

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



**Belfast  
City Council**

15th October, 2021

## **MEETING OF LICENSING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet in the Council Chamber and via Microsoft Teams on Wednesday, 20th October, 2021 at 5.00 p.m., for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

### **AGENDA:**

#### **1. Routine Matters**

- (a) Apologies
- (b) Minutes
- (c) Declarations of Interest

#### **2. Delegated Matters**

- (a) Applications Approved under Delegated Authority (Pages 1 - 2)
- (b) Application for the Grant of a Seven-Day Annual Outdoor Entertainments Licence - Banana Block, 310 Newtownards Road (Pages 3 - 10)
- (c) Application for the Grant of a Seven-Day Annual Outdoor Entertainments Licence - Northwood Linear Park (Pages 11 - 16)
- (d) Application for the Grant of a Seven-Day Annual Indoor Entertainments Licence - Common Market, 16 - 20 Dunbar Street (Pages 17 - 44)

- (e) Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority (Pages 45 - 48)
- (f) Application for a New Licence to Operate a House of Multiple Occupation – 8 Jerusalem Street (Pages 49 - 78)
- (g) Application for the Renewal of a Licence to Operate a House of Multiple Occupation - 12 Curzon Street (Pages 79 - 106)

**3. Non-Delegated Matters**

- (a) Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (report to follow)



<b>Subject:</b>	<b>Applications Approved under Delegated Authority</b>
<b>Date:</b>	20th October, 2021
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, Ext. 2435
<b>Contact Officer:</b>	James Cunningham, Senior Licensing Officer, Ext. 3375

<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If Yes, when will the report become unrestricted?</b>	
<b>After Committee Decision</b>	<input type="checkbox"/>
<b>After Council Decision</b>	<input type="checkbox"/>
<b>Sometime in the future</b>	<input type="checkbox"/>
<b>Never</b>	<input type="checkbox"/>

<b>Call-in</b>	
<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 or Summary of Main Issues</b>
1.1	Under the Scheme of Delegation, the Director of Planning and Building Control is responsible for exercising all powers in relation to the issue, but not refusal, of Permits and Licences, excluding provisions relating to the issue of Licences where adverse representations have been made.
<b>2.0</b>	<b>Recommendations</b>
2.1	The Committee is requested to note the applications that have been issued under the Scheme of Delegation.

<b>3.0</b>	<b>Main Report</b>												
	<p><b><u>Key Issues</u></b></p> <p>3.1 Under the terms of the Road Traffic Regulation (Northern Ireland) Order 1997, the following Road Closure Orders were made since your last meeting.</p> <table border="1"> <thead> <tr> <th><b>Location</b></th> <th><b>Type of Activity</b></th> <th><b>Date and Hours permitted</b></th> <th><b>Applicant</b></th> </tr> </thead> <tbody> <tr> <td>Geneva Gardens</td> <td>Street Party</td> <td>2pm – 7pm 22<sup>nd</sup> Aug 2021</td> <td>Bernadette Bridges</td> </tr> <tr> <td>Across Belfast</td> <td>Marathon</td> <td>6am – 11am 03<sup>rd</sup> Oct 2021</td> <td>Claire O’Neil</td> </tr> </tbody> </table> <p><b><u>Financial and Resource Implications</u></b></p> <p>3.2 None</p> <p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p> <p>3.3 There are no issues associated with this report.</p>	<b>Location</b>	<b>Type of Activity</b>	<b>Date and Hours permitted</b>	<b>Applicant</b>	Geneva Gardens	Street Party	2pm – 7pm 22 <sup>nd</sup> Aug 2021	Bernadette Bridges	Across Belfast	Marathon	6am – 11am 03 <sup>rd</sup> Oct 2021	Claire O’Neil
<b>Location</b>	<b>Type of Activity</b>	<b>Date and Hours permitted</b>	<b>Applicant</b>										
Geneva Gardens	Street Party	2pm – 7pm 22 <sup>nd</sup> Aug 2021	Bernadette Bridges										
Across Belfast	Marathon	6am – 11am 03 <sup>rd</sup> Oct 2021	Claire O’Neil										



<b>Subject:</b>	<b>Application for the Grant of a Seven-Day Annual Outdoor Entertainments Licence - Banana Block, 310 Newtownards Road</b>
<b>Date:</b>	20th October, 2021
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, Ext. 2435
<b>Contact Officer:</b>	Darren McCamphill, Lead Building Control Surveyor, Ext 2444

