commencement and Transitional Provisions) Order (Northern Ireland) 2019 to apply the standard conditions around ASB to all deemed licences.</p> |
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|      | <b><u>Review of the Houses in Multiple Occupation (HMO) Licensing Scheme.</u></b>  |
| 3.14 | Officers have been liaising with officials from the Department for Communities (DfC) to finalise the terms of reference for the review of the HMO Licensing Scheme and the legislative framework underpinning the Scheme.  |
| 3.15 | The review will relate to the operation of the licensing of houses in multiple occupation in accordance with the Houses in Multiple Occupation Act (Northern Ireland) 2016 and the Houses in Multiple Occupation (Northern Ireland) Regulations 2019 which dictate how the licensing scheme should operate.  |
| 3.16 | Officers have put forward suggestions that the review should include a detailed assessment of the resources necessary to meet the demands and expectations of the Departments and relevant stakeholders. Officers have also suggested that the review should assess if there are any operational / legislative omissions, difficulties or teething issues experienced implementing HMO licensing which may require further development to enhance and improve the workings of the scheme.  |
| 3.17 | The Department has proposed a collaborate approach to the review with councils, tenants and LANI and any other stakeholders identified.  |
| 3.18 | The vast majority of public representations received in respect of licence applications relate to general concerns about ASB, over provision and breach of planning control rather than specific properties. Officers recognise that these have also been a cause of concern for Members, as was particularly highlighted at the September meeting. ASB has been addressed above and Members will be aware the legislation specifically precludes councils from having regard to these issues in respect of renewal applications. Representations have also been received in relation to the ability to apply for Certificates of Lawful Use and how that circumvents the limits placed on the number of HMO's in certain areas. |
| 3.19 | Officers would welcome the views of Committee as to issues it would like to see addressed in this Review and would ask that Committee agrees to hold a workshop to explore those issues.   |
|      | <b><u>Financial &amp; Resource Implications</u></b>  |
| 3.20 | None   |
|      | <b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b>   |
| 3.21 | There are no issues associated with this report.   |
|      | <b>Appendices – Documents Attached</b>   |
|      | <ul style="list-style-type: none"> <li>• Appendix 1 – Standard Licensing Conditions for Houses in Multiple Occupation (HMOs) in Northern Ireland</li> <li>• Appendix 2 – Tackling Anti-Social Behaviour in HMO Properties, A Guide for Owners and Managing Agents.</li> <li>• Appendix 3 – Information Sharing Protocol</li> <li>• Appendix 4 – Letter to HMO owners dated 28 September 2020</li> </ul>  |



## **Appendix 1 – Standard Licensing Conditions for Houses in Multiple Occupation (HMOs) in Northern Ireland**

The following link takes you to the Standard Licensing Conditions

<https://www.belfastcity.gov.uk/Documents/NIHMO/Standard-Licence-Conditions-for-Houses-in-Multiple>

## **Appendix 2 – Tackling Anti-Social Behaviour in HMO Properties, A Guide for Owners and Managing Agents.**

The following link takes you to the Tackling Anti-Social Behaviour Guide

<https://www.belfastcity.gov.uk/Documents/NIHMO/Tackling-Anti-Social-Behaviour-in-HMO-Properties>

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**Belfast**  
City Council

# **Information Sharing Protocol**

**Between**

Environmental Protection Unit

-and-

Public Health and Housing Unit

-and-

Cleansing Enforcement

-And-

NIHMO Unit

## INFORMATION SHARING PROTOCOL (the “Protocol”)

|         |   |
|---------|---|
| Purpose | The purpose of this Protocol is to formalise data sharing arrangements between the Relevant Units and the NIHMO Unit to further the core objectives of complying with the Houses in Multiple Occupation Act (Northern Ireland) 2016. The Protocol will ensure that all staff are aware of specific data involved and how it must be handled, which falls within the remit of this Protocol. |
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|                                |  |
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| Date Protocol comes into force |  |
|--------------------------------|--|

|                             |  |
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| Date for Review of Protocol |  |
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| Protocol lead: |  |
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## VERSION RECORD

| Version No. | Amendments Made | Authorisation |
|-------------|-----------------|---------------|
| Vo 1        |                 |               |
| Vo 1.1      |                 |               |
| Vo 1.2      |                 |               |
| Vo 1.3      |                 |               |
| Vo 1.4      |                 |               |
| Vo 1.5      |                 |               |
| Vo 1.6      |                 |               |

## **Section 1. Introduction**

1. The Houses in Multiple Occupation Act (Northern Ireland) 2016 (“HMO Act”) was introduced to enable better regulation of Houses in Multiple Occupation (“HMOs”) by introducing a new licensing system to be administered by local district councils.
2. As part of the new licensing regime, Belfast City Council (“the Council”) must assess whether an owner/Licence Holder and Managing Agent of a HMO are fit and proper persons pursuant to Section 10 of the HMO Act. In determining same, the Council must have regard to any anti-social behaviour engaged in by the owner and managing agent, and determine how they have dealt with anti-social behaviour caused by, or adversely affecting, their tenants.
3. Anti-social behaviour covers a broad spectrum of behaviour and ranges from incidents that cause concern, stress, disquiet and/or irritation through to incidents which have a serious adverse impact on a person’s quality of life. It can affect individuals or the community at large. Anti-social behaviour might include, amongst other things, excessive noise which may amount to a nuisance and environmental quality issues (e.g. litter, accumulation of rubbish in the curtilage of the HMO);
4. Licence Holders and Managing Agents have a number of powers at their disposal to tackle anti-social tenants or to assist those tenants who have been subject to anti-social behaviour.
5. The ultimate sanction where the anti-social behaviour is being caused by a tenant is the eviction of that tenant. However, the Council recognises that most Licence Holders and Managing Agents will seek to remedy the situation before it reaches that stage.
6. Whilst deciding on how to deal with anti-social behaviour is a matter of judgement for the Licence Holder and Managing Agent, the alleged behaviour might form the basis of an objection to their licence application or the Council

may consider that the alleged behaviour is so serious as to warrant considering revocation of a licence. It is therefore important that the Licence Holder or Managing Agent can justify the appropriateness of their action, or lack of action.

