

Licensing Committee

Wednesday, 20th September, 2023

MEETING OF THE LICENSING COMMITTEE

HELD IN THE LAVERY ROOM AND REMOTELY VIA MICROSOFT TEAMS

Members present: Councillor McKeown (Chairperson);
Aldermen McCullough and McCoubrey;
Councillors Anglin, Bradley, P. Donnelly, Doran,
D. Douglas, Lyons, Murray, F. McAteer, McCabe,
McCann, McMullan, Ó Néill and Smyth.

In attendance: Ms. K. Bentley, Director of Planning and Building Control;
Ms. N. Largey, City Solicitor/Director of Legal and
Civic Services;
Mr. S. Hewitt, Building Control Manager;
Mr. K. Bloomfield, Houses in Multiple Occupation
Manager; and
Mrs. L. McLornan, Democratic Services Officer.

Apologies

No apologies were reported.

Minutes

The minutes of the meeting of 16th August were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council, at its meeting on 4th September, 2023, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

Councillor Murray declared an interest in Item 2f, namely, Application for a New Licence to operate a House of Multiple Occupation for 55 Haypark Avenue, in that the Managing Agent was the landlord of a property in which he had been a former commercial tenant. After seeking clarity from the City Solicitor, the Member confirmed that, as it had been over a year since he had had any association with the Agent, there was therefore no requirement for him to withdraw from the discussion.

Councillor Anglin declared an interest in Item 2g, namely, Application for a New Licence to operate a House of Multiple Occupation for Apartment 2, 169 Stranmillis Road, in that the applicant might be known to her. She therefore left the meeting for the duration of the discussion on that item and did not participate in the decision making process.

Non-Delegated Matters

Review of Pavement Cafe Licensing Scheme

The Committee considered the undernoted report:

“1.0 Purpose of Report or Summary of main Issues

- 1.1 Members are reminded that the Council, in June 2020, decided to introduce a temporary process for considering pavement café applications to assist the hospitality sector during the recovery following the Covid-19 pandemic lockdown.
- 1.2 The temporary pavement café licensing scheme has now been extended twice and will expire on 30 September 2023.
- 1.3 This report is presented to seek guidance on how to progress with pavement café licensing when the temporary process comes to an end.

2.0 Recommendations

2.1 Based on the information provided Members are asked to consider proposals that:

- 1. The temporary scheme is extended until the 31 December 2023 to enable all consultation work to be completed and to report the findings back to Committee for consideration before that date.
- 2. In principle, Members support the introduction of a permanent Pavement Café licensing scheme from 1 January 2024.
- 3. A transition and implementation period of 3 months is introduced to allow existing licensed businesses to continue to operate until the grant of their permanent licence is determined and after which temporary licences will no longer be valid.

2.2 Members are advised that the Licensing Committee does not have delegated powers in relation to policy decisions concerning licensing matters and as such your recommendation will be subject to ratification by Council.

3.0 Background

3.1 The Licensing of Pavement Cafes Act (NI) 2014 ('the Act') came into operation on the 1 October 2016. However, the Council, along with a number of other councils, did not

implement the legislation at that time as the Department for Infrastructure Roads had not, and still has not, issued their technical guidance for Councils in support of the Act.

- 3.2 That said, the Department for Infrastructure (DfI) has now evaluated and determined the appropriateness of 94 Temporary Pavement Café applications in Belfast, using their professional expertise and their own guidance documents.

Temporary Licensing Process due to Covid 19

- 3.3 The Council, in June 2020, introduced a temporary process for considering pavement café applications.

- 3.4 The process was always intended to be a temporary process as Members will remember when businesses reopened after lockdown patrons were not allowed to be inside the premises due to social distancing restrictions.

- 3.5 This temporary process was considered as part of the solution to help business recovery but was originally to be for a period of one year. It gave the ability to businesses to start using the pavement café area whilst their licence application was being determined and statutory agencies were encouraged, by Government, to take a very liberal view when considering applications to allow hospitality businesses to reopen.

- 3.6 This liberal approach when considering applications meant permitting Pavement cafes that would not have been agreed in 'normal' circumstances. For example:

- Much larger pavement café areas,
- Pavement cafes being allowed to use the road,
- DfI introducing 'Parklets' to be used as a pavement café area, and
- DfI temporarily closing or restricting roads so they could be used for a pavement café area.

- 3.7 Also, post lockdown, the City was a very different place compared to now; patrons were not allowed to be inside hospitality premises, there were social distancing and mobility restrictions, most people were working from home, footfall was down in the City centre, as was traffic and this gave significantly more available space on the street.

Pavement Café Workshop

- 3.8 On 5 September 2023 a workshop was held for Members to discuss pavement café licensing and in particular the

temporary scheme. As well as officers from Building Control and Planning there were staff from Open Spaces and Street scene, City Regeneration and Development, and Legal and Civic Services available to provide input to the workshop on matters such as how pavement cafes contribute to vibrancy, impact on amenity and their effect on other road/pavement users.

3.9 Some of the key outcomes of the workshop were that:

- Members were generally of the view that Pavement Cafes were a positive addition to the City
- Proper regulation and proportionate enforcement would be an important aspect of any permanent scheme to ensure a fair approach for all those wishing to benefit from a Pavement Café licence
- Consultation on progressing with a permanent scheme should be undertaken with key stakeholders including current licensees, the business community in general, representatives of those people with disabilities and relevant government agencies
- There should be clear and straightforward procedures for applicants (including clear guidance on the transition between a temporary and permanent scheme)
- Clarity on how we can progress to a permanent scheme should be provided for Members before a decision can be made on any future scheme.

4.0 Key Issues

4.1 There is an obvious desire to create a vibrant café culture in the City with al fresco dining now an accepted part of the hospitality offer. In doing so we must also be mindful of the impact this may have on the various needs of all those who use our City.

Current Situation

4.2 There are now 94 Pavement Cafés in Belfast that have received temporary licences. The majority of these are well run with no complaints to the Council. There are also a significant number of businesses operating who have not applied for a Temporary Pavement Café licence.

4.3 A recent survey carried out by council officers of pavement cafes in the City highlighted that almost 60% are operating without a Pavement Café Licence.

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- 4.4** A few licensed pavement cafés, in particular in the City centre, have been a source of complaint from adjacent businesses and from members of the public. The nature of those complaints relates to:
- The size of the area being used.
 - The area affecting footfall and trade to adjacent businesses.
 - Furniture not being removed at the end of trade.
 - Impact on early morning deliveries.
- 4.5** As reported at the workshop the Council's cleansing and waste management crews are experiencing difficulties in getting their vehicles in to empty bins and clean the streets as pavement café furniture is not being removed at the end of trade.
- 4.6** Additionally, the pavement is not being cleaned and litter generated by customers using the area is not being collected by the business. This is contributing to the ongoing cleanliness issues in the City.
- 4.7** Temporary licences will expire at the end of September and several licensees have been enquiring about 'renewing' their licence.