<b>Restricted Reports</b>	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

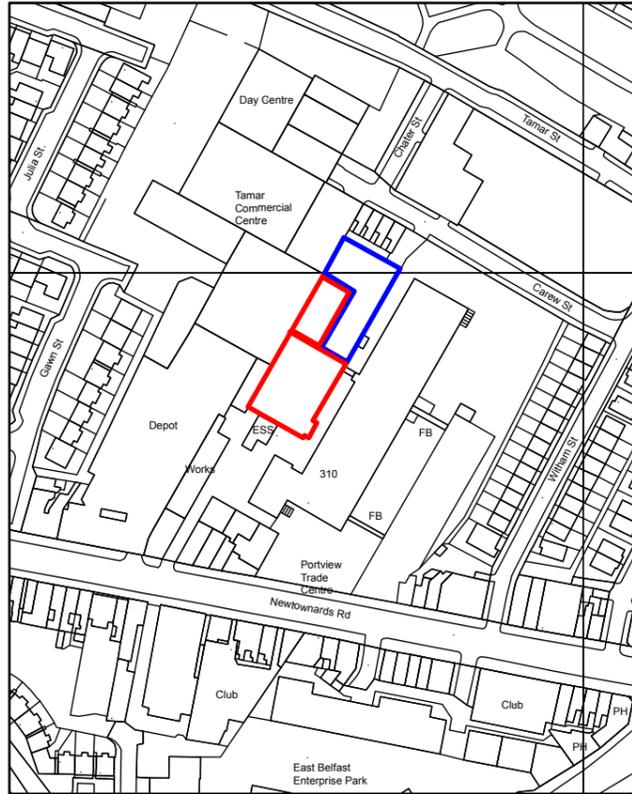
<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>						
1.1	<p>To consider an application for the grant of a 7-Day Annual Outdoor Entertainments Licence based on the Council's standard conditions to provide outdoor musical entertainment.</p> <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 33%;"><b>Area and Location</b></td> <td style="width: 33%;"><b>Ref. No.</b></td> <td style="width: 33%;"><b>Applicant</b></td> </tr> <tr> <td>Banana Block 310 Newtownards Road Belfast, BT4 1HE</td> <td>WK/2020/01331</td> <td>Mr Ralf Alwani Belfast Rooftops Ltd.</td> </tr> </table>	<b>Area and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	Banana Block 310 Newtownards Road Belfast, BT4 1HE	WK/2020/01331	Mr Ralf Alwani Belfast Rooftops Ltd.
<b>Area and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
Banana Block 310 Newtownards Road Belfast, BT4 1HE	WK/2020/01331	Mr Ralf Alwani Belfast Rooftops Ltd.					
1.2	A location map is attached at Appendix 1						

1.3	Members are reminded that all applications for the grant of Outdoor Entertainments Licences must be brought before the Committee for consideration.
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>Taking into account the information presented and any representations made in respect of the application you are required to make a decision to either:</p> <ul style="list-style-type: none"> <li>a) Approve the application for the grant of the Seven-Day Annual Outdoor Entertainments Licence, or</li> <li>b) Approve the application for the grant with special conditions, or</li> <li>c) Refuse the application for the grant of the Seven-Day Annual Outdoor Entertainments Licence.</li> </ul>
2.2	<p>If an application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court. In the case that the applicant subsequently decides to appeal, outdoor entertainment may not be provided until any such appeal is determined.</p>
<b>3.0</b>	<b>Main Report</b>
3.1	<p><b><u>Key Issues</u></b></p> <p>The applicant has applied to provide entertainment within the outdoor area adjacent to the main building known as the Banana Block (see Appendix 2 - Block C and public realm area). The area will serve the Banana Block building, which is also subject to an application for Indoor Entertainment. If the Committee is minded to grant the Outdoor Entertainments Licence, it will not be issued until such time as the Indoor Entertainments Licence is granted. The applicant has indicated that the outdoor area will only be used for entertainment when entertainment is provided within the indoor space.</p>
3.2	<p>The standard days and hours for an Outdoor Entertainments Licence are:</p> <ul style="list-style-type: none"> <li>• Monday to Sunday: 11.30 am to 11.00 pm.</li> </ul>
3.3	<p>In addition, the following Special Conditions are usually attached to Outdoor Licences:</p> <ol style="list-style-type: none"> <li>1. Maximum numbers will be agreed at the discretion of the Building Control Service and will vary depending upon individual event set up proposals.</li> <li>2. Prior to any event taking place the promoters are required to demonstrate evidence of early consultation and have in place a robust system of dealing with any complaints, which has been agreed in advance with the Council.</li> <li>3. Any requests to provide entertainment later than 11.00 pm must be considered by the Licensing Committee and therefore must be made at least 3 months in advance of the proposed event.</li> </ol>