7. Licence Holders and Managing Agents' are required to commit to working in partnership with residents and other agencies to ensure the following:
  - a) Preventative action
  - b) Early intervention
  - c) Provision of support and advice for those reporting anti-social behaviour and witnesses
  - d) Provision of support for perpetrators where appropriate (for example where they are vulnerable or at risk)
  - e) Where appropriate and there is sufficient evidence - legal action against perpetrators.
8. This Protocol is designed to enhance and secure the arrangements specifically related to the sharing of relevant information between the Council's Environmental Protection Unit ("EPU"), Public Health and Housing Unit ("PHHU"), Cleansing Enforcement ("CE") and Northern Ireland Housing in Multiple Occupation Unit ("NIHMOU"). It also regulates the arrangements for sharing data with HMO Owners in circumstances where matters potentially affect their licence to operate the premises.
9. The sharing of information will also ensure compliance with the legislative obligations placed on the Council.
10. The department responsible for the development, implementation and review of this Protocol is City and Neighbourhood Services Department.
11. This Protocol has been devised using guidance from the Information Commissioner's Office (ICO) Information Sharing; Code of Practice,

Guidance for Practitioners and Managers the seven “golden rules” for information sharing are included in this Protocol (Appendix 1).

## **Section 2. Definitions and Interpretation**

2.1 In this Protocol, unless the context otherwise requires, the following words and expressions have the following meanings:

**Abatement Notice** means;

in respect of sections 5 and 6, an abatement notice served pursuant to the 2011 Act;

in respect of section 7, an abatement notice served pursuant to 1978 Order or the 2011 Act

**Consent** any freely given, specific, informed and unambiguous indication of the data subject’s wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her;

**Controller** the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law;

**Criminal Offence Data** personal data relating to criminal convictions and offences;

**Data Subject** an individual whose personal data is being collected, held or processed;



|                             |   |
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| <b>Designated Persons</b>   | the officer(s) within each Relevant Unit with responsibility for information shared pursuant to the Protocol  |
| <b>Fixed Penalty Notice</b> | means;<br><br>in respect of the section 5 of the Protocol, a fixed penalty notice served pursuant to the 1996 Act;<br><br>in respect of section 8 of the Protocol, a fixed penalty notice served pursuant to the 1994 and 1997 Order;   |
| <b>HMO</b>                  | a house in multiple occupation as defined in Section 1 of the Houses in Multiple Occupation Act (Northern Ireland) 2016;  |
| <b>HMO Licence</b>          | a licensed issued pursuant to Section 7 of the Houses in Multiple Occupation Act (NI) 2016  |
| <b>Licence Holder</b>       | Owner of a HMO as defined by Section 88(5) of the Houses in Multiple Occupation Act (Northern Ireland) 2016;  |
| <b>Managing Agent</b>       | as defined by Section 88(1) of the Houses in Multiple Occupation Act (Northern Ireland) 2016;   |
| <b>Occupier</b>             | person(s) occupying a HMO   |
| <b>Personal Data</b>        | any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person; |

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| <b>Processor</b>                     | means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller;  |
| <b>Pseudonymisation</b>              | means the processing of Personal Data in such a manner that the Personal Data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person; |
| <b>Relevant Previous Convictions</b> | Convictions pursuant to the 1996 Act, the 2011 Act, the 1978 Order, the 1994 Order and the 1997 Order;  |
| <b>Relevant Units</b>                | Environmental Protection Unit, Public Health and Housing Unit and Cleansing Enforcement;  |
| <b>Special Category</b>              |   |
| <b>Personal Data</b>                 | Processing of Personal Data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation  |
| <b>Statutory Nuisance</b>            | to include those provisions set out at Section 63 of the 2011 Act   |
| <b>Warning Letter</b>                | in respect of section 6 of the Protocol, a warning notice served pursuant to the 1996 Act;  |
| <b>Warning Notice</b>                | means;<br><br>in respect of the section 5 of the Protocol, a warning notice served pursuant to the 1996 Act;  |

in respect of section 7 of the Protocol, a warning notice served pursuant to the 1978 Order and/or the 2011 Act;

- 2.2 All references in this Protocol to statutes or any statutory provision shall be construed as including references to any statutory modification, consolidation or re-enactment (whether before or after the date of this Protocol) thereof for the time being in force and all statutory instruments or orders made pursuant thereto.

