



<b>Subject:</b>	<b>Application for a New Licence to operate a House of Multiple Occupation for Flat 1, 6 Sandhurst Road, Belfast, BT7 1PW</b>
<b>Date:</b>	21 June 2023
<b>Reporting Officer:</b>	Kevin Bloomfield, HMO Unit Manager
<b>Contact Officer:</b>	Kevin Bloomfield, HMO Unit Manager Helen Morrissey, City Protection Manager

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>								
1.1	To consider an application for a Licence permitting the use of premises as a House in Multiple Occupation (HMO). <table border="1" data-bbox="260 1178 1465 1317"> <thead> <tr> <th>Premises</th> <th>Application No.</th> <th>Applicant(s)</th> <th>Managing Agents</th> </tr> </thead> <tbody> <tr> <td>Flat 1, 6 Sandhurst Road, Belfast, BT7 1PW</td> <td>9555</td> <td>Queens Quarter Housing Limited</td> <td>None</td> </tr> </tbody> </table>	Premises	Application No.	Applicant(s)	Managing Agents	Flat 1, 6 Sandhurst Road, Belfast, BT7 1PW	9555	Queens Quarter Housing Limited	None
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Flat 1, 6 Sandhurst Road, Belfast, BT7 1PW	9555	Queens Quarter Housing Limited	None						
1.2	Members are reminded that licences are issued for a 5-year period with standard conditions. Where it is considered necessary to do so, the Committee can also impose special conditions.								
1.3	<b><u>Background</u></b> The property was previously licensed as an HMO in the name of the previous owner who sold the property on the 16 September 2022.								
1.4	The applicant submitted a new licence application on the 25 August 2022 before the transfer of ownership was completed and as such the licence which was already in effect in respect in accommodation is treated as being held in accordance with section 28(3) of the Houses in Multiple Occupation Act (Northern Ireland) 2016 until this application is determined.								
1.5	This committee at its meeting on the 12 April 2023 acceded to a request from the applicant's legal representative to defer consideration of this application until a future meeting to provide them with additional time to consider the Committee report and take instruction from their client. Officers subsequently applied to the county court to allow the Council additional time to consider the application which the court granted until 10 July 2023.								
<b>2.0</b>	<b>Recommendations</b>								

2.1	<p>Taking into account the information presented Committee is asked to hear from the 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> <p><b><u>Notice of proposed decision</u></b></p>
2.2	<p>On the 28 March 2023, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 (“the 2016 Act”), Officers issued a Notice of Proposed Decision attached at <b>Appendix 2</b></p>
2.3	<p>The Notice of Proposed Decision stated that the Council proposed to refuse the licence on the basis that it is not satisfied the living accommodation is suitable for use as an HMO pursuant to section 8(2)(e) and section 13 of the 2016 Act</p>
2.4	<p>A statement of reasons for the proposal was included in the Notice of Proposed Decision.</p>
2.5	<p>If the application is refused or granted in terms different from those applied for, 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.</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> <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>
	<b><u>Planning</u></b>
3.2	<p>As this is a new application the Council’s Planning Service was consulted. It confirmed that a Certificate of Lawful Existing Use or Development (“CLEUD”) was granted on 26 May 2020 with the planning reference LA04/2020/0336/LDE.</p>
	<b><u>Fitness</u></b>
3.3	<p>When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.</p>
3.4	

The NIHMO Unit has consulted with the following units within the Council's City and Neighbourhood Services Department –

- (a) Environmental Protection Unit ("EPU") - who have confirmed that in relation to night-time noise they issued a noise warning notice on the 27 January 2020,
- (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,
- (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,
- (d) Enforcement Unit ("EU") - who have confirmed that in relation to litter and waste, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,

3.5

The Applicant has confirmed that it has not been convicted of any relevant offences as set out at paragraph 3.3 of this report.

3.6

The Applicant or Managing Agent have not been convicted of any HMO related offences by the Council. The EPU, PHHU and EU, solely in respect of their statutory functions, have confirmed that there are no relevant, previous convictions in respect of the Applicant, Managing Agent or occupants. Due to data protection issues which have 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.

#### **Suitability of living accommodation for multiple occupation**

3.7

In determining whether living accommodation is suitable for occupation as an HMO the Council must have regard amongst other things to—

- (a) the accommodation's location,
- (b) the type and number of persons likely to occupy it,
- (c) the safety and security of persons likely to occupy it, and
- (d) the possibility of undue public nuisance.

#### **(a) The accommodation's location**

3.8

The accommodation is a ground floor flat located at 6 Sandhurst Road, Belfast, BT7 1PW which is in HMO Policy Area HMO 2/22 Botanic, Holylands, Botanic.

3.9

The property is situated in a primarily residential area, however the adjacent property at "Lilac House" 4 Sandhurst Road is the independent living and advice centre of the charity Autonomie who work with young people (16-30 years) with a physical and/or mild to moderate learning disabilities. Autonomie also offer vital practical and emotional support to families raising a child or young person with disabilities.

3.10

At the junction of Fitzroy Avenue and Sandhurst Road is located Fitzroy Court which is a block of 25 retirement flats operated by Choice Housing. The boundary of Fitzroy Court is approximately 20m diagonally opposite 6 Sandhurst Road.

#### **(b) The type and number of persons likely to occupy it**

3.11	The director of Queens Quarter Housing Limited (“QQH”) confirmed by email on the 7 December 2022 that “the accommodation is used to accommodate vulnerable adults, this at times could include persons with addictions, people with mental health issues, asylum seekers, young people leaving care, escaping domestic violence.”
3.12	<p>The management plan attached at <b>Appendix 3</b> for the accommodation indicates that pre tenancy checks are undertaken prior to the commencement of the tenancy. The plan states</p> <ul style="list-style-type: none"> <li>• Where it is found that there are any issues likely to impact on their tenancy such as alcohol or drug dependency, criminal convictions or history, a full risk assessment will be carried out by suitably qualified staff at QQH and where possible a program of support and risk management</li> <li>• Where the above evaluations raise concerns, QQH may refuse the tenancy</li> </ul>
3.13	<p>The proposed occupancy level for Flat 1, 6 Sandhurst Road, Belfast, BT7 1PW is 4 persons, applications have also been received from QQH for Flat 2, 6 Sandhurst Road for 4 persons and Flat 3, 6 Sandhurst Road for 4 persons. The application for Flat 3 has been refused as the Council could not be satisfied that occupation of the living accommodation as an HMO would not constitute a breach of planning control.</p> <p><b><u>(c) The safety and security of persons likely to occupy it</u></b></p>
3.14	<p>QQH as part of their pre tenancy checks have indicated that they-</p> <ul style="list-style-type: none"> <li>• Liaise directly with both the NIHE and previous tenancy providers to ascertain any issues that may have arisen during that tenancy and verify the tenant is suitable to avail of the offered accommodation</li> <li>• If no previous tenancy has been held, prospective tenants are required to supply details of any previous addresses they have lived in within the previous twelve months</li> <li>• As all tenants are referred to QQH by the NIHE, initial checks and proof of identity are carried out on application to the NIHE for accommodation. The NIHE normally require two forms of proof of identity, one of which must relate to the previous accommodation address e.g., utility bill, picture driving licence, official letter etc.</li> <li>• Further cross checks of identity and background are carried out by QQH with NIHE and any previous accommodation providers to appraise a full evaluation of the perspective tenant</li> <li>• Where the above checks raise concern for both existing tenants or neighbours, the offer of tenancy may be refused.</li> </ul>
3.15	<p>QQH further indicate that continuous support for their tenants is available. QQH head office located at 151 University Street, Belfast BT7 1HR, is manned 24/7 by support staff</p>
3.16	<p>QQH have indicated that there has been incident of a service user being aggressive on the 06/12/2022 and on the 02/02/2023 PSNI attended a reported assault on one tenant by another tenant.</p>
<p><b><u>Representations</u></b></p>	