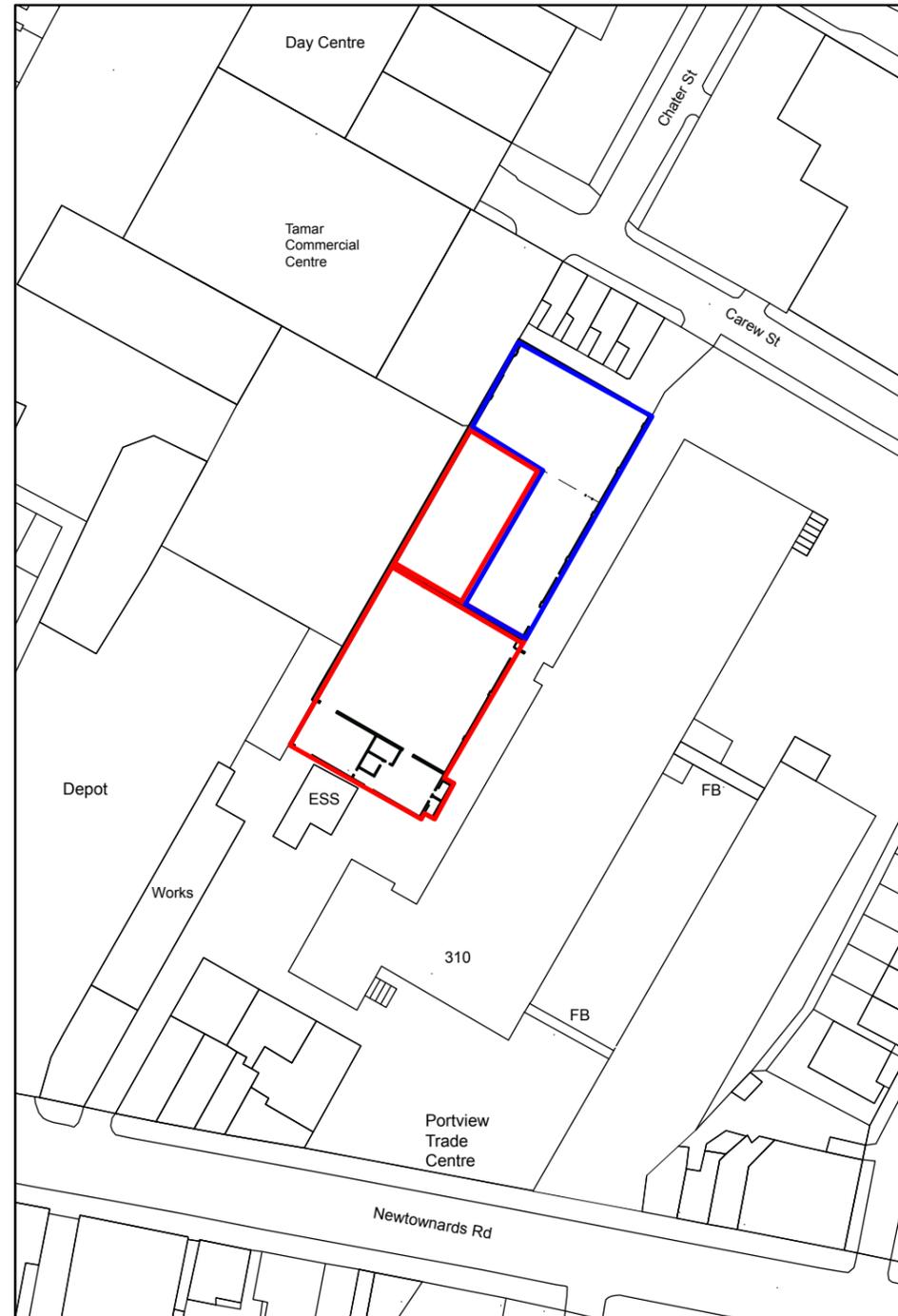
	<p>4. Should an application to provide entertainment beyond 11.00 pm be granted and the Council then receive a significant number of complaints regarding noise or the complaint is of such significant impact, authority is granted to the Director of Planning and Building Control, in consultation with the City Solicitor, to reduce the finishing time for any subsequent nights of the event, in which case the promoter will be required to make contingency arrangements.</p>
3.4	<p><b><u>Representations</u></b></p> <p>Public notice of the application has been placed and no written representation have been lodged as a result of the advertisement.</p>
3.5	<p><b><u>PSNI</u></b></p> <p>The Police Service of Northern Ireland has been consulted in relation to the application. At the time of writing this report, the Council has not received a response. An update will be provided at your meeting.</p>
3.6	<p><b><u>NIFRS</u></b></p> <p>The Northern Ireland Fire and Rescue Service was also consulted and has no objection to the application. It will be invited to attend any planning meetings and will be provided with any associated event documentation for comment.</p>
3.7	<p><b><u>Health, Safety and Welfare</u></b></p> <p>The applicant is developing a management plan outlining how the area will be managed to ensure the health and safety of their patrons and staff. Policies on customer social distancing, staff social distancing, PPE, handwashing and waiter service will be included in the plan.</p>
3.8	<p>When received, the Service will provide a copy of the applicant's proposals to mitigate the spread of COVID-19 to the Health and Safety section of City and Neighbourhood Services for their consideration.</p>
3.9	<p><b><u>Noise</u></b></p> <p>The applicant has been advised that an acoustic report will be required prior to outdoor entertainment being hosted at the venue. The report will be provided to the Environmental Protection Unit for evaluation.</p>
3.10	<p><b><u>Applicant</u></b></p> <p>The applicant, and/or their representatives, will be available at your meeting to answer any queries you may have in relation to the application.</p>
3.11	<p><b><u>Financial and Resource Implications</u></b></p> <p>None.</p>
3.12	<p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p> <p>There are no issues associated with this report.</p>