Next Steps

- 4.8** It was apparent from the workshop that Members were keen that further stakeholder engagement is undertaken and presented to Members before they make a final decision in relation to the future of Pavement Café licensing.
- 4.9** Consultation is therefore underway and we are currently engaging with existing licensees, the business community, representatives of people with disabilities and relevant government agencies, as well as undertaking a YourSay public consultation to obtain views on the merits of Pavement Café licensing and to gather any issues members of the public may raise.
- 4.10** The YourSay public consultation is planned to run for 8 weeks during October – November 2023 which, with additional more focused consultation and workshops targeted at those groups and businesses likely to be most impacted by the Pavement Café Licensing scheme running alongside the public consultation.

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- 4.11 The consultation will not be completed before the temporary licences expire on 30 September, and it is therefore requested that Members extend the temporary scheme until the 31 December 2023 to enable all consultation work to be completed and to report our findings back to Committee for consideration before that date.

Proposed Transitional Arrangements

- 4.12 It is considered necessary to have a transition and implementation period of approximately 3 months for the introduction of a Permanent Pavement Café Licensing scheme. During the implementation period those with an existing temporary licence will be required to apply for a licence under the permanent scheme but may continue to operate their pavement café until their new application is determined.
- 4.13 The implementation period will also allow the Council time to process grant applications for permanent applications and for relevant statutory and public consultations to be undertaken. An implementation period will also avoid the prospect of an influx of grant applications having to be considered in a short space of time.
- 4.14 A cut-off date for transitional arrangements to enable a move to a permanent Pavement Café Licence scheme is suggested as 31 March 2024. Thereafter any temporary licences will no longer be valid and any that have not made an application for a Licence will be subject to routine enforcement procedures.
- 4.15 It would be helpful if Members were to confirm that they are supportive of introducing a permanent Pavement Café licensing scheme with a proposed implementation date of 1 January 2024 and that this will be subject to the transitional arrangements as outlined.
- 4.16 In providing such direction this will ensure we can effectively engage with licensees and other stakeholders and will provide clarity for them in the direction of travel proposed by the Council.

Guidance

- 4.17 To implement the temporary licensing scheme guidance for applicants, based on the Department for Communities guidelines and supplementary guidance from the Licensing Forum Northern Ireland was produced.

- 4.18 In general, this guidance has proved effective but we will review this and reflect any feedback obtained through our stakeholder consultation to improve or supplement our guidance for applicants if necessary.

Fees

- 4.19 Given the circumstances under which the temporary scheme was introduced, the Council waived any fees associated with a Pavement Café application, unlike in England where a nominal charge of £100 was set.
- 4.20 At your meeting in December 2016, the Committee, after considering a number of options, agreed the fees that should be charged for a Pavement Café Licence and determined that a grant application fee is £225.00 with an annual licence fee of £55.00 for the ensuing 4 years. (No annual licence fee is charged in the first year).
- 4.21 Whilst the legislation allows the Council to set fees at full cost recovery levels Members decided to set a significantly reduced fee, equating to 25 pence per day for a 5-year licence.
- 4.22 Through our stakeholder engagement we will explore their views on the Council charging the fees agreed by Council in 2017.

Licence Conditions

- 4.23 The Licensing Committee agreed, at their meeting of December 2016, to Standard Licence Conditions which would be applied to pavement café's.
- 4.24 The majority of those conditions have proven appropriate, however there is scope to clarify and augment some of those Conditions, particularly in relation to street cleanliness issues and issues around removing and storing pavement café furniture.
- 4.25 Through our stakeholder engagement we will explore their views on any suggested revisions to these conditions which will then be reported to Committee for consideration.

Enforcement

- 4.26 Over the course of the pandemic the Council has responded to requests from the Assembly and industry to assist recovery and we have therefore been endeavouring to provide support and minimise impact on small businesses.

- 4.27 For that reason, there has been a very ‘light touch’ approach to enforcement in relation to those who have not made application, failed to provide the necessary information to progress their application or who may not be operating in accordance with the terms of their licence.
- 4.28 As restrictions have ceased there needs to be a gradual return to normal and proportionate enforcement procedures in line with established council policy guidance. This will include addressing applications which cannot progress because insufficient information has not been provided, commencing proactive action in relation to unlicensed pavement cafes and dealing with breaches of Licence Conditions.

Duration of Licences

- 4.29 As previously determined by Council in 2017, Pavement Café licences will be granted for a period of 5 years.
- 4.30 Through our stakeholder engagement we will explore their views on the duration of licences which will then be reported to Committee for consideration.

5.0 Financial and Resource Implications

- 5.1 The grant application fee for a 5-year pavement café licence is £225.00 with an annual licence fee of £55.00 for the subsequent 4 years. If the fees are waived there will be a total lost income over 5 years of at least £41,830 on the basis of applications granted at present.

6.0 Equality or Good Relations Implications/ Rural Needs Assessment

- 6.1 A review of the equality screening exercise undertaken in 2020 and reviewed in 2021 for the temporary scheme is being carried out prior to public consultation, and a full equality screening and rural needs assessment will be undertaken prior to progressing to a permanent scheme.”

A Member stated that he had found the Workshop on Pavement Cafés very useful. He stated that Pavement Cafés had certainly played a key role in reimagining what the City Centre could look like and, for the benefit of both citizens and businesses, it felt appropriate to ensure that there was a long term and consistent approach taken towards them.

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In response to a Member's question as to whether those businesses which had been operating Pavement Cafés without a licence would be consulted, the Building Control Manager advised the Committee that, while the consultation would be sent to those who had current Pavement Café licences, it would also be open to Members of the public to submit responses. A number of Members stated that it would perhaps be useful to consult with those businesses which had not applied for licences under the temporary scheme, to determine if there were specific reasons or barriers which they had encountered in order to address any issues.

In response to a further Member's question, the Building Control Manager explained that, as a key stakeholder, officers would be meeting with the Department for Infrastructure's Roads Service in relation to the issue of Pavement Cafés. He stated that, while Roads Service had previously raised issues with the operation of some specific Pavement Cafés, they had a good working relationship with them and he did not envisage any major issues in that respect.

After discussion, the Committee adopted the recommendations.

The adoption of the Belfast Local Development Plan, Plan Strategy and the associated implications for the approach to the assessment of concentrations of HMOs

The Committee considered the undernoted report:

“1.0 Purpose of Report or Summary of main Issues

1.1 To update members on the adoption of Belfast Local Development Plan, Plan Strategy on the 2 May 2023 '2023 Strategy' and the associated implications for the approach to the assessment of concentrations of HMOs as previously set out in the Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015 '2015 Plan'.

1.2 How for the purposes of [section 8\(2\)\(d\)](#) and [section 12](#) of the Houses in Multiple Occupation Act (Northern Ireland) 2016 '2016 Act' when considering overprovision of HMOs in the locality in which the living accommodation is situated, account will be taken of the 2023 Strategy.

