



Subject:	Application for the renewal of a Licence to operate a House of Multiple Occupation for 85 Dunluce Avenue, Belfast
Date:	18 th March 2020
Reporting Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910
Contact Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, Divisional Solicitor, Ext. 6049

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

1.0	Purpose of Report or Summary of main Issues						
1.1	To consider an application for the renewal of a Licence permitting the use of premises as a House in Multiple Occupation (HMO). <table><thead><tr><th>Premises and Location</th><th>Ref. No.</th><th>Applicant</th></tr></thead><tbody><tr><td>85 Dunluce Avenue Belfast BT9 7AW</td><td></td><td>Gavin Fong</td></tr></tbody></table>	Premises and Location	Ref. No.	Applicant	85 Dunluce Avenue Belfast BT9 7AW		Gavin Fong
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85 Dunluce Avenue Belfast BT9 7AW		Gavin Fong					
1.2	Members will be aware that this application previously came before the Licensing Committee at its meeting on 22 nd January 2020. The Applicant did not attend but Members did hear from those objectors who had made representations in respect of the application.						
1.3	To reconsider the Committee's decision on 22 nd January 2020 to grant the renewal of a HMO licence in respect of the above property to the Applicant in light of new information regarding ownership of the property.						
2.0	Recommendations						

2.1	Taking into account the information presented, Committee is asked to hear from the Applicant and decide whether to refuse the application, as the licence has ceased to have effect, meaning it was not capable of being renewed.
2.2	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.
3.0	Main report
	<u>Key Issues</u>
3.1	At its meeting on 22 nd January 2020, the Committee resolved to grant the renewal of the licence to operate a House of Multiple Occupation for 85 Dunluce Avenue to the Applicant, Mr Gavin Fong. A copy of the minutes of the Committee's meeting on 22 nd January 2020 are appended to this report at Appendix 1.
3.2	Following that meeting, officers became aware of an email that had been received from the Applicant on 20 th January 2020 advising that he had transferred ownership of the property to his father, in December 2019. Unfortunately, due to an administrative oversight, this email was not brought to the attention of the HMO Manager until after the Committee meeting. Officers subsequently contacted the Applicant who again advised the Council in an email dated 24 th January 2020, that he had transferred ownership of the property to his father in December 2019. A copy of these emails are appended to the report at Appendix 2.
3.3	Section 28 of the 2016 Act sets out the procedure for transferring a HMO licence. This requires the proposed owner to submit an application for a HMO licence prior to the property being transferred to them. In such circumstances the existing licence would continue in effect until a decision was taken in respect of the new application.
3.4	That did not occur in respect of these premises as the applicant's father did not make an application prior to the property being transferred to him. Pursuant to Section 28, this resulted in the licence ceasing to have effect on the date of transfer and as such there is no valid licence in respect of which a renewal application could be granted.
3.5	As this issue came to light after Committee resolved to grant the renewal but prior to the formal decision notice being issued, the matter is being referred back to Committee for re-consideration on the advice of Legal Services pursuant to the powers of the City Solicitor within the Scheme of Delegation.
	<u>The Applicant</u>
3.6	The Applicant was written to by officers on 24 th February 2020, informing him of the issues associated with the transfer of the HMO property to his father. The Applicant was advised that the matter would be returned to the Licensing Committee on 18 th March 2020, the purpose being to have the matter reconsidered, with the recommendation that the renewal application be refused, as the licence had ceased to have effect, meaning it was not capable of being renewed. A copy of that email is appended to this report at Appendix 3. No response was received to that email and there has been no further contact from the applicant.
	<u>Financial and Resource Implications</u>

3.7	<p>None. The cost of assessing the application and officer inspections are provided for within existing budgets.</p> <p><u>Equality and Good Relations Implications</u></p>
3.8	<p>There are no equality or good relations issues associated with this report.</p>
4.0	<p>Appendices – Documents Attached</p>
	<ul style="list-style-type: none">• Appendix 1 – Minutes of Licensing Committee meeting on 22nd January 2020• Appendix 2 - Emails received from the Applicant dated 20th and 24th January 2020• Appendix 3 – Correspondence issued to the Applicant on 24th February 2020