



<b>Subject:</b>	<b>Application for the Renewal of a Licence to operate a House of Multiple Occupation - 12 Curzon Street</b>
<b>Date:</b>	20th October 2021
<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 checked="" type="checkbox"/>	No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>								
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>12 Curzon Street Belfast BT7 1QU</td><td>8392</td><td>Dirnan Properties Ltd</td><td>None</td></tr></tbody></table>	Premises	Application No.	Applicant(s)	Managing Agents	12 Curzon Street Belfast BT7 1QU	8392	Dirnan Properties Ltd	None
Premises	Application No.	Applicant(s)	Managing Agents						
12 Curzon Street Belfast BT7 1QU	8392	Dirnan Properties Ltd	None						
1.2	<p>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><b>Background</b></p>								
1.3	<p>Following the public notice of the application, objections were received in relation to alleged noise nuisance and anti-social behaviour taking place at the property.</p>								
1.4	<p>As valid objections have been received, the application must be considered by the Committee which must, after hearing from the objectors and the applicant, decide whether to grant the renewal application.</p>								
<b>2.0</b>	<b>Recommendations</b>								
2.1	<p>Taking into account the information presented, the Committee is asked to hear from the applicant and make a decision to either:</p>								

2.2	<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 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.</p>
<b>3.0</b>	<b>Main Report</b>
3.1	<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—</li> <li>f) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or</li> <li>g) can be made so suitable by including conditions in the licence.</li> </ul> <p>3.2 However, where the application is for renewal, the Council cannot take into account whether the use is a breach of planning control or would result in overprovision.</p> <p><b><u>Objections</u></b></p> <p>3.3 Following publication of notice of the application, a number objections were received. A copy of the objections are appended to this report. 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) Existing household waste arrangements are not sufficient for the existing population</li> <li>c) Insufficient sound proofing of properties</li> <li>d) Alleged nuisance complaints and anti-social behaviour attributed to the subject property.</li> </ul> <p>3.4 Points a), b) and c) are not specific to the premises and, as this is a renewal application, the legislation prohibits the Council from taking into account issues around overprovision.</p> <p>3.5 When considering the fitness of an applicant the Council must have regard to convictions in relation to specified offences and any other matter which it considers to be relevant.</p> <p>3.6 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"> <li>h) Environmental Protection Unit (“EPU”) - has confirmed that in relation to night-time noise there have been three noise warning notices issued on the 16 November 2017, 13 November 2017 and 3 December 2017 in respect of the HMO in the last 5 years,</li> </ul>

	<p>i) Environmental Protection Unit (“EPU”) - has 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,</p> <p>j) Public Health and Housing Unit (“PHHU”) - has 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,</p> <p>k) Enforcement Unit(“EU”) – has confirmed that in relation to litter and waste, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p>
3.7	The NIHMO Unit received a complaint relating to an allegation of the tenants playing music and coming and going from the property on 5th April 2021. The complaint was accompanied by a video lasting 8 secs, showing an individual knocking on the door. In addition, there was a still photograph of a police car and a police officer on the Street at 1.36 am. The NIHMO unit took no action in relation to this complaint.
3.8	The NIHMO Unit received a further complaint relating to an incident on 8th August 2021 from 12.50 am onwards. The complaint consisted of a written statement and 3 videos, the complainant stated, <i>“The lads in number 12 were having a party and playing football on the street and in and out of their house all night.”</i>
3.9	The videos are short (23 seconds, 48 seconds and 79 seconds) and showed people coming and going from the property and in one video a person is seen kicking a football with someone out of camera shot. Officers will have these videos available for members to view at Committee.
3.10	On foot of this complaint, the NIHMO Unit wrote to the owner of the property.
3.11	The owner confirmed to the NIHMO Unit that, in response to the August incident, he had a meeting with the tenants regarding their behaviour, during which he reinforced their responsibilities as tenants and furnished them with a copy of the anti-social behaviour policy. He further advised the tenants that this couldn’t happen again and if it does the next step will be to contact their guarantors. The owner is of the belief that the tenants took the advice on board and he states that they apologised for their behaviour. The owner also asked his tenants to apologise to any of their neighbours that they may have annoyed.
3.12	Based on the information provided by the owner, the NIHMO Unit was satisfied that the owner’s conduct in dealing with the incident was reasonable and proportionate.
	<b><u>Fitness</u></b>
3.13	The applicants and managing agent have confirmed that they have not been convicted of any relevant offences, as set out at paragraph 3.6 of this report.
3.14	The applicant or managing agent have not been convicted of any HMO related offences by the Council. The EPU, PHHU and EU, 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 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.
3.15	Officers are not aware of any other issue relevant to the Applicant’s fitness.

	<p><b><u>Attendance</u></b></p> <p>3.16 The applicant and/or their representatives will be available to discuss any matters relating to the licence application should they arise during your meeting.</p> <p><b><u>Suitability of the premises</u></b></p> <p>3.17 An inspection of the premises was carried out by officers from the NIHMO Unit on 13th August 2021 at which time it was established that the property met the physical standards for an HMO.</p> <p><b><u>Notice of proposed decision</u></b></p> <p>3.18 On 20th August 2021, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016, Officers issued a notice of proposed decision (see Appendix 4) to the applicant setting out the terms of the proposed licence.</p> <p>3.19 The notice of proposed decision stated that the council proposed to grant the licence. Officers are of the view that any reported/alleged instances of anti-social behaviour and concern about the lack of accountability from those who own HMO properties, can be adequately addressed by the provision of an anti-social behaviour plan and out of hours contact number by the owner, as is already required under the standard terms and conditions of a licence.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p>3.20 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> <p>3.21 There are no equality or good relations issues associated with this report.</p>
<p><b>4.0</b></p>	<p><b>Documents Attached</b></p>
	<p><b>Appendix 1</b> – Location Map</p> <p><b>Appendix 2</b> – Map of HMO Policy Area “HMO 2/22 Botanic, Holylands and Rugby”</p> <p><b>Appendix 3</b> – Objections</p> <p><b>Appendix 4</b> – Notice of proposed decision</p>