2.0 Recommendations

2.1 Committee is asked to note the adoption of Belfast Local Development Plan (LDP)

3.0 Main report

Key Issues

- 3.1 [Belfast Local Development Plan, Plan Strategy](#) was formally adopted on the 2 May 2023. The plan introduces Policy HOU10 – Housing Management Areas (HMAs)**
- 3.2 The Housing Management Areas (HMAs) will be designated within the local policies plan. In advance of the local policies plan, policy HOU10 will be applied to the previously designated HMO policy areas outlined at designation HMO2 of the 2015 Plan.**
- 3.3 HOU10 states - Within designated HMAs, planning permission will only be granted for Houses in Multiple Occupation (HMOs) and/or flats/apartments where the total number of HMOs and flats/apartments combined would not as a result exceed 20% of all dwelling units within an HMA.**
- 3.4 HOU10 goes on to say - outside of designated HMAs planning permission will only be granted for HMOs where the number of HMOs would not as a result exceed 10% of all dwelling units on that road or street. Where such a street is in excess of 600 metres in length, the 10% threshold will be calculated on the basis of existing residential units within 300 metres of either side of the proposal on that street.**
- 3.5 Pursuant to the Houses in Multiple Occupation Act (Northern Ireland) 2016, the Council may only grant a new HMO licence if it is satisfied that the granting of the licence will not result in overprovision of HMOs in the locality.**
- 3.6 To ensure consistency as both a planning and licensing authority the HMAs as referenced in Policy HOU10 of the 2023 Strategy shall continue be used by the Council to define localities for the purposes of HMO licensing within the Council area.**
- 3.7 When considering whether the granting of a licence will result in overprovision in a locality the Council must have to regard to –**
- a) The number and capacity of licensed HMOs in the locality,**
 - b) The need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need, and**

c) Such other matters as the Department may by regulation specify.

- 3.8 To inform the Council in its consideration of the above provisions, officers will take account of the 2023 Strategy. It is recognised that HMOs make an important contribution to the private rented sector, providing choice and assisting with meeting a range of community needs, however the location of HMOs must be carefully managed as the infrastructure within such areas was not designed to cope with the increased population enabled through these types of development, leading to a decline in residential amenity and difficulties relating to car parking, waste collection and noise and other disturbances.
- 3.9 Officers are developing, subject to permissions and licensing agreements with Land and Property Services (LPS) an online mapping viewer to make information on intensive forms of housing and licensed HMOs accessible to the public. Officers will keep members updated on future progress.
- 3.10 The initial percentage from July 2023 of licensed HMOs and intensive forms of housing within HMAs are included at Appendix 1. This will be updated on a monthly basis with work ongoing in relation to data from mid-August.

Financial and Resource Implications

- 3.11 None. The cost of assessing the application and officer inspections are provided for within existing budgets.

Equality and Good Relations Implications

- 3.12 There are no equality or good relations issues associated with this report.”

The Committee adopted the recommendations.

Hostel accommodation in Belfast and the relationship to HMO licensing

The Committee considered the undernoted report:

“1.0 Purpose of Report or Summary of main Issues

- 1.1 At its meeting of the 21 June 2023 whilst considering applications submitted by Queens Quarter Housing Limited for the granting of new HMO licences at Flats 1 & 2, 6 Sandhurst Road, Belfast, BT7 1PW this Committee agreed to

defer consideration of the applications to enable officers to explore the strategic context of the issues which had been raised in relation to the applications, and the wider hostel accommodation in Belfast, and to present this information at a future meeting.

2.0 Recommendations

2.1 Committee is asked to note the content of this report regarding the need and dispersal of hostel accommodation in Belfast.

3.0 Main report

3.1 The Housing Executive as the regional housing authority became responsible for addressing homelessness in Northern Ireland in 1989. In 2010 a legislative duty was placed on them to formulate and publish a strategy for homelessness.

Ending Homelessness Together – Homelessness Strategy 2022-27

3.2 On 23rd March 2022 the Housing Executive published '[Ending Homelessness Together – Homelessness Strategy 2022-27](#)'. The vision of 'Ending Homelessness Together' reflects a continued need for the Housing Executive to work with its partners across the sector to address the varied and complex factors that lead to homelessness, many of which extend beyond the provision of accommodation.

3.3 In line with the Homelessness Strategy 2020 -27 the Housing Executive published a strategic action plan for temporary accommodation 2022 – 27 titled [Ending Homelessness Together - Homeless to Home](#)

3.4 The Housing Executive has published a [Belfast Local Services Directory](#) as part of the Ending Homelessness Together Strategy. The directory details Belfast based accommodation and related support services.

3.5 The action plan was developed in consultation with stakeholders with the goal of assessing how effectively the current temporary accommodation portfolio meets the needs of customers experiencing homelessness. The Housing Executive state that the needs of homeless customers have been changing; today's homelessness issues are much different to those of 10 years ago, with customers presenting with increasingly complex health and support needs.

3.6 The Housing Executive is responsible for delivering the statutory homeless accommodation duties which is provided to households who are legally homeless, until a more permanent housing solution can be secured. It is also provided to households whose homelessness application is undergoing assessment and who are believed to be homeless and in priority need.

3.7 The Housing Executive state that there are five main types of temporary accommodation in operation as detailed -

Hostels

3.8 Hostels in Northern Ireland come in a range of types and sizes with significant variation in the levels of support provided. They are funded by Supporting People and managed largely by voluntary sector providers.

Single lets

3.9 Single lets are furnished private sector dwellings managed by landlords or managing agents to accommodate homeless households on a temporary basis. Referrals are from the Housing Executive alone.

Housing Executive temporary accommodation

3.10 The Housing Executive provides some furnished temporary accommodation across Northern Ireland. These are a mix of dispersed properties, blocks of flats or terraces, and purpose-built hostels, mostly managed by the Housing Executive, with a small number managed by voluntary sector providers.

Dispersed Intensively Managed Emergency Accommodation (DIME)

3.11 This is a scheme of 118 units which are leased by the Housing Executive and where the provider is employed under a contract to act as the Housing Executive's managing agent and support provider. The service is jointly funded by homelessness and Supporting People. This provision caters for customers with intensive support needs and high-risk behaviours. The Housing Executive have confirmed that Queens Quarter Housing Ltd is the sole provider of DIME accommodation in Belfast.

Night Shelters

- 3.12 Funded by Supporting People, these services are emergency crisis accommodation intended for short term use by those with no other accommodation options.