<b>4.0</b>	<b>Documents Attached</b>
	Appendix 1 – Location map Appendix 2 – Block C and public realm area

## Notes



01 | Location Plan  
 1:1250



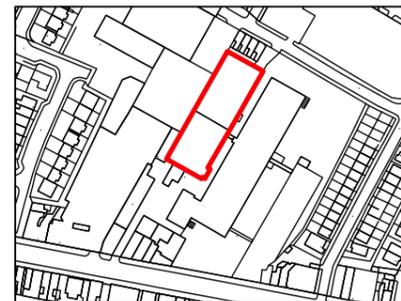
02 | Block Plan  
 1:500

Revision	Date	Description



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 Belfast  
 BT4 1HE  
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 Email: info@urbanscaleinterventions.com  
 Web: www.urbanscaleinterventions.com  
 Belfast | Derry-Londonderry | London

## Location



Project Name  
 36 Banana Block

Drawing Title  
 Existing Plan

Drawn	Checked	Approved	Status
HS	HS	RA	Planning
Date	Scale @ A1	Project No.	Revision
28/01/2021	Varies	036	01
Drawing Number 036_BC_PL_001			

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# Appendix 2

Funeral Directors

Funeral Directors Access

Access

Timber fence

Refuse

Sub-station

Block E - car parking spaces

Area for Portaloo

BLOCK C

Page 9

Entrance

Way finding graphics

Scaffold Privacy Screen

Festoon lighting

BLOCK D

Food Truck

BLOCK E

Outdoor Seating & Planting

Rain Canopies (standalone)

Festoon lighting

Patio Heater

BLOCK B

Way finding floor graphics

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All levels are in metres above Ordnance Datum.

All dimensions should be checked on site. Do not scale from this drawing. Urban Scale Interventions to be advised of any variation between the drawings and site conditions.

To be read in conjunction with design team information and other associated reports.