### **Section 3. Purpose of the Protocol**

1. The purpose of this Protocol is:

- To provide a framework for the sharing of information acquired by the EPU under the Noise Act 1996 (the “1996 Act”) and the Clean Neighbourhoods Act (Northern Ireland) 2011 (the “2011 Act”);
- for the sharing of information acquired by the PHHU pursuant to the 2011 Act and the Pollution Control and Local Government (Northern Ireland) Order 1978 (the “1978 Order”);
- for the sharing of information acquired by Cleansing Enforcement pursuant to the Litter (Northern Ireland) Order 1994 (the “1994 Order”) as amended by the 2011 Act and the Waste and Contaminated Land (Northern Ireland) Order 1997 (the “1997 Order”);
- for the sharing of information with the NIHMO Unit and to ensure that the information gathered and used by the Relevant Units involved, will be processed in compliance with the General Data Protection Regulation (“GDPR”) and the Data Protection Act 2018 (“DPA 2018”);
- for the sharing of information with Licence Holders and/or their Managing Agent in circumstances where the information may impact upon their licence to operate the premises;
- To clarify the understanding between the Relevant Units regarding their responsibilities towards each other and to the sharing of information acquired pursuant to the 1996 Act, the 2011 Act, the 1987 Order, the 1994 Order and the 1997 Order;

- To outline how this arrangement is monitored and reviewed;
  - For the Relevant Units to seek advice from the Legal Services section and Information Governance Unit within the Council's Legal and Civic Services Department, in cases where there is any doubt as to whether information sharing is appropriate.
2. The aim is to ensure each unit involved, works in an integrated and co-ordinated way to achieve and improve the sharing of information.
3. The commitments of the units are as follows:
- To share relevant information relating to Houses in Multiple Occupation;
  - To comply with relevant legislation and guidance;

## **Section 4. Type of Personal Data to be shared**

- 4.1 Personal Data acquired by the EPU, the PHHU and CE pursuant to their statutory obligations under the 1996 Act, the 2011 Act, the 1987 Order, the 1994 Order and the 1997 Order where that will allow NIHMO Unit to exercise its statutory functions in relation to the regulation of HMOs.
- 4.2 Information relevant to Section 10 and Section 14 of the HMO Act may be shared by the Relevant Units with the NIHMOU solely for the purposes of the Protocol.
- 4.3 The Relevant Units should only share Personal Data that is relevant and proportionate.

**Section 5. When information acquired by the EPU, concerning Night Time Domestic/Neighbourhood Noise, will be shared with the NIHMOU and HMO Licence Holder/Managing Agent**

**Licence Applications**

5.1 In the circumstances that the NIHMOU is determining an application for the grant, refusal, variation or revocation of a HMO Licence pursuant to the 2016 Act, it shall submit a request via secure email to the Designated Person(s) within the EPU, seeking confirmation of Warning Notices, Fixed Penalty Notices, Abatement Notices issued in respect of the HMO, within the preceding 5 years and confirmation of any Relevant Previous Convictions of the Licence Holder, the Managing Agent and/or Occupier of the HMO.

5.2 Where the transfer of information will **only** involve sharing such information relating to a Warning Notice and or a Fixed Penalty Notice, which has been served on the “owner/occupier” of the HMO, the following details should be provided to the NIHMOU:-

- Date and time of complaint
- HMO Address
- Type of complaint
- Call details
- Actions taken
- Confirmation that a Warning Notice and/or a Fixed Penalty Notice was served on the “owner/occupier” of the HMO

5.3 Where it is considered that the information, concerning a Warning Notice, Fixed Penalty Notice or Abatement Notice, contains Personal Data and the Data Subject is determined to be the Occupier or Complainant, the information shall undergo the process of Pseudonymisation, prior to it being shared with the NIHMOU.

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- 5.4 Where a Statutory Nuisance has been established in respect of the HMO, by the EPU, and as a result of same an Abatement Notice has been served on the Licence Holder, sharing of the relevant information shall be done so in accordance with its duties under the GDPR and DPA 2018.
- 5.5 Upon request from the NIHMOU, for confirmation of Relevant Previous Convictions pertaining to the Licence Holder, the sharing of such Criminal Offence Data, by the EPU, shall be done so in accordance with its duties under the GDPR and DPA 2018.
- 5.6 Upon request from the NIHMOU, for confirmation of Relevant Previous Convictions pertaining to the Managing Agent, the sharing of such Criminal Offence Data, by the EPU, shall be done so in accordance with its duties under the GDPR and DPA 2018.
- 5.7 Upon request from the NIHMOU, for confirmation of Relevant Previous Convictions of the Occupier, where relevant to the HMO, such Criminal Offence Data shall undergo the process of Pseudonymisation, prior to it being shared with the NIHMOU.
- 5.8 Information provided to the NIHMOU for the purposes of determining an application in respect of a licence, shall only be held until 1 calendar month after the licence application has been determined or until the outcome of any statutory appeal made pursuant to Section 67 of the 2016 Act.

#### **Licence Holder and Managing Agent**

- 5.9 Where as a result of a noise complaint received, the EPU have investigated same and issued a Warning Notice and/or Fixed Penalty Notice to the “owner/occupier” of the HMO, the EPU shall provide the following information to the NIHMOU, within 2 working days, who may in



turn share same with the Licence Holder/ Managing Agent, for the purposes of ensuring that the Licence Holder is adhering to the conditions set out within their HMO Licence or ensuring that their licence will not be affected by anti-social behaviour connected to the property:-

- Date and time of complaint
- HMO Address
- Type of complaint
- Call details
- Actions taken
- Confirmation that a warning notice and/or a fixed penalty notice was served on the “owner/occupier” of the HMO

5.10 Where a Statutory Nuisance has been established by the EPU, in respect of the HMO, and as a result of same, an Abatement Notice has been served on the Licence Holder or Occupier, the EPU shall share, within 2 working days, the following information with the NIHMOU, who may in turn share same (subject to 5.13) with the Licence Holder/ Managing Agent, for the purposes of ensuring that the Licence Holder is adhering to the conditions set out within their HMO Licence or ensuring that their licence will not be affected by anti-social behaviour connected to the property:-

- Date Statutory Nuisance was established
- HMO address
- Nature of the Statutory Nuisance
- Actions required of the Licence Holder/Occupier
- Date for compliance with the Abatement Notice

5.11 Where it is considered that the information, concerning a Warning Notice, Fixed Penalty Notice or Abatement Notice, contains Personal Data and the Data Subject is determined to be the Occupier or Complainant, such information shall undergo the process of Pseudonymisation, prior to it being shared with the NIHMOU.