3.17	<p>In accordance with Paragraph 4 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 a representation is only valid if it –</p> <p>(a) is made in writing,  (b) sets out the name and address of the person making the representation, and  (c) is made on or before the deadline for making written representations.</p>
3.18	<p>Following the publication of the notice of the application, twenty valid objections were received in relation to this licence application. A copy of those representations are appended to this report as part of the notice of proposed decision at <b>Appendix 2</b></p>
3.19	<p>The objections primarily relate to concerns regarding the client group that the accommodation will house and the likelihood of public nuisance, ASB and safeguarding issues for vulnerable persons attending Lilac House.</p>
<p><b><u>(d) The possibility of undue public nuisance</u></b></p>	
3.20	<p>The objections to the licence application have raised a number of concerns regarding alleged and potential public nuisance associated with the clientele who reside at, or who would become resident at 6 Sandhurst Road. It has already been claimed there have been difficulties experienced with some of the residents including groups of people gathering outside of the property, smoking and drinking for up to 3 hours and the use of profanities.</p>
<p><b><u>Consultation with the PSNI</u></b></p>	
3.21	<p>Officers consulted with the Police Service for Northern Ireland (“PSNI”) and sought information regarding any calls they may have had to the accommodation, including the number and types of incidents. Officers also asked if the PSNI would have any concerns / objections to the granting of an HMO licence.</p>
3.22	<p>A copy of their correspondence dated 23 February 2023 is attached at <b>Appendix 4</b>.</p>
<p><b><u>Consultation with the applicant</u></b></p>	
3.23	<p>On the 19 January 2023, the Applicant informed Council officers of contact it had with the PSNI in relation to the premises as attached at <b>Appendix 5</b></p>
<p><b><u>Incident log and photographs from Autonomie</u></b></p>	
3.24	<p>On the 23 March 2023 a board member of the charity Autonomie emailed officers in the HMO Unit with an incident log together with a sequence of photographs related to alleged incidents being attributed to the occupants of 6 Sandhurst Road as attached at <b>Appendix 6</b></p>
<p><b><u>Neighbourhood services report</u></b></p>	
3.25	<p>As suggested in the PSNI consultation, officers from the HMO service requested details from BCC’s Neighbourhood Services of drug use paraphernalia removed by them in the locality, details of which are attached at <b>Appendix 7</b></p>
<p><b><u>Attendance</u></b></p>	
3.26	<p>The applicant and/or their representatives, as well as the objectors should be available to discuss any matters relating to this licence application should they arise during your meeting. Officers have also invited the PSNI to attend, who have in turn confirmed that an officer from the service will appear before members to address any queries members may have.</p>

<p>3.27</p> <p>3.28</p> <p>3.29</p> <p>3.30</p> <p>3.31</p>	<p><b><u>Suitability of the premises</u></b></p> <p>The accommodation was inspected by an officer from the NIHMO Unit on the 24 November 2022 at which time the accommodation achieved the required physical standards for an HMO.</p> <p><b><u>Notice of proposed decision</u></b></p> <p>On the 28 March 2023, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 (“the 2016 Act”), Officers issued a Notice of Proposed Decision attached at <b>Appendix 2</b></p> <p>The Notice of Proposed Decision stated that the Council proposed to refuse the licence as officers cannot be satisfied that the accommodation is suitable for use as an HMO for the specified maximum number of persons or could be made so by including conditions in the licence for the purpose of section 8(2)(e) of the 2016 Act.</p> <p><b>Financial and Resource Implications</b></p> <p>None. The cost of assessing the application and officer inspections are provided for within existing budgets.</p> <p><b>Equality and Good Relations Implications</b></p> <p>There are no equality or good relations issues associated with this report.</p>
<p><b>4.0</b></p>	<p><b>Appendices – Documents Attached</b></p>
	<ul style="list-style-type: none"> <li>• <b>Appendix 1</b> – External photographs and location map</li> <li>• <b>Appendix 2</b> – Notice of Proposed Decision dated 28 March 2023</li> <li>• <b>Appendix 3</b> – Management plan</li> <li>• <b>Appendix 4</b> – Consultation with the PSNI</li> <li>• <b>Appendix 5</b> – Email from applicant dated 19 January 2023</li> <li>• <b>Appendix 6</b> – Incident log and photographs of sharps</li> <li>• <b>Appendix 7</b> – Neighbourhood Services Report</li> </ul>