Number of units

- 3.13 The Housing Executive have advised that table 1 is the most up to date information as of the 21 July 2023 on the number of units across the five types of temporary accommodation referenced in the Strategic Action Plan for Temporary Accommodation 2022/27 -

Table 1

<i>Type of accommodation</i>	<i>No. of units</i>
<i>Hostels</i>	c. 1,447 units
<i>Single Lets</i>	c. 2,499 units
<i>Housing Executive Temporary Accommodation</i>	c. 302 units
<i>Dispersed Intensively Managed Emergency Accommodation (DIME)</i>	118 units
<i>Night Shelters</i>	31 units

- 3.14 Appendix 1 provides details of the voluntary sector, NIHE hostels and DIME temporary accommodation bedspaces recorded by Belfast postcode district.

Projected needs

- 3.15 The action plan indicates that –
- a) demand for temporary accommodation will remain higher than pre-pandemic levels and will outstrip supply,
 - b) single person households will remain the largest cohort presenting for temporary accommodation, and also with the greatest support needs,

- c) young people who have been disproportionately impacted by the pandemic, will continue to need accommodation and support,
- d) Belfast and Derry/Londonderry will continue to have the highest gap between supply and demand,
- e) levels of support needs will continue to grow, particularly related to mental health and addictions,
- f) there will be increased demand from those losing private rented accommodation,
- g) it is anticipated that there will be increased demand from victims of domestic abuse.

Minimising the need for temporary accommodation

- 3.16 The Strategic Action Plan indicates there are two main work strands to minimising the need for temporary accommodation; one is effective targeted homelessness prevention/tenancy sustainment, and the other is improved access to permanent housing supply to enable permanent rehousing at the earliest opportunity and minimise time spent in temporary accommodation.
- 3.17 The Strategic Review of Temporary Accommodation has noted that often the current homelessness response is crisis led, with a need to provide temporary accommodation. A systemic and cultural shift towards homelessness prevention and rapid rehousing is required. Ambitions to reduce numbers in temporary accommodation depend on the delivery of broader housing supply options. An adequate supply of social and affordable housing is fundamental to any long-term goal to end homelessness.

Supporting people

- 3.18 The Supporting People Programme helps people to live independently in the community. The Housing Executive administer the Programme in Northern Ireland on behalf of the Department for Communities.
- 3.19 Many different groups of people can benefit from housing related support through the Supporting People programme. These include:
 - homeless people
 - people with a learning disability

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- **people with poor mental health**
- **older people**
- **women at risk of domestic violence**
- **young people leaving care**
- **people with drug or alcohol use problems**
- **offenders or people at risk of offending”**

The Committee noted the content of the report regarding the need and dispersal of hostel accommodation in Belfast.

Delegated Matters

**THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE
OF THE POWERS DELEGATED TO IT UNDER STANDING ORDER 37(d)**

Licences Issued Under Delegated Authority

The Committee noted a list of applications for licenses which had, since its last meeting, been approved under the Council's Scheme of Delegation.

**Houses in Multiple Occupation (HMO) Licenses
Issued Under Delegated Authority**

The Committee noted a list of applications which had been approved under the Council's Scheme of Delegation during June, July and August.

**Application for a New Licence to operate a House
of Multiple Occupation for Flat 1, 6 Sandhurst Road; and**

**Application for a New Licence to operate a House
of Multiple Occupation for Flat 2, 6 Sandhurst Road**

(The Committee agreed to consider these two items simultaneously.)

The Chairperson reminded the Committee that it had initially considered the applications from Queens Quarter Housing (QQH, the applicant) at its meeting on 21st June, 2023, where it had agreed to defer their consideration in order to enable officers to explore the strategic context of the issues which had been raised in relation to the applications and the wider Hostel accommodation in Belfast.

The Houses in Multiple Occupation Manager reminded the Committee of the report which he had presented earlier in the meeting regarding hostel accommodation in the City and the relationship to HMO licensing.

The Committee was reminded that, prior to the meeting on 21st June, numerous items had been submitted by the legal representative of the applicant and officers had raised several concerns relating to those documents at the meeting.

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Firstly, the Committee was advised that QQH Referral Policy and Procedure stated:

“QQH can accommodate up to four individuals who have an arson conviction. This agreement has been made following discussion with stakeholders and consultation with risk assessment consultant Willis Ltd. For risk management and insurance purposes, QQH ensure placements are available for these individuals in staffed accommodation”.

It was reported that the fire risk assessment, encompassing Flats 1, 2 and 3, 6 Sandhurst Road, submitted with the HMO licence application, dated 12th October, 2022, made no reference to individuals with arson convictions being housed in the accommodation.

The Houses in Multiple Occupation Manager explained that officers had written to the applicant on 26th June, 2023 stating that the fire risk assessment submitted as part of the application did not include any reference to the possibility of the accommodation housing persons with prior arson convictions and, as such, the Council was no longer satisfied as to the suitability of the fire risk assessments submitted and that new assessments, taking into account all material factors, would be required as an urgent priority. Furthermore, due to the vulnerability of the other users within the accommodation which the applicant’s legal team had highlighted as part of their presentation to the Committee, the Council required personal emergency evacuation plans (PEEPs) for each of the occupants in residence.

The Committee was advised that the Council, as the licensing authority, had not been consulted in relation to the accommodation potentially being occupied by persons with arson convictions and had also requested a copy of the consultation document or risk assessment produced by Willis Limited.

It was reported that, on 18th July, 2023, officers from the NIHMO Unit and the NI Fire and Rescue Service (NIFRS) had undertaken a joint inspection of the accommodation. The Committee was advised that verbal reassurances were provided by the applicant during the inspection that the accommodation was not occupied by persons with arson convictions and, although some deficiencies were noted and forwarded to the applicant for actioning, the NIFRS confirmed the outcome of the audit was “broadly compliant”.

The Houses in Multiple Occupation Manager pointed out that officers had received an updated fire risk assessment from the applicant earlier that day. He advised the Members that officers were content with it, on the basis that the minor works which were included within it were addressed, and that written confirmation be submitted from the applicant, that no persons with arson convictions would be housed within the property.

The Committee was advised that no Personal Emergency Evacuation Plans (PEEPs) had been submitted for the vulnerable residents within the properties. Furthermore, a copy of the fire risk assessment from Willis Ltd had not yet been provided.

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QQH Referral Policy and Procedure stated that:

“QQH can accommodate individuals with a history of violent offending. Any referral made for potential services users who have a history of these offences will be assessed as per availability of appropriate accommodation for risk management of staff and other service users.”

The Committee was advised that the PSNI had disclosed that there had been an incident where they had been called by staff due to a service user being aggressive and an incident of assault by one tenant on another tenant.

At the Committee meeting on 21st June, 2023, Legal Counsel, on behalf of the applicant, had made reference to and indicated that the Members should take comfort from the fact that QQH was unable to provide accommodation for service users whose circumstances changed during their stay to “court bail” or “criminal charges”, that would change the risk to residents or the local community. The PSNI had confirmed that they did not conduct bail checks at the premises and, furthermore, if there were persons who were placed on bail after they had been housed in the premises, those persons were moved to suitable alternative accommodation.