- 5.12 Where a Statutory Nuisance has been established by the EPU, in respect of the HMO, and as a result of same, an Abatement Notice has been served on the Licence Holder or Occupier, sharing of such information with the NIHMOU, shall be done so in accordance with its duties under the GDPR and DPA 2018.
- 5.13 Where the NIHMOU does not have the Consent of the Data Subject (where the Data Subject is determined to be the Occupier) to share such information with the Licence Holder/Managing Agent, as set out at 5.10 of this Protocol, it shall seek the advice of Legal and Civic Services as to whether such information can be shared with the Licence Holder/Managing Agent.

**Section 6. When information acquired by the EPU, concerning Day Time Domestic/Neighbourhood Noise, will be shared with the NIHMOU and HMO Licence Holder/Managing Agent**

**Licence Applications**

- 6.1 In the circumstances that the NIHMOU is determining an application for the grant, refusal, variation or revocation of a HMO Licence pursuant to the 2016 Act, it shall submit a request via secure email to the Designated Person(s) within the EPU, seeking confirmation of Warning Letters, or Abatement Notices issued in respect of the HMO, within the preceding 5 years and confirmation of any Relevant Previous Convictions of the Licence Holder, the Managing Agent and/or Occupier of the HMO.
- 6.2 Where the transfer of information will only involve processing such information relating to a Warning Letter, which has been served on the “owner/occupier” of the HMO, the following details should be provided to the NIHMOU:-
- Date and time of complaint
  - HMO Address
  - Type of complaint
  - Call details
  - Actions taken
  - Confirmation that a Warning Notice and/or a Fixed Penalty Notice was served on the “owner/occupier” of the HMO
- 6.3 Where it is considered that sharing information, concerning a Warning Letter and/or an Abatement Notice contains Personal Data and the Data Subject is determined to be the Occupier, such information shall undergo the process of Pseudonymisation, prior to it being shared with the NIHMOU.

- 6.4 Where a Statutory Nuisance has been established in respect of the HMO, by the EPU, and as a result of same, an Abatement Notice has been served on the Licence Holder or Occupier, sharing of such information shall be done so in accordance with its duties under the GDPR and DPA 2018.
- 6.5 Upon request from the NIHMOU, for confirmation of Relevant Previous Convictions pertaining to the Licence Holder, the sharing of such information, by the EPU, shall be done so in accordance with its duties under the GDPR and DPA 2018.
- 6.6 Upon request from the NIHMOU, for confirmation of Relevant Previous Convictions pertaining to the Managing Agent, the sharing of such information, by the EPU, shall be done so in accordance with its duties under the GDPR and DPA 2018.
- 6.7 Upon request from the NIHMOU, for confirmation of Relevant Previous Convictions of the Occupier, where relevant to the HMO, the sharing of such Criminal Offence Data, by the EPU, shall undergo the process of Pseudonymisation, prior to it being shared with the NIHMO Unit.
- 6.8 Information provided to the NIHMOU for the purposes of determining an application in respect of a licence, shall only be held until 1 calendar month after the licence application has been determined or until the outcome of any statutory appeal made pursuant to Section 67 of the 2016 Act.

#### **Licence Holder and Managing Agent**

- 6.9 Where as a result of a noise complaint received, the EPU have investigated same and issued a Warning Letter to the “owner/occupier” of the HMO, the EPU shall provide the following information to the NIHMOU, within 2 working days, who may in turn share same with the Licence Holder/ Managing Agent, for the purposes of ensuring that the

Licence Holder is adhering to the conditions set out within their HMO Licence or ensuring that their licence will not be affected by anti-social behaviour connected to the property:-

- Date and time of complaint
- HMO Address
- Type of complaint
- Call details
- Actions taken
- Confirmation that a Warning Letter was served on the “owner/occupier” of the HMO

6.10 Where a Statutory Nuisance has been established by the EPU, in respect of the HMO, and as a result of same, an Abatement Notice has been served on the Licence Holder or Occupier, the EPU shall share, within 2 working days, the following information with the NIHMOU, who may in turn share same (subject to 6.13) with the Licence Holder/ Managing Agent, for the purposes of ensuring that the Licence Holder is adhering to the conditions set out within their HMO Licence or ensuring that their licence will not be affected by anti-social behaviour connected to the property:-

- Date Statutory Nuisance was established
- HMO address
- Nature of the Statutory Nuisance
- Actions required of the Licence Holder/Occupier
- Date for compliance with the Abatement Notice

6.11 Where it is considered that the relevant information, concerning a Warning Letter or Abatement Notice, contains Personal Data and the Data Subject is determined to be the Occupier or Complainant, such information shall undergo the process of Pseudonymisation, prior to it being shared with the NIHMOU.

