

Public Document Pack

**Democratic Services Section
Legal and Civic Services Department
Belfast City Council
City Hall
Belfast
BT1 5GS**

14th November, 2024

MEETING OF LICENSING COMMITTEE

Dear Alderman/Councillor,

In addition to those matters previously notified to you, the following item(s) will also be considered at the meeting to be held at 5.15 pm on Wednesday, 20th November, 2024.

Yours faithfully,

JOHN WALSH

Chief Executive

AGENDA:

- 2 (e) Application for a New Licence to operate a House of Multiple Occupation for 15 Agincourt Street (Pages 1 - 28)

This page is intentionally left blank



Subject:	Application for a New Licence to operate a House of Multiple Occupation for 15 Agincourt Street, Belfast, BT7 1RB
Date:	20 November 2024
Reporting Officer:	Kevin Bloomfield HMO Unit Manager
Contact Officer:	Kevin Bloomfield HMO Unit Manager Nora Largey City Solicitor,

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

1.0	Purpose of Report or Summary of main Issues								
1.1	To consider an application for a Licence permitting the use of premises as a House in Multiple Occupation (HMO). <table border="1" style="width: 100%; margin-top: 10px;"> <thead> <tr> <th style="width: 30%;">Premises</th> <th style="width: 20%;">Application No.</th> <th style="width: 25%;">Applicant(s)</th> <th style="width: 25%;">Managing Agents</th> </tr> </thead> <tbody> <tr> <td>15 Agincourt Street, Belfast, BT7 1RB</td> <td>11261</td> <td>Mr John Mccauley</td> <td>360 Residential Ltd</td> </tr> </tbody> </table>	Premises	Application No.	Applicant(s)	Managing Agents	15 Agincourt Street, Belfast, BT7 1RB	11261	Mr John Mccauley	360 Residential Ltd
Premises	Application No.	Applicant(s)	Managing Agents						
15 Agincourt Street, Belfast, BT7 1RB	11261	Mr John Mccauley	360 Residential Ltd						
1.2	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.								
2.0	Recommendations								
2.1	Taking into account the information presented Committee is asked to hear from the Applicant and make a decision to either: <ul style="list-style-type: none"> (i) Grant the application, with or without any special conditions; or (ii) Refuse the application. <p><u>Notice of proposed decision</u></p>								
2.2	On the 15 October 2024, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 (“the 2016 Act”), officers issued a Notice of Proposed Decision. Appendix 2								

2.3	The Notice of Proposed Decision stated that the Council proposed to refuse the licence on the grounds of overprovision. A statement of reasons for the proposal was included in the Notice of Proposed Decision.
2.4	If the application is refused, the Applicant has a right of appeal to the County Court. An appeal must be lodged within 28 days of formal notification of the Council's decision.
3.0	Main report
	<u>Background</u>
3.1	The property had the benefit of an HMO licence issued by the Housing Executive in the name of Mr. John Macauley with an expiry date of the 02 June 2019. On the 19 April 2019 an application was received from Ms. Mary Mccauley which was subsequently granted in her name with an expiry date of the 02 June 2024.
3.2	On the 08 May 2024 an application was received from Mr. John Mccauley. On the 16 May 2024 the HMO office request confirmation of ownership from Mr. Mccauley and on the 21 May 2024, confirmation was received from the applicant's solicitor that Mr. Macauley was the sole owner of the accommodation from the 29 July 2005.
3.3	Section 8 of the 2016 Act requires an application for an HMO licence to be made to the Council by the owner of the living accommodation in question, as the application submitted on the 19 April 2019 was not in the name of the owner the provisions of section 8 of the 2016 Act were not fulfilled. As such the Council is therefore obliged to consider the application submitted by Mr. Macauley on the 16 May 2024 as a new application.
	<u>Key Issues</u>
3.4	Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that: <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.
	<u>Planning</u>
3.5	As this is a new application the Council's Planning Service was consulted. It confirmed that a Certificate of Lawful Existing Use or Development ("CLEUD") was granted on 09 September 2019 with the planning reference LA04/2019/1291/LDE
	<u>Fitness</u>
3.6	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.