QQH had also indicated that “pertinent background information” was sought through the Public Protection Unit and placements were approved by the PSNI, as per the Public Protection Arrangements Northern Ireland (PPANI) where applicable.

At the meeting on 21st June, Legal Counsel on behalf of the applicant had referred to a letter from the Director of Operations of the Probation Board for Northern Ireland, dated 17th May, expressing their support for “the renewal of the Licence at Queen’s Quarter Hostel IV Unit, to allow for their continued service delivery.” The Committee was advised that officers had since sought clarification from PBNI as to whether it was supporting the application for new HMO licences at 6 Sandhurst Road or if it was in support of the wider services provided by QQH.

The Members were advised that a response had been received from the Director of Operations of PBNI, on 18th September, 2023, clarifying that the letter was in support of the wider services provided by Queens Quarter Housing Limited, and not in support of the particular HMO licence applications per se.

At the 21st June meeting, the PSNI had drawn the Members’ attention to the incident log which provided detail of reported incidents linked to the properties. They had described the community impact of the accommodation being used as a HMO, together with the pressure on Policing to safeguard the area. It was reported that officers had received allegations of public nuisance associated with the premises which were deemed relevant to the licence application, from the owner of a licensed HMO situated near 6 Sandhurst Road. It was pointed out that those representations had been received outside of the statutory consultation period. The City Solicitor advised the Members that it was for the Committee to decide whether or not to exercise its discretion and consider those representations, and to consider what weight it would attach to such information. The Committee agreed that it would take the late representations into consideration.

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The Houses in Multiple Occupation Manager outlined that, on 4th August, 2023, the applicant had written to Autonomie, a neighbour of the property and an objector to the two HMO licence applications, requesting a meeting to discuss their concerns. The Committee noted that the Chief Executive of Autonomie had responded to the applicant on the 29th August, 2023, stating that they would be open to meeting to discuss the matter further and requested a draft agenda and details of who was likely to attend the meeting from QQH. Autonomie had confirmed that no further correspondence had since been received from the applicant.

The Committee was advised that the Northern Ireland Housing Executive's strategic action plan for temporary accommodation 2022 – 2027, "Ending Homelessness Together - Homeless to Home" outlined that:

- "demand for temporary accommodation will remain higher than pre-pandemic levels and will outstrip supply,
- single person households will remain the largest cohort presenting for temporary accommodation, and also with the greatest support needs,
- young people who have been disproportionately impacted by the pandemic, will continue to need accommodation and support,
- Belfast and Derry/Londonderry will continue to have the highest gap between supply and demand,
- levels of support needs will continue to grow, particularly related to mental health and addictions,
- there will be increased demand from those losing private rented accommodation,
- it is anticipated that there will be increased demand from victims of domestic abuse."

The Houses in Multiple Occupation Manager explained that, although the housing need in the relevant locality and the extent to which HMO accommodation was required to meet that need was something that the Council must have regard to, officers were not proposing the refusal of the two HMO licence applications on the grounds of overprovision.

He highlighted that the proposed grounds for refusal of both applications solely related to section 8(2)(e), as read with section 13, which stated that the Council may only grant a licence if it was satisfied that the accommodation was suitable for use as an HMO for the specified maximum number of persons or could be made so by including conditions in the licence, and, in coming to the decision, the Council must have regard to:

- the accommodation's location;
- the type and number of persons likely to occupy it;
- the safety and security of persons likely to occupy it; and
- the possibility of undue public nuisance.

The Chairperson welcomed Ms. L. Morrison, Chief Executive of Autonomie, a charity which provided support for complex needs persons and which operated out of the neighbouring property to the application site. The charity had objected to the applications

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for the two HMO licences and had spoken at the previous Committee meeting in June, 2023.

She advised the Committee that the difficulties still continued and that the young people who used the Autonomie building remained very unsettled. She reiterated that she was happy to enter into mediation with Queens Quarter Housing but that she would wish to know who would be attending such a meeting and the items for discussion in advance.

The Committee then welcomed Ms. L. Smyth, legal representative for the applicant to the meeting. She advised the Committee that the reason for deferral at the last meeting had been in order to receive further information on hostel accommodation throughout the City and that the report which had since been presented to it had, in fact, bolstered the applicants case to receive the two HMO licences. She advised the Committee that it was plain that that type of accommodation was certainly needed and would only prove to be more necessary in the coming years. She asserted that single person households would remain the largest cohort presenting for temporary accommodation and with the greatest support needs. She highlighted that, if the Committee was to refuse the licences, those people currently residing in the properties would be homeless until alternative accommodation could be found.

She confirmed to the Committee that no one with an arson conviction, nor an allegation of arson, would be housed in the application sites. She added that the applicant was content that it could be confirmed by condition as part of any HMO licence. She advised the Committee that it was her understanding that PEEPs could be issued as and when required, and that those could be conditioned, and apologised that no response had been submitted in respect of the Council's request but explained that it had been received during a holiday period.

She highlighted to the Committee that Autonomie was not a residential property and that their work with vulnerable young people occurred during the day. The application sites were, in contrast, a place for people to stay and sleep at night.

She pointed out that the applications had been listed as new applications for an HMO licence and that was incorrect. She clarified that they had been operating as HMOs for a number of years and that it was just that QQH had recently taken them over.

In response to Ms. Smyth's last point, the Manager clarified that the previous HMO at the site had been managed by an estate agent and had been a residence for students and young professionals. Before the date of transfer of the property, QQH had submitted an application so, pursuant to Section 28 of the Act, it was deemed a new licence application, however, for the purposes of overprovision, it would be treated as a transfer of a licence.

A number of Members acknowledged that there was certainly a need for temporary accommodation across the City and that organisations were providing a vital service to a wide range of vulnerable individuals. They stated that it was also important that the Committee considered the context and circumstances in which each application existed.

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A Member stated that a better spread of temporary accommodation was needed across the City, given that 56% of it was currently located within 3 postcode areas.

Mr. C. Toland, QQH, stated that there was an inaccuracy within the report, where it stated that there had been an increase in the crime rate in the local area since QQH had taken ownership of the premises. He advised the Committee that PSNI statistics, as found on their own website, illustrated that the rate had, in fact, gone down.

Accordingly, it was

Moved by Alderman McCullough
Seconded by Councillor McCabe and

Resolved – that the Committee agrees to refuse the applications for Flats 1 and 2, 6 Sandhurst Road, on the basis that it is not satisfied that the living accommodation is suitable for use as an HMO pursuant to section 8(2)(e) and section 13 of the 2016 Act.

**Application for a New Licence to operate a House
of Multiple Occupation for 71 Sandhurst Drive, Belfast,
BT9 5AZ**

The City Solicitor advised the Members that the applicant's husband, Mr. P. Doyle, who was in attendance to address the Committee, was an employee of the Council.