- 6.12 Where a Statutory Nuisance has been established by the EPU, in respect of the HMO, and as a result of same, an Abatement Notice has been served on the Licence Holder or Occupier, sharing of such information with the NIHMOU shall be done so in accordance with its duties under the GDPR and DPA 2018.
- 6.13 Where the NIHMOU does not have the Consent of the Data Subject (where the Data subject is determined to be the Occupier) to share such information with the Licence Holder/Managing Agent, as set out at 6.10 of this Protocol, it shall seek the advice of the Legal and Civic Services Department as to whether such information can be shared with the Licence Holder/Managing Agent.

## **Section 7. When information acquired by the PHHU will be shared with the NIHMOU and the Licence Holder/Managing Agent**

### **Licensing Application**

- 7.1 In the circumstances that the NIHMOU is determining an application for the grant, refusal, variation or revocation of a HMO Licence pursuant to the 2016 Act, it shall submit a request via secure email to the Designated Person(s) within the PHHU, seeking confirmation of Abatement Notices issued in respect of the HMO and confirmation of any Relevant Previous Convictions of the Licence Holder, the Managing Agent and/or Occupier of the HMO.
- 7.2 Where the PHHU is satisfied that a Statutory Nuisance exists in respect of the HMO, and as a result of same, an Abatement Notice has been served on the Licence Holder, the sharing of such information with NIHMOU shall be done so in accordance with its duties under the GDPR and DPA 2018.
- 7.3 Upon request from the NIHMOU, for confirmation of Relevant Previous Convictions pertaining to the Licence Holder, the sharing of such Criminal Offence Data, by the PHHU, shall be done so in accordance with its duties under the GDPR and DPA 2018.
- 7.4 Upon request from the NIHMOU, for confirmation of Relevant Previous Convictions pertaining to the Managing Agent, the sharing of such Criminal Offence Data, by the PHHU, shall be done so in accordance with its duties under the GDPR and DPA 2018.
- 7.5 Where it is considered that the information, concerning an Abatement Notice contains Personal Data and the Data Subject is determined to be the Occupier or Complainant, the relevant information shall undergo the process of Pseudonymisation, prior to it being shared with the NIHMOU.

- 7.6 Upon request from the NIHMOU, for confirmation of Relevant Previous Convictions of the Occupier, where relevant to the HMO, the sharing of such Criminal Offence Data, by the PHHU, shall undergo the process of Pseudonymisation, prior to it being shared with the NIHMO Unit.
- 7.7 Information provided to the NIHMOU for the purposes of determining an application in respect of a licence, shall only be held until 1 calendar month after the licence application has been determined or until the outcome of any statutory appeal made pursuant to Section 67 of the 2016 Act.

### **Licence Holder and Managing Agent**

- 7.8 Where a Statutory Nuisance has been established by the PHHU, in respect of the HMO, and as a result of same, an Abatement Notice has been served on the Licence Holder or Occupier, the PHHU shall share, within 2 working days, the following information with the NIHMOU, who may in turn share same (subject to 7.11) with the Licence Holder/ Managing Agent, for the purposes of ensuring that the Licence Holder is adhering to the conditions set out within their HMO Licence or ensuring that their licence will not be affected by anti-social behaviour connected to the property:-

- Date Statutory Nuisance was established
- HMO address
- Nature of the Statutory Nuisance
- Actions required of the Licence Holder/Occupier
- Date for compliance with the Abatement Notice

- 7.9 Where a Statutory Nuisance has been established by the PHHU, in respect of the HMO, and as a result of same, an Abatement Notice has been served on the Licence Holder or Occupier, the sharing of such information with the NIHMOU shall be done so in accordance with its duties under the GDPR and DPA 2018.



- 7.10 Where it is considered that such information, concerning an Abatement Notice and Warning Letter, contains Personal Data and the Data Subject is determined to be the Occupier or Complainant, such information shall undergo the process of Pseudonymisation, prior to it being shared with the NIHMOU.
- 7.11 Where the NIHMOU does not have the Consent of the Data Subject (where the Data subject is determined to be the Occupier) to share such information with the Licence Holder/Managing Agent, as set out at 7.8 of this Protocol, it shall seek the advice of the Legal and Civic Services Department as to whether such information can be shared with the Licence Holder/Managing Agent.

## **Section. 8 When information acquired by CE will be shared with the NIHMOU and the HMO Licence Holder/Managing Agent**

### **Licensing Application**

- 8.1 In such circumstances that the NIHMOU is determining an application for the grant, refusal, variation or revocation of a HMO Licence pursuant to the 2016 Act, it shall submit a request via secure email to the Designated Person(s) within CE seeking confirmation of Litter Clearing Notices and Fixed Penalty Notices issued pursuant to Article 3, 12(A) and 14(A) of the 1994 Order as amended by the 2011 Act, and Fixed Penalty Notices issued pursuant to Article 21 of the 1997 Order in respect of the HMO and confirmation of any Relevant Previous Convictions of the Licence Holder, the Managing Agent and/or Occupier of the HMO.
- 8.2 Where it is considered that the information, concerning a Litter Clearing Notice or Fixed Penalty Notice contains Personal Data and the Data Subject is determined to be the Occupier of the HMO or Complainant, the relevant information shall undergo the process of Pseudonymisation, prior to it being shared with the NIHMOU.
- 8.3 Where a Litter Clearing Notice and/or a Fixed Penalty Notice, is served on the Licence Holder, pursuant to the 1994 Order or 1997 Order, the sharing of such information with the NIHMOU shall be done so in accordance with its duties under the GDPR and DPA 2018.
- 8.4 Upon request from the NIHMOU, for confirmation of Relevant Previous Convictions pertaining to the Occupier, the sharing of such Criminal Offence Data, by CE, shall undergo the process of Pseudonymisation, prior to it being shared with the NIHMOU.
- 8.5 Upon request from the NIHMOU, for confirmation of Relevant Previous Convictions pertaining to the Licence Holder, the sharing of such

Criminal Offence Data, by CE, shall be done so in accordance with its duties under the GDPR and DPA 2018.

