



Subject:	Application for the grant of a New Licence to operate a House of Multiple Occupation at 23 Pakenham Street, Belfast. BT7 1AB
Date:	18 November 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	<p>To consider an application for the renewal of a Licence permitting the use of premises as a House in Multiple Occupation (HMO).</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>23 Pakenham Street Belfast BT7 1AB</td><td>7786</td><td>Mr Christopher Weir</td><td>LJ Rentals and Mr Samuel Weir</td></tr></tbody></table>	Premises	Application No.	Applicant(s)	Managing Agents	23 Pakenham Street Belfast BT7 1AB	7786	Mr Christopher Weir	LJ Rentals and Mr Samuel Weir
Premises	Application No.	Applicant(s)	Managing Agents						
23 Pakenham Street Belfast BT7 1AB	7786	Mr Christopher Weir	LJ Rentals and Mr Samuel Weir						
1.2	<p>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.</p> <p><u>Background</u></p>								
1.3	<p>The property was previously licensed as an HMO up and until the 18 June 2020, at which time the licence expired. Prior to the expiry of the licence the NIHMO Unit wrote to the owner on the 13 January 2020 and 22 May 2020 reminding him that the licence on the property was about to expire.</p>								

1.4	On the 24 June 2020 an application for a new HMO licence was submitted to the NIHMO Unit. The application of the 24 June 2020 was subsequently rejected on 1 July 2020 for “breach of planning control” pursuant to Subsection 8(2)(a) and Section 9 of the Houses in Multiple Occupation Act (Northern Ireland) 2016.
1.5	Following the granting of a Certificate of Lawfulness of Existing Use or Development with an application number LA04/2020/1185/LDE on the 5 August 2020 the applicant reapplied for an HMO licence on 4 September 2020
2.0	Recommendations
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"> (i) Grant the application, with or without any special conditions; or (ii) Refuse the application.
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.
3.0	Main report
	<u>Key Issues</u>
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"> a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control; b) the owner, and any managing agent of it, are fit and proper persons; c) the proposed management arrangements are satisfactory); d) the granting of the licence will not result in overprovision of HMOs in the locality; e) the living accommodation is fit for human habitation and— <ul style="list-style-type: none"> (i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or (ii) can be made so suitable by including conditions in the licence.
3.2	As this is a new application the HMO Unit consulted with the Council’s Planning Service who confirmed that on 5 August 2020 a Certificate of Lawfulness of Existing Use or Development was granted with the application number LA04/2020/1185/LDE
3.3	For the purpose of determining whether or not the granting of a licence would result in overprovision of HMOs in the locality of the accommodation, the locality was defined as being Pakenham Street in accordance with HMO Policy 5 (the number of HMOs does not exceed 10% of dwelling units on that road or street) as defined in the document “Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015. On the date of assessment 15 October 2020 there were no licensed HMO in Pakenham Street out of 21 domestic units
3.4	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.

3.5	<p>The NIHMO Unit has consulted with the following units within the Council's City and Neighbourhood Services Department -</p> <ul style="list-style-type: none"> (a) Environmental Protection Unit ("EPU") - who have confirmed that in relation to night-time noise there was a noise warning notice issued on 20 April 2019. (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) Cleansing Enforcement ("CE") - who have confirmed that in relation to litter and waste, there was a fixed penalty notice issued on the 16 December 2016 <p><u>Fitness</u></p>
3.6	<p>Members are referred to appendix 3 of this report</p>
3.7	<p>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><u>Attendance</u></p>
3.8	<p>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><u>Suitability of the premises</u></p>
3.9	<p>An inspection of the premises was carried out by Officers from the Service on 25 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><u>Notice of proposed decision</u></p>
3.10	<p>On the 13 October 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>
3.11	<p>The notice of proposed decision stated that the council proposed to grant the licence in terms different from those applied for. Those terms include an out of hours contact number.</p>
3.12	<p>Mr Samuel Weir (managing agent) on behalf of the owner confirmed on the 12 November 2020 that they consent to the inclusion of the out of hours telephone number</p> <p><u>Financial and Resource Implications</u></p>

3.13	<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>
3.14	<p>There are no equality or good relations issues associated with this report.</p>
4.0	<p>Appendices – Documents Attached</p>
	<p>Appendix 1 – Location Map Appendix 2 – Notice of proposed decision Appendix 3 – Fitness</p>