



Subject:	Addendum report relating to an application for a Licence to operate a House of Multiple Occupation for 15 Agincourt Street, Belfast, BT7 1RB
Date:	22 January, 2025
Reporting Officer:	Kevin Bloomfield HMO Unit Manager
Contact Officer:	Kevin Bloomfield HMO Unit Manager Helen Morrissey, City Protection Manager

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

1.0	Purpose of Report or Summary of main Issues								
1.1	<p>The Committee, at its 20 November 2024 meeting, was asked to consider whether it would grant or refuse the application for a new HMO licence at 15 Agincourt Street, Belfast, BT7 1RB.</p> <table border="1"><thead><tr><th>Premises</th><th>Application No.</th><th>Applicant(s)</th><th>Managing Agents</th></tr></thead><tbody><tr><td>15 Agincourt Street, Belfast, BT7 1RB</td><td>11261</td><td>Mr John Macauley</td><td>360 Residential Ltd</td></tr></tbody></table>	Premises	Application No.	Applicant(s)	Managing Agents	15 Agincourt Street, Belfast, BT7 1RB	11261	Mr John Macauley	360 Residential Ltd
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15 Agincourt Street, Belfast, BT7 1RB	11261	Mr John Macauley	360 Residential Ltd						
1.2	<p>At the November 2024 meeting, the Committee agreed to defer consideration of the application to enable officers to explore some of the issues raised in relation to this application, particularly relating to property ownership and the previous licence application., and to present this information at a future meeting.</p>								
1.3	<p>This report should be read in conjunction with the report presented to Committee at its November 2024 meeting. Appendix 1.</p>								
1.4	<p>In addition to the submission made on the applicants' behalf by McCann and McCann Solicitors the applicant made oral representations at the November 2024 meeting, a copy of those representation are at Appendix 2.</p>								

NIHE Statutory Registration

1.5 The property had the benefit of an HMO Registration issued by the Housing Executive with a commencement date of the 02 June 2014 in the name of Mr. John Macauley with an expiry date of the 02 June 2019. Registrations issued by the NIHE became licenses on the 1 April 2019 by virtue of the Transitional Provisions Order 2019.

1.6 For the purposes of the NIHE Statutory Registration Scheme the person obliged to register the house (the specified person) could have been either –

- The owner of the house; or
- Where the house in multiple occupation comprises a building (or part of a building) which has no discrete owner, the person in ownership of each part of the building; or
- The person having control of the house; or
- The person managing the house.

19 April 2019 licence application

1.7 On the 19 April 2019 an application was received from Ms. Mary Macauley which was subsequently granted in her name with an expiry date of the 02 June 2024.

1.8 In discussions prior to the introduction of the Houses in Multiple Occupation Act (Northern Ireland) 2016 (“2016 Act”) the Department for Social Development (now the Department for Communities) expressed the view that regulation that is disproportionate and unduly onerous could impact costs, increase rents, and ultimately deter some HMO owners from applying for HMO licenses, putting occupiers at risk. It was therefore decided at that time that for renewal application proof of ownership from a solicitor or financial institution would not be required and would be based on a self-declaration in the application form. The NIHMO Unit carry out a 10% random check of HMO ownership.

1.9 The HMO licence was granted to Mrs. Macauley based on the self-declaration contained in the application form.

08 May 2024 licence application.

1.10 On the 08 May 2024 an application was received from Mr. John Macauley, and confirmation was received from the applicant’s solicitor that Mrs. Macauley never owned the accommodation and ownership has been in the sole name of Mr. Macauley since 29 July 2005.

New – v – renewal application

1.11 Mr Macauley submits that having regard to the specific circumstances of his application the Council should exercise discretion and treat his application as a renewal.

1.12 Senior Counsel’s advice was sought, and having considered same, legal services have advised that while this is not a straightforward area of interpretation, given the particular circumstances of this application and in order to give effect to the proper legislative intent of the 2016 Act as well as the need to avoid the Council being left vulnerable to Judicial Review challenge, the application should be considered a renewal of the existing licence. The result of this is not to exercise a discretion but to give effect to the true meaning of section 20 of the 2016 Act in these particular circumstances.

2.0	Recommendations
2.1	Taking into account the information presented Committee is asked to grant the application in the terms applied for.
	Appendices – Documents Attached
	Appendix 1 – Report and appendices presented to committee on 20 November 2024. Appendix 2 – Oral representations made to the committee on 20 November 2024.