- 8.6 Upon request from the NIHMOU, for confirmation of Relevant Previous Convictions pertaining to the Managing Agent, the sharing of such Criminal Offence Data, by CE, shall be done so in accordance with its duties under the GDPR and DPA 2018.
- 8.7 Information provided to the NIHMOU for the purposes of determining an application in respect of a licence, shall only be held until 1 calendar month after the licence application has been determined or until the outcome of any statutory appeal made pursuant to Section 67 of the 2016 Act.

#### **Licence Holder and Managing Agent**

- 8.8 Where a Litter Clearing Notice and/or a Fixed Penalty Notice, has been served on the Licence Holder or Occupier, pursuant to the 1994 Order or 1997 Order, CE shall share, within 2 working days, the following information with the NIHMOU, who may in turn share same (subject to 8.11) with the Licence Holder/ Managing Agent, for the purposes of ensuring that the Licence Holder is adhering to the conditions set out within their HMO Licence or ensuring that their licence will not be affected by anti-social behaviour connected to the property:-

- Date of complaint
- Nature of the complaint
- Date Litter Clearing Notice/Fixed Penalty Notice was served
- Date for compliance with the Litter Clearing Notice/Fixed Penalty Notice

- 8.9 Where it is considered that the information, concerning a Litter Clearing Notice or Fixed Penalty Notice contains Personal Data and the Data Subject is determined to be the Occupier of the HMO or Complainant,

the relevant information shall undergo the process of Pseudonymisation, prior to it being shared with the NIHMOU.

- 8.10 Where a Litter Clearing Notice and/or a Fixed Penalty Notice, is served on the Licence Holder, pursuant to the 1994 Order or 1997 Order, the sharing of such information with the NIHMOU shall be done so in accordance with its duties under the GDPR and DPA 2018.
- 8.11 Where the NIHMOU does not have the Consent of the Data Subject (where the Data Subject is determined to be the Occupier) to share such information with the Licence Holder/Managing Agent, as set out at 8.8 of this Protocol, it shall seek the advice of the Legal and Civic Services Department as to whether such information can be shared with the Licence Holder/Managing Agent.

## Section. 9 Lawful basis for Information Sharing

9.1 The legislation listed at points (a) – (l) provides the legal gateways to request and share information:-

- a) The General Data Protection Regulation;
- b) The Data Protection Act 2018;
- c) European Convention on Human Rights (ECHR) as incorporated into UK law by the Human Rights Act 1998, Articles 2, 3 & 8;
- d) Common Law of Duty of Confidentiality;
- e) Freedom Of Information Act 2000;
- f) Environmental Information Regulations 2004;
- g) Information Commissioner's Office (ICO) Data Sharing; Code of Practice;
- h) Houses in Multiple Occupation Act (Northern Ireland) 2016;
- i) Noise Act 1996;
- j) Clean Neighbourhoods and Environment Act (Northern Ireland) 2011;
- k) Pollution Control and Local Government (Northern Ireland) Order 1978
- l) Waste and Contaminated Land (NI) Order 1997

9.2 The processing of Personal Data by the relevant units is conducted under both the GDPR and DPA 2018:-

### (i) GDPR

Article 5(1)(b) requires that personal data shall be “...*collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes...*”

Article 6(1)(a) provides a lawful basis for processing where:

“...*the data subject has given consent to the processing of his or her personal data for one or more specific purposes...*”

Article 6(1)(e) of the GDPR provides a lawful basis for processing where:  
*“...processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller...”*

Article 6(1)(f) of the GDPR provides a lawful basis for processing where:  
*“...processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data ...”*

Article 7 of the General Data Protection Regulation provides:

*“(1) Where processing is based on consent, the controller shall be able to demonstrate that the data subject has consented to processing of his or her personal data. (2) If the data subject’s consent is given in the context of a written declaration which also concerns other matters, the request for consent shall be presented in a manner which is clearly distinguishable from the other matters ... (3) The data subject shall have the right to withdraw his or her consent at any time ... (4) When assessing whether consent is freely given, utmost account shall be taken of whether, inter alia, the performance of a contract, including the provision of a service, is conditional on consent to the processing of personal data that is not necessary for the performance of that contract”*

Article 9 of the General Data Protection Regulation provides for the processing of Special Category Personal Data (sensitive):-

*“... (2)*

*(a) The Data Subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the Data Subject...*

- (f) *Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;*
- (g) *Processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the Data Subject...*

Article 10 of the GDPR provides:

*“...Processing of personal data relating to criminal convictions and offences or related security measures based on Article 6(1) shall be carried out only under the control of official authority or when the processing is authorised by Union or Member State law providing for appropriate safeguards for the rights and freedoms of data subjects.”*

(ii) Data Protection Act 2018

Section 8 of the DPA provides:

*“In Article 6(1) of the GDPR (lawfulness of processing), the reference in point (e) to processing of personal data that is necessary for the performance of a task carried out in the public interest or in the exercise of the controller’s official authority includes processing of personal data that is necessary for—*

*... (c) the exercise of a function conferred on a person by an enactment or rule of law...”*

Section 10 of the DPA provides:

*“Special categories of personal data and criminal convictions etc data...*

*... The processing meets the requirement in Article 10 of the GDPR for authorisation by the law of the United Kingdom or a part of the United Kingdom only if it meets a condition in Part 1, 2 or 3 of Schedule 1."*

Part 2 of Schedule 1 titled "Substantial public interest conditions" provides, in paragraph 6, that:

*"...(1) This condition is met if the processing (a) is necessary for a purpose listed in sub-paragraph (2), and (b) is necessary for reasons of substantial public interest... (2) Those purposes are (a) the exercise of a function conferred on a person by an enactment or rule of law..."*

9.3 It will be the responsibility of the Relevant Units subject of this Protocol, when Personal Data, Special Category Personal Data and Criminal Offence Data is being shared, to ensure there is full compliance with the Human Rights Act 1998 and the common law duty of confidentiality insofar as they apply to the information sharing taking place under the terms of this Protocol.

9.4 The following must be considered before sharing information:

- The right to confidentiality
- Respective risks to those affected;
- Pressing need; and
- Need to know of the Relevant Units.

9.5 Public Interest criteria includes:

- The exercise of a function conferred on a person by an enactment or rule of law; and
- To protect the vital interests of the data subject.



## **Section 10. Security of Information**

- 10.1 The Relevant Units will implement appropriate operational, technological and organisational processes, measures and procedures to keep the Personal Data, Special Category Personal Data and Criminal Offence Data safe from unauthorised use or access, loss, destruction, damage, theft, alteration or disclosure.
- 10.2 These processes, measures and procedures shall be appropriate to the harm which might result having regard to the nature of the information which is to be protected. Units will use secure email, portal or other secure methods to share personal or confidential data.
- 10.3 The Relevant Units shall take reasonable steps to ensure compliance with such processes, measures and procedures.
- 10.4 Should a breach of any such processes, measures or procedures occur, the relevant Unit shall notify the Council's Information Governance Unit immediately of such occurrence and its proposed actions to remedy the breach and/or mitigate its consequences.
- 10.5 Security for exchange of Personal Data, Special Category Personal Data and Criminal Offence Data will be achieved through secure email, portal, encrypted storage device or other agreed secure methods of communication.
- 10.6 Each Party shall take reasonable steps to ensure reliability of any staff who have access to the Personal Data, Special Category Personal Data or Criminal Offence Data including provision of any necessary training in relation to handling of Personal Data, Special Category Personal Data or Criminal Offence Data.
- 10.7 The GDPR and DPA 2018 require that:

*“Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to personal data”*

In addition, the Relevant Units shall ensure that measures are in place to do everything reasonable to:

- Make accidental compromise or damage unlikely during storage, handling, use, processing, transmission or transport;
- Deter deliberate compromise;
- Promote discretion in order to avoid unauthorised access;

10.8 The Relevant Units must only share data for legitimate purposes in a manner consistent with the purpose of the Protocol.

## **Section 11. Individuals Rights, Subject Access & Freedom of Information Requests**

11.1 The GDPR and DPA 2018 provides the following rights for individuals:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision making and profiling

11.2 If a Relevant Unit is contacted by an individual invoking one or more of their rights listed above, the receiving unit has the responsibility to deal with this and should ensure that any data shared and involved is included and not overlooked.

11.3 Any requests for access to information submitted and received under the GDPR, DPA 2018, Freedom of Information Act or Environmental Information Regulations must be dealt with by the particular unit who initially receives the request.

11.4 Where information held is relevant to the request and is identified as having originated from another Unit. It will be the responsibility of the receiving party to contact the originator of the information to determine whether the originator wishes to claim an exemption or exception under the provisions of either the General Data Protection Regulation / Data Protection Act 2018, Freedom of Information Act and Environmental Information Regulations. The receiving unit should be mindful that they must respond to requests within 1 calendar month under the GDPR and

20 working days under the Freedom of Information Act and Environmental Information Regulations.

## **Section 12. Breaches**

- 12.1 A breach of the proper handling of Personal Data, Special Category Personal Data and Criminal Offence Data may increase the threat to the individual to whom the information relates and may seriously undermine and affect the credibility of the this Protocol and partnership objectives. It is also a breach of the GDPR and may attract enforcement action by the Information Commissioner's Office.
- 12.2 The Relevant Units will ensure that staff are aware that if they unlawfully or without appropriate authority disclose or withhold Personal Data, Special Category Personal Data or Criminal Offence Data that cannot be justified on legal grounds, they may be committing an offence.
- 12.3 If it is believed that information supplied by a Relevant Unit has been lost or inadvertently disclosed, the particular unit's data loss/incident response plan must be engaged. Any Relevant Unit discovering a data breach involving information shared between each, must inform the Information Governance Unit at as soon as the breach is discovered.

## **Section 13. Training**

- 13.1 Each unit will ensure that members of its staff who are involved in information sharing will have suitable data protection and information security awareness training regarding the responsibilities and obligations imposed by this Protocol.