Urban Scale Interventions Ltd

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Belfast | Derry-Londonderry | London



Revision	Date	Description
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Location



Project Name  
36 Banana Field

Drawing Title  
Proposed Outdoor Landscape

Drawn	Checked	Approved	Status
HS			

Date	Scale @ A3	Project No.	Revision
18/01/2021	1:200	036	

Drawing Number  
04\_T1\_001

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<b>Subject:</b>	<b>Application for the Grant of a Seven-Day Annual Outdoor Entertainments Licence - Northwood Linear Park</b>
<b>Date:</b>	20th October, 2021
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, Ext. 2435
<b>Contact Officer:</b>	Stephen Hewitt, Building Control Manager, Ext. 2435

<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	<b>Yes</b> <input type="checkbox"/> <b>No</b> <input checked="" type="checkbox"/>
<b>If Yes, when will the report become unrestricted?</b>	
<b>After Committee Decision</b>	<input type="checkbox"/>
<b>After Council Decision</b>	<input type="checkbox"/>
<b>Sometime in the future</b>	<input type="checkbox"/>
<b>Never</b>	<input type="checkbox"/>

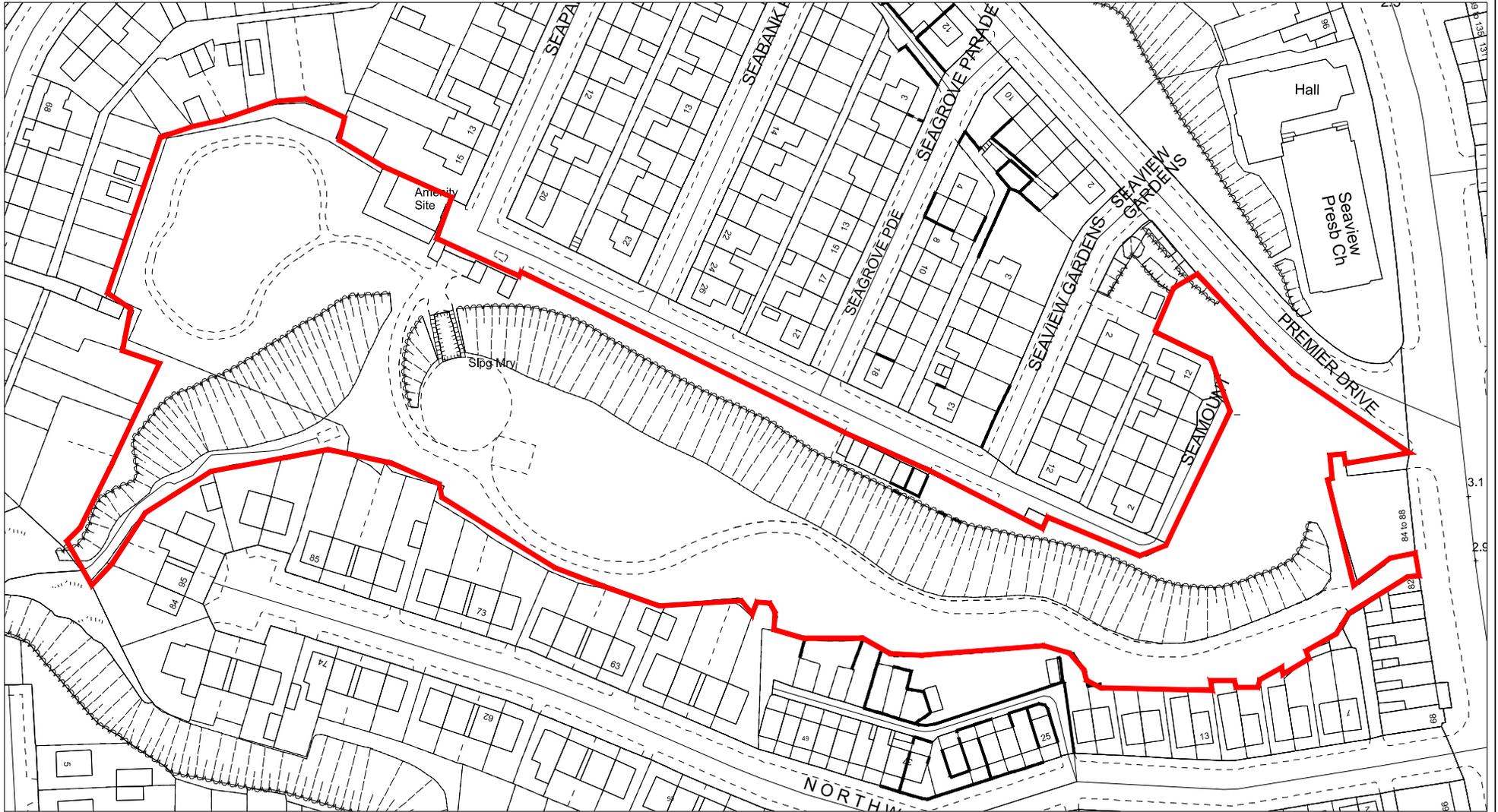
<b>Call-in</b>	
<b>Is the decision eligible for Call-in?</b>	<b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>						
1.1	<p>To consider an application for the grant of a Seven-day annual Outdoor Entertainments Licence in respect of Northwood Linear Park, based on the Council's standard conditions to provide outdoor musical entertainment.</p> <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 33%;"><b>Area and Location</b></td> <td style="width: 33%;"><b>Ref. No.</b></td> <td style="width: 33%;"><b>Applicant</b></td> </tr> <tr> <td>Northwood Linear Park Shore Road Belfast BT15 3LZ</td> <td>WK/2020/</td> <td>Mr. Ryan Black City and Neighbourhood Services Department Belfast City Council</td> </tr> </table>	<b>Area and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	Northwood Linear Park Shore Road Belfast BT15 3LZ	WK/2020/	Mr. Ryan Black City and Neighbourhood Services Department Belfast City Council
<b>Area and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
Northwood Linear Park Shore Road Belfast BT15 3LZ	WK/2020/	Mr. Ryan Black City and Neighbourhood Services Department Belfast City Council					
1.2	The dates of a forthcoming community event proposed to take place in the park are such that this is the only Committee meeting at which this matter can be considered.						