The Committee was apprised of the details of the application. The Houses in Multiple Occupation Manager explained that the property had the benefit of an HMO licence issued by the Housing Executive in the name of the of the previous owner, who was the son of the applicant. On 7th June, 2021, the ownership of the accommodation transferred to his mother, Mrs. S. Doyle, and in accordance with section 28(2) of the Houses in Multiple Occupation Act the existing licence ceased to have effect on that date.

On 13th January, 2023, an application for a Temporary Exemption Notice "TEN" was received and subsequently approved on the 19th January, 2023, an extension to the TEN was approved on 19th April, 2023 which expired on 19th June, 2023. No further extension to the TEN was permitted under the 2016 Act.

On 6th June, 2023, an HMO licence application was received from the owner of the accommodation. If the new owner had applied for a licence before the change of ownership had taken place, the licence which had already been in effect in respect of the HMO would have been treated as being held by the new owner until such times as their application had been determined.

The Houses in Multiple Occupation Manager outlined that, pursuant to the 2016 Act, the Council could only grant a licence if it was satisfied that:

- a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control;

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- b) the owner, and any managing agent of it, were fit and proper persons;
- c) the proposed management arrangements were satisfactory);
- d) the granting of the licence would not result in overprovision of HMOs in the locality;
- e) the living accommodation was fit for human habitation and—
 - i. was suitable for occupation as an HMO by the number of persons to be specified in the licence, or
 - ii. could be made so suitable by including conditions in the licence.

The Committee was advised that, as it was a new application, the Council's Planning Service was consulted. It had confirmed that a Certificate of Lawful Existing Use or Development ("CLEUD") was granted on 19 May 2023.

It was reported that the NIHMO Unit had consulted with Environmental Protection Unit in relation to nighttime and daytime noise; Public Health and Housing Unit in relation to rubbish accumulation/filthy premises; and the Enforcement Unit in relation to litter and waste and all had confirmed that there had been no relevant enforcement action required in respect of any of the issues in the HMO in the last 5 years. It was also confirmed that officers were not aware of any other issues relevant to the Applicant's fitness.

No objections were received in relation to the application.

For the purpose of Section 12(2) of the 2016 Act, the Council had determined the locality of the accommodation as being Housing Management Areas (HMA) "HMA 2/19 Stranmillis" as defined in the Council's Local Development Plan Strategy which was formally adopted on 2nd May, 2023. It was reported that Legal Services had advised that there was a clear requirement in section 8 of the 2016 Act upon the Council to be satisfied that the granting of a licence would not result in overprovision.

The officers had had regard to:

- a) the number and capacity of licensed HMOs in the locality; and
- b) the need for housing accommodation in the locality and the extent to which HMO accommodation was required to meet that need.

To inform the Council in its consideration of the above provisions, the Council had taken account of the 2023 Strategy given that "Nurturing sustainable and balanced communities was a fundamental aim of the LDP's housing policies." In particular, the Council had considered Policy HOU10, which stated:

"Within designated HMAs, planning permission will only be granted for Houses in Multiple Occupation (HMOs) and/or flats/apartments where the total number of HMOs and flats/apartments combined would not as a result exceed 20% of all dwelling units within an HMA."

The Committee was advised that, on the date of assessment, 18th August, 2023, 63% of all dwelling units in policy area "HMA 2/19 Stranmillis" were made up of HMOs

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and flats/apartments, which in turn exceeded the 20% development limit. There were 342 (44%) licensed HMOs with a capacity of 1463 persons in HMA 2/19 Stranmillis.

It was outlined that there were a total of 777 dwelling units in “HMA 2/19 Stranmillis”. The Committee was advised that the fact that the use of the property as an HMO was permitted for planning purposes was a relevant consideration in determining whether the granting of the licence would result in overprovision.

The Houses in Multiple Occupation Manager reminded the Committee that there was a need for intensive forms of housing and, to meet that demand, HMOs were an important component of the housing provision. HMOs, alongside other accommodation options within the private rented sector, played an important role in meeting the housing needs of people who were single, who had temporary employment, students, low income households and, more recently, migrant workers.

On 18th August 2023, out of 62 premises available for rent on the PropertyNews website, within the BT9 area, there were 14 licensed HMOs which represented 55 bed spaces. The availability of the HMO accommodation ranged from immediately to September 2023 and anecdotal evidence from previous conversations with HMO managing agents suggested that there was currently a lack of HMO accommodation available in that locality.

The Committee was advised that, with the continued expansion of the Purpose Built Managed Student Accommodation (PBMSA) sector and students transitioning from private rentals to PBMSAs, it was too early to tell whether the increased competition from nonstudents for HMOs was a temporary problem, which could be managed by the reduction in students residing in existing HMO accommodation within the locality, or evidence of an emerging long-term supply issue.

The Houses in Multiple Occupation Manager explained that, in assessing the number and capacity of licensed HMOs, as well as the need for HMO accommodation in the locality, officers could not be satisfied that the granting of the HMO licence would not result in overprovision of HMO accommodation in the locality of the accommodation for the purpose of section 8(2)(d) of the 2016 Act.

It was outlined that, on 12th September, 2023, officers had received a response to the notice of proposed decision, in which the Applicant had provided background information into the initial purchase of the property and the reasons for transferring the property into the Applicant’s name in June, 2021.

The Chairperson welcomed Mrs. S. Doyle, the Applicant, and her husband, Mr. P. Doyle, to the meeting. Mrs. Doyle outlined to the Committee that she had purchased the existing HMO property in April 2017 as an investment for her son. The plan was for her son to live in the property when he had finished University in the summer of 2018 and let out the other three bedrooms as an HMO. However, their son moved to Australia in January 2019 and planned to stay for two years. As a result of the Covid lockdown and a delay in his return, it had become difficult to manage the house as all the bills were in his name. She explained that, when it was confirmed that he would not be returning, they decided to transfer the house into her name in order to more easily

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manage the property. She outlined that, unfortunately, they had not realised the HMO licence implications before they made the transfer. She reported that they had managed the property as an HMO for over five years and had maintained a high standard within it, with excellent tenants.

Mr. Doyle explained to the Committee that they had retained the rent at £285per tenant, which was considerably lower than the rental value in the area. He added that they had done so intentionally as they had four children of their own who had resided in rental properties and that they understood the financial burdens they faced. On Monday he had contacted two estate agents who had confirmed that they would list the property at £1100 or £1150, as a rental for two people. Mr. Doyle explained that, while it would not financially affect them, it would mean that the rental amount would have to be split between two persons instead of four, with two rooms being left vacant. He added that they had invested over £50,000 in renovation works, including the removal of the bath and replacing it with two shower rooms, to ensure that it met and exceeded the requirements of an HMO. He explained that the fact that the bath had been removed had also meant that the property would not be appealing to a young family. He requested that the Committee would use its discretion to grant approval to the licence application.

Moved by Councillor Donnelly,
Seconded by McCann and

Resolved – that the Committee agrees to refuse the application as, in accordance with Section 12 of the Houses in Multiple Occupation Act (Northern Ireland) 2016, it was satisfied that the granting of the HMO licence would result in overprovision of HMO accommodation in the locality of the accommodation, as determined under section 8(2)(d) of the Act.

**Application for a New Licence to operate a House
of Multiple Occupation for 55 Haypark Avenue**

The Houses in Multiple Occupation Manager advised the Committee that the decision was not subject to call-in, as the call-in period would exceed the time limit for determining the application pursuant to Schedule 2, paragraph 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016.

He explained that the property had the benefit of an HMO licence which had been issued by the Housing Executive in the name of the of the current owner, which had expired on 3rd September, 2022.

The Members were advised that, on 17th August, 2022, an application to renew the licence had been received from the owner of the accommodation, which, on 6th September, 2022, was rejected as the applicant had failed to publish notice of the application in one or more newspapers circulating in the locality of the HMO in accordance with Regulation 2 of The Houses in Multiple Occupation (Notice of Application) Regulations (Northern Ireland) 2019 or provide the Council with a copy of the notice. A reminder of the requirement had been sent to the owner on 23rd August 2022.

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On 13th September, 2022, an application for a Temporary Exemption Notice “TEN” had been received and was subsequently approved on the same day, an extension to the TEN was approved on 8th December, 2022, which expired on 8th March, 2023. No further extensions to the TEN were permitted under the 2016 Act. On 13th June, 2023, an HMO licence application was received from the owner of the accommodation.

The Houses in Multiple Occupation Manager outlined that, pursuant to the 2016 Act, the Council could only grant a licence if it was satisfied that:

- 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, were fit and proper persons;
- c) the proposed management arrangements were satisfactory);
- d) the granting of the licence would not result in overprovision of HMOs in the locality;
- e) the living accommodation was fit for human habitation and—
 - iii. was suitable for occupation as an HMO by the number of persons to be specified in the licence, or
 - iv. could be made so suitable by including conditions in the licence.

He confirmed to the Committee, that, as it was a new application, the Council’s Planning Service was consulted. It had confirmed that a Certificate of Lawful Existing Use or Development (“CLEUD”) had been granted on 3rd April, 2023.

It was reported that the NIHMO Unit had consulted with Environmental Protection Unit in relation to nighttime and daytime noise; Public Health and Housing Unit in relation to rubbish accumulation/filthy premises; and the Enforcement Unit in relation to litter and waste and all had confirmed that there had been no relevant enforcement action required in respect of any of the issues in the HMO in the last 5 years. The Applicant and Managing Agent had also confirmed that they had not been convicted of any relevant offences.

No objections were received in relation to the application.

The Committee was advised that, for the purposes of Section 12(2) of the 2016 Act, the Council had determined the locality of the accommodation as being Housing Management Area (HMA) “2/03 Ballynafeigh” as defined in the document Belfast City Council’s Local Development Plan Strategy which had been formally adopted on 2nd May, 2023. Legal Services had advised that there was a clear requirement upon the Council, in Section 8 of the 2016 Act, to be satisfied that the granting of a licence would not result in overprovision. In making such a decision, the Council had had regard to:

- a) the number and capacity of licensed HMOs in the locality; and
- b) the need for housing accommodation in the locality and the extent to which HMO accommodation was required to meet that need.

To inform the Council in its consideration of the above provisions, the Council had taken account of the 2023 Strategy given that “Nurturing sustainable and balanced

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communities was a fundamental aim of the LDP's housing policies." In particular, the Council had considered Policy HOU10, which stated:

"Within designated HMAs, planning permission will only be granted for Houses in Multiple Occupation (HMOs) and/or flats/apartments where the total number of HMOs and flats/apartments combined would not as a result exceed 20% of all dwelling units within an HMA."

The Houses in Multiple Occupation Manager reported that, on the date of assessment, 16th August, 2023, 24% of all dwelling units in policy area "HMA 2/03 Ballynafeigh" were made up of HMOs and flats/apartments, which in turn exceeded the 20% development limit as set out at Policy HOU10. The Members were advised that there were 77 (4.65%) licensed HMOs with a capacity of 345 persons in HMA 2/03 Ballynafeigh.

It was outlined that there were a total of 1649 dwelling units in "HMA 2/03 Ballynafeigh". The Committee was advised that the fact that the use of the property as an HMO was permitted for planning purposes was a relevant consideration in determining whether the granting of the licence would result in overprovision.

The Houses in Multiple Occupation Manager reminded the Committee that there was a need for intensive forms of housing and, to meet that demand, HMOs were an important component of the housing provision. HMOs, alongside other accommodation options within the private rented sector, played an important role in meeting the housing needs of people who were single, who had temporary employment, students, low income households and, more recently, migrant workers.

On 16th August 2023 out of 30 premises available for rent on the PropertyNews website, within the BT7 area, there were 7 licensed HMOs which represented 29 bed spaces. The availability of the HMO accommodation ranged from immediately to September 2023 and anecdotal evidence from previous conversations with HMO managing agents suggested that there was currently a lack of HMO accommodation available in that locality.

The Houses in Multiple Occupation Manager explained that, in assessing the number and capacity of licensed HMOs, as well as the need for HMO accommodation in the locality, officers could not be satisfied that the granting of the HMO licence would not result in overprovision of HMO accommodation in the locality of the accommodation for the purpose of section 8(2)(d) of the 2016 Act.

The Chairperson welcomed the Applicant, Ms. O. O'Sullivan, and her Managing Agent, Mr. C. Dolan, to the meeting.

(As neither deputation had consented to being recorded the audio stream was switched off at this point in proceedings)

Ms. O'Sullivan advised the Committee that she had been a landlord for ten years and that she had been told that she was required to place the advert in two papers, which had caused the delay. She also stated that she would have submitted her application

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earlier had she known about the 20% limit within Policy HOU10 in the LDP. She stated that it had taken the Planning Service 7 months to consider her CLUED application, which had further delayed her application.

After discussion, it was

Moved by Councillor McCann,
Seconded by Councillor Smyth and

Resolved – That the Committee agrees to refuse the application as, in accordance with Section 12 of the Houses in Multiple Occupation Act (Northern Ireland) 2016, it was satisfied that the granting of the HMO licence would result in overprovision of HMO accommodation in the locality of the accommodation, as determined under section 8(2)(d) of the Act.

**Application for a New Licence to operate a House
of Multiple Occupation for Apartment 2, 169 Stranmillis Road**

(Councillor Anglin, having declared an interest in the item, did not participate in the discussion and left the meeting at this point)

The Houses in Multiple Occupation Manager provided the Committee with the details of the application. He explained that the property had had the benefit of an HMO licence having been issued by the NI Housing Executive in the name of the of the previous owner, a relative of the applicant. However, on 18th June, 2020, the ownership of the accommodation transferred to Mr. A. Watkins and, in accordance with section 28(2) of the Houses in Multiple Occupation Act, the existing licence ceased to have effect on that date.