## **Section 14. Complaints Re: Information Sharing**

- 14.1 Complaints related to the processes and procedures of the Protocol should be submitted in writing by the complainant.
- 14.2 If the complaint relates to the Protocol, then the particular unit who receives the complaint must immediately bring this to the attention of the Designated Person(s) and the Information Governance Unit.
- 14.3 The Designated Person(s) will acknowledge the complaint and convene a meeting of the Relevant Units and the Information Governance Unit, as soon as reasonably practicable, to agree on how best to proceed. The Designated Person(s) must respond within 1 calendar month of receipt, where possible.
- 14.4 Any complaint received should be dealt with in accordance with the Relevant Unit's data protection procedure.

## **Section 15. Review**

- 15.1 The Protocol will be reviewed every 3 months for the first 12 months of implementation and then will be reviewed every 12 months.
- 15.2 The Protocol may be reviewed sooner should there be changes to legislation or other exceptional circumstances. All changes are to be agreed and approved by the Council's City and Neighbourhood Services Department and Legal and Civic Services Department, prior to the changes taking place.



## **Section 16. Designated Person(s)**

- 16.1 The Relevant Units will each nominate a member of staff to be the Designated Person for the purposes of data protection in respect of the provision of information.

## **Section 17. Signatories**

We the undersigned agree that each Unit represented will adopt and adhere to this Protocol.

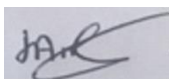
**Name: Heather Armstrong**

**Post held: Principal Environmental Health Officer**

**Environmental Protection Unit**

**Date: 17/09/2020**

**Signature:**



**Name: Claire O'Neill**

**Post held: City Protection Manger**

**Public Health and Housing Unit**

**Date: 17/9/2020**

**Signature:**



**Name: Vivienne Donnelly**

**Post held: City Protection Manager**

**Cleansing Enforcement**

**Date: 17/09/2020**

**Signature:**



**Name: Kevin Bloomfield**

**Post held: NI-HMO Manager**

**Northern Ireland Housing in Multiple Occupation Unit**

**Date: 17/09/2020**

**Signature:**



## APPENDIX A

### Seven Golden Rules for Information Sharing

1. **Remember that Data Protection legislation is not a barrier to sharing information** but provides a framework to ensure that personal information about living persons is shared appropriately.
2. **Be open and honest** with the person (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
3. **Seek advice** if you are in any doubt, without disclosing the identity of the person where possible.
4. **Share with consent where appropriate** and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, that lack of consent can be overridden in the public interest. You will need to base your judgement on the facts of the case.
5. **Consider safety and well-being:** Base your information sharing decisions on the safety and well-being of the person and others who may be affected by their actions.
6. **Necessary, proportionate, relevant, accurate, timely and secure:** Ensure that the information you share is necessary for the purpose for which you are

sharing it, is shared only with those people who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared accurately.

7. **Keep a record** of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

## 8. The Data Protection Principles

- 1) Processed lawfully, fairly and in a transparent manner in relation to individuals;
- 2) Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- 3) Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- 4) Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- 5) Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;
- 6) Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.”



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## NI Houses in Multiple Occupation

Date: 28 September 2020

«Title» «Firstname» «Surname»  
«Company\_Name»  
«House\_Name\_Or\_Number» «Street\_Name»  
«Town»  
«Postcode»

Dear «Title» «Surname»

Over the last few months the Council has been working on ways to allow us to share with you, issues which have come to our attention regarding your HMO property. The NIHMO unit will now seek to share with you, where appropriate, the following information –

1. details of Warning Notices, Fixed Penalty Notices and Abatement Notices served in respect of your HMO property concerning night time domestic/neighbourhood noise;
2. details of Warning Letters or Abatement Notices served in respect of your HMO property concerning day time domestic/neighbourhood noise;
3. details of Abatement Notices served in respect of your HMO property where a statutory nuisance has been established as a result of the accumulation of rubbish which may/has attract vermin;
4. details of Litter Clearing Notices and Fixed Penalty Notices served in respect of your HMO property concerning litter and waste; and
5. details of Covid-2 Prohibition Notices which Council have been advised of by the PSNI in relation to your HMO property

On receipt of the aforementioned information, or on receipt of a complaint from any other source, you must maintain a register of such complaints together with notes about how you and/or your managing agent dealt with the problem. The Council understands that those steps must be proportionate to the issue which has arisen whilst having regard to the impact of the anti-social behaviour on neighbours and the wider community.

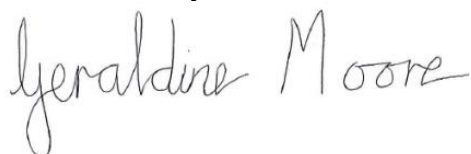
Where these issues are not satisfactorily addressed the Council may have to consider whether to vary your licence to include specific conditions to deal with anti-social behaviour. If there are persistent problems at your property the Council may have to assess whether you and/or your managing agent continue to meet the fit and proper person test as set out in Section 10 of the Houses in Multiple Occupation Act (Northern Ireland) 2016. This requires the Council to have regard to

- any anti-social behaviour engaged in by the owner and managing agent,
- the owners and managing agents conduct regarding anti-social behaviour engaged in by the occupants whilst in the HMO or the curtilage of the HMO, and
- the owners and managing agents conduct regarding anti-social behaviour adversely affecting the occupants of the HMO.

The Council hopes that it will not be necessary to pursue the formal powers that it has in relation to your licence and is committed to working with HMO owners and managing agents to improve the living experiences for HMO occupants and their neighbours and we believe the sharing of this information is an important step in that regard.

Should you have any queries please do not hesitate to contact the NIHMO Unit.

Yours sincerely

A handwritten signature in cursive script that reads "Geraldine Moore". The ink is dark and the signature is fluid.

Geraldine Moore  
Senior Case Officer