1.3	A location map is attached.
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>Taking into account the information presented and any representations made in respect of the application you are required to make a decision to either:</p> <ul style="list-style-type: none"> <li>a) Approve the application for the grant of the Seven-day annual Outdoor Entertainments, or</li> <li>b) Approve the application for the grant with special conditions, or</li> <li>c) Refuse the application for the grant of the Seven-Day Annual Outdoor Entertainments Licence.</li> </ul>
2.2	<p>If an application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court. In the case that the applicant subsequently decides to appeal, outdoor entertainment may not be provided until any such appeal is determined.</p>
<b>3.0</b>	<b>Main Report</b>
3.1	<p><b><u>Key Issues</u></b></p> <p>As for all licences associated with Council parks, the applicant is Mr. Ryan Black, Director of Neighbourhood Services.</p>
3.2	<p>The standard days and hours for an Outdoor Entertainments Licence are:</p> <ul style="list-style-type: none"> <li>• Monday to Sunday: 11.30 am to 11.00 pm.</li> </ul>
3.3	<p>In addition, the following Special Conditions are attached to Outdoor Entertainments Licences:</p> <ul style="list-style-type: none"> <li>• Maximum numbers will be agreed at the discretion of the Building Control Service and will vary depending upon individual concert set up proposals.</li> <li>• Prior to any event taking place the promoters are required to demonstrate evidence of early consultation and have in place a robust system of dealing with any complaints, which has been agreed in advance with the Council.</li> <li>• Any requests to provide entertainment later than 11.00 pm must be considered by the Licensing Committee and therefore must be made at least 3 months in advance of the proposed event.</li> <li>• Should an application to provide entertainment beyond 11.00 pm be granted and the Council then receive a significant number of complaints regarding noise or the complaint is of such significant impact, authority is granted to the Director of Planning and Building Control, in consultation with the City Solicitor, to reduce the finishing time for any subsequent nights of the event, in which case the promoter will be required to make contingency arrangements.</li> </ul>