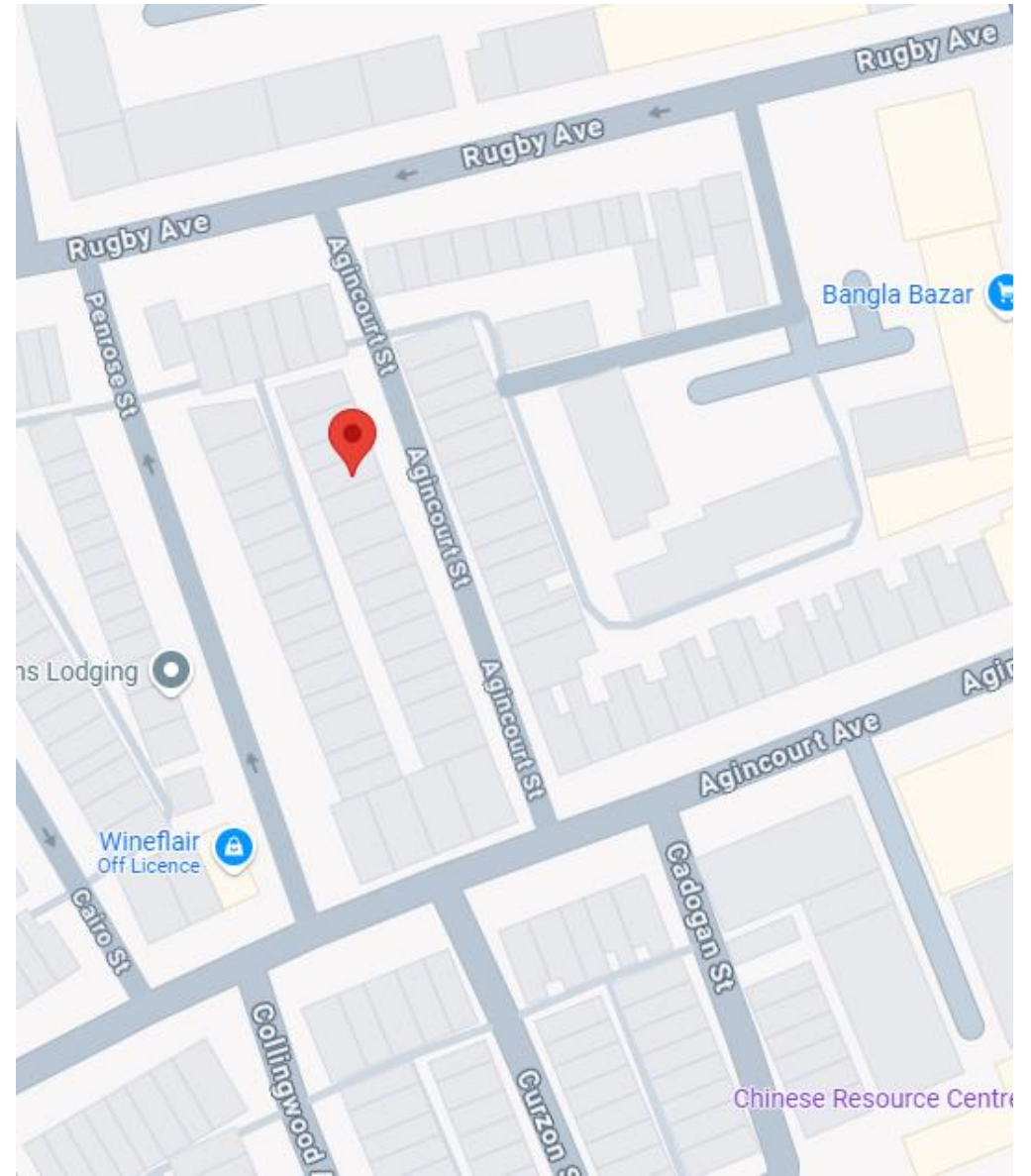
3.7	<p>The NIHMO Unit has consulted with the following units within the Council’s City and Neighbourhood Services Department –</p> <ul style="list-style-type: none"> (a) Environmental Protection Unit (“EPU”) - who have confirmed that in relation to night-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years, (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) Enforcement Unit (“EU”) - who have 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,
3.8	<p>The applicant has confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.8 of this report.</p>
3.9	<p>The Applicant has 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.</p>
3.10	<p>Officers are not aware of any other issues relevant to the Applicant’s fitness.</p>
	<p><u>Overprovision</u></p>
3.11	<p>For the purpose of Section 12(2) of the 2016 Act. The Council has determined the locality of the accommodation, 15 Agincourt Street, Belfast, BT7 1RB as being Housing Management Areas (HMA) “HMA 2/22 Botanic, Holylands, Rugby” as defined in the document Belfast City Council’s Local Development Plan Strategy “2023 Strategy” which was formally adopted on the 2 May 2023.</p>
3.12	<p>Legal Services has advised that there is a clear requirement in section 8 of the 2016 Act upon the Council to be satisfied that the granting of a licence will not result in overprovision.</p>
3.13	<p>In making this decision the Council has had regard to:</p> <ul style="list-style-type: none"> (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.
3.14	<p>To inform the Council in its consideration of the above provisions, the Council has taken account of the 2023 Strategy given that <i>“Nurturing sustainable and balanced communities is a fundamental aim of the LDP’s housing policies.”</i></p>
3.15	<p>In particular, the Council has considered Policy HOU10:-</p> <p>HOU10 states – <i>“Within designated HMAs, planning permission will only be granted for Houses in Multiple Occupation (HMOs) and/or flats/apartments where the total number of</i></p>