On 6th June, 2023, an HMO licence application was received from the owner of the accommodation. The Committee was advised that, had the new owner applied for a licence before the change of ownership had taken place, the licence which had already been in effect in respect of the HMO would have been treated as being held by the new owner until such time as their application had have been determined.

The Houses in Multiple Occupation Manager outlined that, pursuant to the 2016 Act, the Council could only grant a licence if it was satisfied that:

- 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, were fit and proper persons;
- c) the proposed management arrangements were satisfactory);
- d) the granting of the licence would not result in overprovision of HMOs in the locality;
- e) the living accommodation was fit for human habitation and—
 - v. was suitable for occupation as an HMO by the number of persons to be specified in the licence, or

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- vi. could be made so suitable by including conditions in the licence.

He confirmed to the Committee, that, as it was a new application, the Council's Planning Service was consulted. It had confirmed that a Certificate of Lawful Existing Use or Development ("CLEUD") had been granted on 16th March, 2021.

It was reported that the NIHMO Unit had consulted with Environmental Protection Unit in relation to daytime noise; Public Health and Housing Unit in relation to rubbish accumulation/filthy premises; and the Enforcement Unit in relation to litter and waste and all had confirmed that there had been no relevant enforcement action required in respect of any of the issues in the HMO in the last 5 years.

The Committee was advised that one noise warning notice had been issued, relating to nighttime noise at the property, on 20th August 2023. Officers were not aware of any issues relevant to the Applicant's fitness.

No objections were received in relation to this application.

For the purpose of Section 12(2) of the 2016 Act, the Council had determined the locality of the accommodation as being Housing Management Area (HMA) "2/17 Sandymount", as defined in the Council's Local Development Plan Strategy, which had been formally adopted on 2nd May, 2023.

Legal Services had advised that there was a clear requirement upon the Council, in Section 8 of the 2016 Act, to be satisfied that the granting of a licence would not result in overprovision. In making such a decision, the Council had had regard to:

- a) the number and capacity of licensed HMOs in the locality; and
- b) the need for housing accommodation in the locality and the extent to which HMO accommodation was required to meet that need.

To inform the Council in its consideration of the above provisions, the Council had taken account of the 2023 Strategy given that "Nurturing sustainable and balanced communities was a fundamental aim of the LDP's housing policies." In particular, the Council had considered Policy HOU10, which stated:

"Within designated HMAs, planning permission will only be granted for Houses in Multiple Occupation (HMOs) and/or flats/apartments where the total number of HMOs and flats/apartments combined would not as a result exceed 20% of all dwelling units within an HMA."

It was reported that, on the date of assessment, 18th August, 2023, 77% of all dwelling units in policy area "HMA 2/17 Sandymount" were made up of HMOs and flats/apartments, which in turn exceeded the 20% development limit as set out at Policy HOU10. There were 114 (66%) licensed HMOs with a capacity of 502 persons in HMA 2/17 Sandymount.

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There were a total of 172 dwelling units in “HMA 2/17 Sandymount”. The Committee was advised that the fact that the use of the property as an HMO was permitted for planning purposes was a relevant consideration in determining whether the granting of the licence would result in overprovision.

The Houses in Multiple Occupation Manager reminded the Committee that there was a need for intensive forms of housing and, to meet that demand, HMOs were an important component of the housing provision. HMOs, alongside other accommodation options within the private rented sector, played an important role in meeting the housing needs of people who were single, who had temporary employment, students, low income households and, more recently, migrant workers.

The Committee was advised that, on 18th August, 2023, out of 62 premises available for rent on the PropertyNews website within the BT9 area, there were 14 licensed HMOs which represented 55 bed spaces. The availability of the HMO accommodation ranged from immediately to September 2023. The HMO Manager added that anecdotal evidence from previous conversations with HMO managing agents suggested that there was currently a lack of HMO accommodation available in that locality.

The Committee was advised that, with the continued expansion of the Purpose Built Managed Student Accommodation (PBMSA) sector and students transitioning from private rentals to PBMSAs, it was too early to tell whether the increased competition from nonstudents for HMOs was a temporary problem, which could be managed by the reduction in students residing in existing HMO accommodation within the locality, or evidence of an emerging long-term supply issue.

The Houses in Multiple Occupation Manager explained that, in assessing the number and capacity of licensed HMOs, as well as the need for HMO accommodation in the locality, officers could not be satisfied that the granting of the HMO licence would not result in overprovision of HMO accommodation in the locality of the accommodation for the purpose of section 8(2)(d) of the 2016 Act.

The Chairperson welcomed Mr. W. Sinton, Legal representative for the applicant, and Mr. A. Watkins, Applicant, to the meeting.

Mr. Sinton advised the Committee that there were particular personal circumstances which the Committee should be mindful of. He outlined that the property had been transferred to the Applicant from his mother, Mrs. Watkins, in June 2020. He highlighted that Mrs. Watkins had moved out of her family home at that time in order to care for her elderly father who had dementia and for her mother who was seriously ill with cancer. He explained that, due to the travel restrictions which had been in place at that time, and additionally because her husband, a Consultant Paediatrician, was still seeing patients, Mrs. Watkins had been unable to access the records for the HMO property.

He highlighted that Mrs. Watkins had acted in good faith in transferring the property to her son and that it was her understanding that the HMO licence would transfer with it. Indeed, she had written to the NI Housing Executive in April 2020 to advise it of

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her intentions. No response had been received and her correspondence had not been forwarded to the Council. The Committee was advised that, had NIHE or the Council responded to advise Mrs. Watkins that the transfer of the licence was not possible, there would have been a sufficient period of time in which she could have sought a new HMO licence under Section 28 of the HMO Act NI 2016, before the overprovision limits had taken effect. He added that the granting of a licence to the applicant would not result in a net increase in HMOs in the area, given the previous licence. The Committee was also reminded that Mr. A. Watkins had obtained a CLEUD subsequent to the transfer of the property.

A Member stated that there had been a history of bad planning decisions in relation to HMO applications in the area in question, with a number of issues regarding waste and cleansing. He highlighted that there had been three years between the transfer of ownership of the property and an application for a licence being submitted.

A further Member added that, while sympathetic to the former owner's difficult circumstances, three years was not an insignificant period of time and that 66% of licensed HMOs was substantially above the 20% limit as established in Policy HOU10.

After discussion, it was

Moved by Councillor Murray,
Seconded by Councillor Ó Néill and

Resolved – That the Committee agrees to refuse the application as, in accordance with Section 12 of the Houses in Multiple Occupation Act (Northern Ireland) 2016, it is satisfied that the granting of the HMO licence would result in overprovision of HMO accommodation in the locality of the accommodation, as determined under section 8(2)(d) of the Act.

Chairperson