3.4	<p>Members are reminded that all applications for the grant of Outdoor Entertainments Licences are subject to consideration by the Committee.</p> <p><b><u>Dockside Festival</u></b></p>
3.5	<p>At the Council meeting in July 2021, it was agreed to allocate £500k to a diversionary and festival programme, on the understanding that, as part of this programme, there would be events on Council land that would have to be organised within a tight timeframe.</p>
3.6	<p>It was further agreed that all planned events must be compliant with Covid restrictions at the time, with the use of Council Parks for approved events granted, if required, in compliance with existing Council policies and use of Council parks and open spaces. Approvals were subject to:</p> <ul style="list-style-type: none"> <li>• Negotiation of satisfactory terms and conditions of use, including any relevant fees, via an appropriate legal agreement prepared by the City Solicitor, including managing final booking confirmation dates and flexibility around ‘set up’ &amp; take down’ periods, and booking amendments, subject to; <ul style="list-style-type: none"> <li>• The applicant resolving any operational issues to the Council’s satisfaction;</li> <li>• Compliance with Coronavirus restrictions in place at the time of the event; and</li> <li>• The applicant complying with all relevant statutory licencing requirements.</li> </ul> </li> </ul>
3.7	<p>Subsequently, at the SP and R meeting on 24<sup>th</sup> September, The Hubb Community Resource Centre was awarded £44,000 to run a festival programme from 25<sup>th</sup> – 31<sup>st</sup> October.</p>
3.8	<p>Its showcase event is the Dockside Festival, which will utilise the Northwood Linear Park to host a family friendly, community event over the Halloween weekend on Friday 29th and Saturday 30th October.</p>
3.9	<p>Entertainment in the form of live bands and DJ’s will be provided on both evenings of the Festival finishing by 11.00 pm.</p> <p><b><u>Representations</u></b></p>
3.10	<p>Whilst public notice of the application has been placed in the press the date of the advertisement is such that the 28-day statutory period during which representations to the application may be made will not expire until after the outdoor events are scheduled to take place.</p>
3.11	<p>In the circumstances, where notification of a planned event is provided and there being no suitable alternative outdoor licenced venue to re-locate to, Members are asked to agree to grant approval for the events only and issue a licence for 29th and 30th of October.</p>
3.12	<p>To issue the licence, from a regulatory and enforcement perspective, is preferable to an event proceeding unlicensed.</p>
3.13	<p>At the time of writing this report, no representations have been received to the application.</p> <p><b><u>PSNI</u></b></p>
3.14	<p>The Police Service of Northern Ireland has been consulted in relation to the application. At the time of writing this report the Council has not received a response. An update will be provided for Members at your meeting.</p>

	<p><b><u>NIFRS</u></b></p> <p>3.15 The Northern Ireland Fire and Rescue Service has been consulted in relation to the application. When additional fire safety information is available to permit an assessment being made the NIFRS will provide a consultation response.</p> <p><b><u>Health, Safety and Welfare</u></b></p> <p>3.16 Officers from the Service will engage with the applicant and event organisers in the lead up to the event to ensure all documentation and technical information is in place.</p> <p>3.17 When received, the Service will provide a copy of the applicant's proposals to mitigate the spread of COVID-19 to the Health and Safety section of City and Neighbourhood Services for their consideration.</p> <p>3.18 Additionally, officers will inspect the site during the build of the event space and following its completion to ensure they are satisfied all safety and management procedures are in place.</p> <p><b><u>Noise</u></b></p> <p>3.19 The applicant has been requested to provide the Service with an acoustic report for the event. When received, it will be provided to the Environmental Protection Unit for evaluation.</p> <p>3.20 When a report has been developed for the event it will be considered by Officers to ensure the technical requirements are in accordance with all relevant legislation and guidance. The noise mitigation strategy must demonstrate that noise from the event will not cause unreasonable disturbance to commercial and residential premises.</p> <p>3.21 The organisers will also be required to produce a suitable neighbourhood notification letter and officers will agree the extent of its distribution prior to the event taking place.</p> <p><b><u>Applicant</u></b></p> <p>3.22 The applicant, and/or their representatives, for both the licence and the event will be available at the meeting to answer any queries you may have in relation to the application.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p>3.23 None.</p> <p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p> <p>3.24 There are no issues associated with this report.</p>
<b>4.0</b>	<b>Documents Attached</b>
	Location map



DRAWN BY **M Treacy**  
DATE **13/10/2021**

**Northwood Linear Park,  
Shore Road**

SCALE **1:1250 @ A4**

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## LICENSING COMMITTEE



**Belfast**  
City Council

<b>Subject:</b>	<b>Application for the Grant of a Seven-Day Annual Indoor Entertainments Licence - Common Market, 16 - 20 Dunbar Street</b>
<b>Date:</b>	20th October, 2021
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Quintin Thompson, Senior Building Control Surveyor, ext. 2570

<b>Restricted Reports</b>	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>						
1.1	To consider whether to accept a late objection to an application for the grant of a Seven-Day Annual Entertainments Licence for Common Market.						
1.2	<table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><b>Premises and Location</b></td> <td style="width: 33%;"><b>Ref. No.</b></td> <td style="width: 33%;"><b>Applicant</b></td> </tr> <tr> <td>Common Market 16-20 Dunbar Street Belfast, BT1 2LH</td> <td>WK/2020/1444</td> <td>Ms Alana Fox Carlisle Inns Limited 2-14 Dunbar Street Belfast, BT1 2LH</td> </tr> </table>	<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	Common Market 16-20 Dunbar Street Belfast, BT1 2LH	WK/2020/1444	Ms Alana Fox Carlisle Inns Limited 2-14 Dunbar Street Belfast, BT1 2LH
<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
Common Market 16-20 Dunbar Street Belfast, BT1 2LH	WK/2020/1444	Ms Alana Fox Carlisle Inns Limited 2-14 Dunbar Street Belfast, BT1 2LH					
1.3	The application was received on 9th July 2021. Subsequently, an objection was received outside the 28-day statutory period on 17th September, 2021.						