3.16	<p><i>HMOs and flats/apartments combined would not as a result exceed 20% of all dwelling units within an HMA.”</i></p>
<p>(a) The number and capacity of licensed HMOs in the locality</p>	
3.17	<p>On the date of assessment, 15 October 2024, 88% of all dwelling units in policy area HMA 2/22 Botanic, Holylands, Rugby was made up of HMOs and (intensive forms of accommodation) flats/apartments, which in turn exceeds the 20% development limit as set out at Policy HOU10. There are 1131 (46%) licensed HMOs with a capacity of 4784 persons in HMA 2/22 Botanic, Holylands, Rugby.</p>
<p>(b) The need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need.</p>	
3.18	<p>The total number of dwelling units in a HMA is measured by Ordnance Survey’s Pointer database. There are a total of 2476 dwelling units in HMA 2/22 Botanic, Holylands, Rugby</p>
3.19	<p>On the 15 October 2024 out of 47 premises available for rent within the BT7 area on the website PropertyNews.com there were 12 licensed HMOs containing 51 bedspaces. The HMO accommodation was available immediately.</p>
3.20	<p>The fact that the use of the property as an HMO is permitted for planning purposes is a relevant consideration in determining whether the grant of this licence will result in overprovision.</p>
3.21	<p>The Council recognises that there is a need for intensive forms of housing and to meet this demand, HMOs are an important component of this housing provision. HMOs, alongside other accommodation options within the private rented sector, play an important role in meeting the housing needs of people who are single, who have temporary employment, students, low-income households and, more recently, migrant workers.</p>
3.22	<p>In September 2017 the Housing Executive published the document “Housing Market Analysis Update – Belfast City Council Area” which states “HMOs form an important element of the PRS, particularly for younger people on low incomes and for single people, under the age of 35, affected by the limitation of housing benefit to the shared room rate. Anecdotal evidence also indicates that this has been a popular sector with migrant workers.”</p>
<p>Students moving out of HMO accommodation.</p>	
3.23	<p>On the 7 December 2022 Ulster University Director of Campus Life told members of the Council’s City Growth and Regeneration Committee that there was an “increase in competition for HMO’s particularly from NIHE, Immigration Services and statutory agencies and there were increasing accommodation issues across the housing sector which required a holistic view and should include the consideration of international students, families and graduates looking for professional accommodation.”</p>
3.24	<p>However, QUB Director of Student Plus confirmed to members that the current trend indicated a significant move of students to purpose-built student accommodation blocks. She told members that there were 7,000 purpose built managed student accommodation (PBMSA) rooms in the city – the majority built since 2018 and approximately 5,000 in the city centre.</p>
3.25	<p>November 2023 monitoring information produced by the Council’s Planning Services for PBMSA indicates that 2055 bedspaces are currently under construction with an operational</p>

	<p>date of 2024, 92 bedspaces approved but construction hasn't commenced and 1426 bedspaces going through the planning process.</p>
3.26	<p>With the continued expansion of the PBMSA sector and students transitioning from private rentals to PBMSAs, it is too early to tell whether the increased competition from non-students for HMOs is a temporary problem (which can be managed by the contraction in students residing in existing HMO accommodation within the locality) or evidence of an emerging long-term supply issue.</p> <p>Section 8(2)(d) of the 2016 Act</p>
3.27	<p>In assessing the number and capacity of licensed HMOs as well as the need for HMO accommodation in the locality, officers cannot be satisfied that the granting of the HMO licence will 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.</p> <p><u>Objections</u></p>
3.28	<p>No objections were received in relation to this application.</p> <p><u>Attendance</u></p>
3.29	<p>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><u>Suitability of the premises</u></p>
3.30	<p>The accommodation was certified as complying with the physical standards for an HMO for 5 persons by a technical officer from the NIHMO service, on the 12 August 2024.</p> <p><u>Notice of proposed decision</u></p>
3.31	<p>On the 15 October 2024, 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. Appendix 2</p>
3.32	<p>The Notice of Proposed Decision stated that the Council proposed to refuse the licence on the grounds of overprovision. A statement of reasons for the proposal was included in the Notice of Proposed Decision.</p> <p><u>Applicant's response to the notice of proposed decision</u></p>
3.33	<p>On the 6 November 2024 representations were received on behalf of the applicant from McCann & McCann Solicitors. These are attached at Appendix 3 of this report.</p> <p><u>Officers' response to representations</u></p>
3.34	<p>Officers' response to the representations made on behalf of the applicant can be found at Appendix 4 of this report.</p> <p><u>Financial and Resource Implications</u></p>
3.35	<p>None. The cost of assessing the application and officer inspections is provided for within existing budgets.</p>

3.36	<p><u>Equality and Good Relations Implications</u></p> <p>There are no equality or good relations issues associated with this report.</p>
	<p>Appendices – Documents Attached</p>
	<p>Appendix 1 – Location Map Appendix 2 – Notice of Proposed Decision. Appendix 3 – Representations in response to the notice of proposed decision. Appendix 4 – Officers response to representations made on behalf of the applicant.</p>

Appendix 1 – External Photograph and Location Map – 15 Agincourt Street, Belfast, BT7 1RB



This page is intentionally left blank

By virtue of paragraph(s) 2 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank