

Applications for the renewal of a Licence to operate a House of Multiple Occupation for 32 Stranmillis Gardens

- [Meeting of Remote Meeting, Licensing Committee, Wednesday, 14th October, 2020 5.00 pm \(Item 13.\)](#)

Minutes:

The HMO Unit Manager provided an overview of the application and explained that as a valid objection had been received, the application must be considered by the Committee, pursuant to the 2016 Act and legal advice.

He advised that no noise complaints had been received in relation to the property.

He pointed out that the property was previously licensed as an HMO up and until 20th August 2019, at which time the licence had expired. Prior to the expiry of the licence, the NIHMO Unit had written to the owner on 13th August 2019 reminding him that the licence on the property was about to expire. On 2nd October 2019, an authorised officer from the HMO Unit had inspected the property and established that the property was occupied as an HMO by 5 individuals from more than 2 households.

He further advised that officers had written to Mr. Rafferty on 2nd October 2019 asking him if he had a reasonable excuse for operating the accommodation without it being licensed. As no such reasonable excuse was forthcoming, a Fixed Penalty Notice (“FPN”) was issued on 14th October 2019 for the sum of £5000.00, offering Mr. Rafferty the opportunity of discharging any liability to conviction for the alleged offence, by paying the fixed penalty. Mr. Rafferty accepted the opportunity and paid the FPN on the 28th October 2019.

On 28th November 2019, pursuant to Section 15 of the Houses in Multiple Occupation Act (Northern Ireland) 2016, a Temporary Exemption Notice (TEN) was granted until 28th February 2020 after the owner specified the steps he would be taking, with a view to securing the accommodation ceases to be an HMO. The TEN was subsequently extended until 28th May 2020. On 17th July 2020 officers had confirmed that the property was no longer in HMO usage. On 13th February 2020 an application for a new HMO licence was submitted to the NIHMO Unit.

Following the publication of the application, an objection was received in relation to the application. The objection raised general concerns about the overprovision of HMOs in the Stranmillis HMO Policy Area.

The HMO Unit Manager informed the Committee that as it was a new application, the HMO Unit had consulted with the Council’s Planning Service which confirmed that on 17th January 2020, a Certificate of Lawful Use or Development was granted with the planning reference **LA04/2019/2946/Idc**.

For the purpose of determining whether or not the granting of a licence would result in an overprovision of HMOs in the locality of the accommodation, the locality was defined as being HMO Policy Area “HMO 2/19 Stranmillis” as defined in the document “Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015.

The Committee agreed that Mr. Steven Rafferty, speaking on behalf of the applicant, Mr. Niall Rafferty, could address the Committee regarding the application for a new HMO for 32 Stranmillis Park.

Mr. Rafferty explained that because of miscommunications and inaccuracies provided by the HMO Office, the application process had been conducted extremely poorly and that it was the applicant’s view that the application should have been considered by the HMO Office as a renewal and not a new application.

Mr. Rafferty advised that the applicant acknowledged that he had allowed the licence to lapse, however, there were several contributing factors, which included some health concerns and changes in the administration process undertaken by Belfast City Council after the Northern Ireland Housing Executive (NIHE) transferred its Statutory Registration Scheme. He added that at the time of the renewal, he was in the process of changing the managing agent for the property due to misconduct and bad management by the previous agent, however, this had not been accepted as a reasonable excuse for failing to renew the licence within the specified timeframe.

He further advised that the applicant had held a HMO licence for the property for the previous ten years without issue and that, previously, the NIHE would have provided many months’ notice for renewal and that an NIHE officer would have made contact by telephone when a licence was due for renewal, a process not undertaken by Belfast City Council, which provided one week’s notice before the licence was due to expire.

Mr. Rafferty further informed Members that the applicant opposed the assumption of overprovision in the Stranmillis area and that the HMO Policy Area “HMO 2/19 Stranmillis” did not represent a true socioeconomic picture of the area in 2020. He asked the Committee to take his submission into consideration and grant the HMO licence.

The Chairperson thanked Mr. Rafferty for his submission to the Committee and following discussion, the Committee agreed to defer the application for the Grant of a Licence to Operate a House of Multiple Occupation for 32 Stranmillis Gardens to its next meeting on 18th November, 2020.