



<b>Subject:</b>	<b>Applications for the renewal of a Licence to operate a House of Multiple Occupation for 9 University Avenue, Belfast</b>
<b>Date:</b>	18 March 2020
<b>Reporting Officer:</b>	Kevin Bloomfield, HMO Unit Manager, Ext. 5910
<b>Contact Officer:</b>	Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, Divisional Solicitor, Ext. 6049

<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 type="checkbox"/>	No <input checked="" type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>						
1.1	To consider an application for the renewal of a Licence permitting the use of premises as a House in Multiple Occupation (HMO). <table border="1"><thead><tr><th>Premises and Location</th><th>Ref. No.</th><th>Applicant</th></tr></thead><tbody><tr><td>9 University Avenue Belfast, BT7 1GX</td><td></td><td>Mr Gerard Gray</td></tr></tbody></table>	Premises and Location	Ref. No.	Applicant	9 University Avenue Belfast, BT7 1GX		Mr Gerard Gray
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1.2	Members will be aware that responsibility for HMO's was transferred to local district councils in April 2019 with the introduction of a new licensing regime. Any existing registrations under the old NIHE Registration Scheme operated were deemed to be licences at the point of transfer. Members are reminded that licences are issued for a 5 year period with standard conditions. Where it is considered necessary to do so, the Committee can also impose special conditions.						
1.3	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, with specific reference made to anti-social behaviour associated with the premises subject of this application.						
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>						

<p>2.1</p> <p>2.2</p> <p>2.3</p>	<p>Taking into account the information presented Committee is asked to hear from the objectors and applicant and make a decision to either:</p> <ul style="list-style-type: none"> <li>(i) Grant the application, with or without any special conditions; or</li> <li>(ii) Refuse the application.</li> </ul> <p>If the application is refused, the applicant has a right of appeal to the Magistrates Court. Such an appeal must be lodged within 28 days of formal notification of the decision. The licence will remain in place pending the appeal.</p> <p>Objectors have no right of appeal but may be able to judicially review the Council's decision</p>
<p><b>3.0</b></p>	<p><b>Main report</b></p>
<p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p> <p>3.5</p>	<p><b><u>Key Issues</u></b></p> <p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that:</p> <ul style="list-style-type: none"> <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>When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.</p> <p>Section 20 of the 2016 Act states where the holder of an HMO licence makes an application for renewal, the council must apply the above provisions except for (a) and (d); namely whether the use is a breach of planning control or would result in overprovision.</p> <p>Members will recall that counsel has advised that councils cannot taken into account the absence of planning permission through the prism of fitness. On the basis of this advice, Legal Services have confirmed that this also applies to issues around overprovision.</p> <p><b><u>Objections</u></b></p> <p>Following publication of notice of the application, an objection was received in relation to the renewal application. A copy of that objection is appended to this report. As appears from the objection, the issues raised are as follows:</p> <ul style="list-style-type: none"> <li>a) Over provision of HMOs in this area, leading to densification of the neighbourhood and reducing living quality;</li> <li>b) There have been elements of anti-social behaviour including parties and loud music being played into the early hours of the morning</li> </ul>

3.6	Point a) is not specific to the premises and as this a renewal application the legislation prohibits the Council from taking into account issues around overprovision.
3.7	Point b) does, however, refer specifically to the premises. The NIHMO Unit has consulted with City and Neighbourhood Services who have advised they have received 3 complaints but one of those was not related to the property and no formal enforcement action was taken in respect of the other two complaints. However given complaints have been received associated to the property officers would recommend that Committee consider attaching a special condition to the licence requiring the applicant to provide and out of hours emergency contact number for Council officers.
3.8	Members will be aware that on 29th October 2019 the Council's City Growth & Regeneration Committee agreed to designate the Wider University and Lower Ormeau area as a Special Action Area under Community Planning and to develop a long term vision and development plan to include a housing plan, a spatial planning approach and a regeneration programme. A special People and Communities meeting in respect of housing issues and HMO's is scheduled for 5 <sup>th</sup> May 2020 and all Councillors are invited to attend so that a comprehensive position in respect of issues associated with HMO's, planning and the HMO licensing scheme can be developed.
<b><u>Applicant</u></b>	
3.9	The applicant has confirmed that he has not been convicted of any relevant offences as set out at paragraph 3.1 of this report. The applicant has not been being convicted of any offences by the Council. Due to data protection issues which have recently arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue. Officers are not aware of any issues relevant to the applicant's fitness.
3.10	The applicant and/or his representatives will be available to discuss any matters relating to the renewal of the licence should they arise during your meeting
<b><u>Suitability of the premises</u></b>	
3.11	An inspection of the premises was carried out by Officers from the Service on 9 August 2019. The inspections revealed that the applicant was continuing to adhere to the terms and conditions of the existing licence and no contraventions were discovered.
<b><u>Notice of proposed decision</u></b>	
3.12	On the 4 <sup>th</sup> March 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.
3.13	The proposed decision included following additional condition – The owner shall provide an out of hours contact number to Council officers to contact the owner, or their managing agent, in the event that there are incidents of anti-social behaviour emanating from within the curtilage of the HMO in respect of which it is considered necessary to contact the owner.
<b><u>Financial and Resource Implications</u></b>	

3.14	<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>
3.15	<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>