1.4	Should the Committee be minded to accept the late objection, it is then required to consider the application for the grant of a 7-Day Annual Indoor Entertainments Licence.
1.5	A location map is attached at Appendix 1.
<b>2.0</b>	<b>Recommendations</b>
2.1	As the objection against the application was received outside the 28-day statutory period the Committee is required to determine if it wishes to exercise its discretion to consider it.
2.2	If the Committee decides not to take the objection into account, then the grant application will be dealt with under the Scheme of Delegation.
2.3	Should it exercise its discretion, it is required to receive the person who made the representation, the applicant, and/or their representatives and, after having received their submissions, make a recommendation regarding the application. Both the applicant and the objector will be present should you decide to consider the objection.
2.4	Thereafter, taking into account the information presented and any representations received you are required to consider the application and to either: <ol style="list-style-type: none"> <li>1. Approve the application for the grant of Seven-Day Annual Indoor Entertainments Licence, or</li> <li>2. Approve the application for the grant of Seven-Day Annual Indoor Entertainments Licence with Special Conditions, or</li> <li>3. Refuse the application for the grant of Seven-Day Annual Indoor Entertainments Licence.</li> </ol>
2.5	If the application is refused, or Special Conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court.
2.6	If the application is refused and an appeal is lodged, entertainment may not be provided during the appeal period.
<b>3.0</b>	<b>Main Report</b>
	<b><u>Key Issues</u></b>
3.1	The applicant, Ms Alana Fox of Carlisle Inns Ltd., has applied for the grant of a Seven-Day Annual Indoor Entertainments Licence, based on the Council's standard conditions to provide indoor music, singing, dancing or any other entertainment of a like kind.
3.2	Common Market is located in the former Arnotts Fruit Market building and Ms Fox is also the licensee for the building adjacent to Common Market, 39 Gordon Street and Lux, 2-16 Dunbar Street.
3.3	Mr Lawrence Bannon, who is a consultant and advisor to Carlisle Inns Ltd., has been liaising directly with the Service in relation to the application.
3.4	The Committee is reminded that, at the meeting on 18th January 2017, it considered a report regarding representations received outside the 28-day statutory period and agreed to adopt the following criteria when considering late objections:

- Has a reasonable explanation been provided, in writing, by the objector as to why their representation was not made within the 28-day period;
- Does the representation provide substantially different additional information to that already contained within representations that have been received within the 28-day period;
- How far outside the 28-day period were the representations received;
- The proximity of the objectors to the premises;
- The number of other representations received outside the 28-day period; and
- Whether there are any other material considerations which would warrant consideration of the objection.

**Representations**

3.5 The objector was involved in a previous application for the provisional grant of an entertainments licence for this premises and, therefore, has knowledge of the building. That application was considered and approved by the Committee in December, 2018.

3.6 The objector has confirmed that his main concern is the safety and welfare of the patrons of the premises and businesses in the immediate vicinity and in the objection has highlighted the following issues:

- That the premises are effectively being operated as a "pop up pub",
- Lack of Planning permission for the current use,
- Protection of patrons from the asbestos roof,
- Inadequate provision of emergency exits, and
- The PSNI is not aware of the application.

3.7 Further to the objection, both parties agreed to meet to discuss the objector's concerns and attempt to resolve them. Following this meeting, which took place on 6th October, the objector advised that he wished to uphold his objection.

3.8 The objector noted in the original representation that he was unaware of the application for an entertainments licence and that if he had been aware of it, he would have immediately objected.

3.9 A copy of the objection email is attached at Appendix 2.

3.10 Should you exercise your discretion, you are required to receive the person who made the representation, the applicant, and/or their representatives and, after having received their submissions, make a recommendation regarding the application. If you do not wish to exercise discretion, then the grant application will be dealt with under the Scheme of Delegation.

**Details of the Premises**

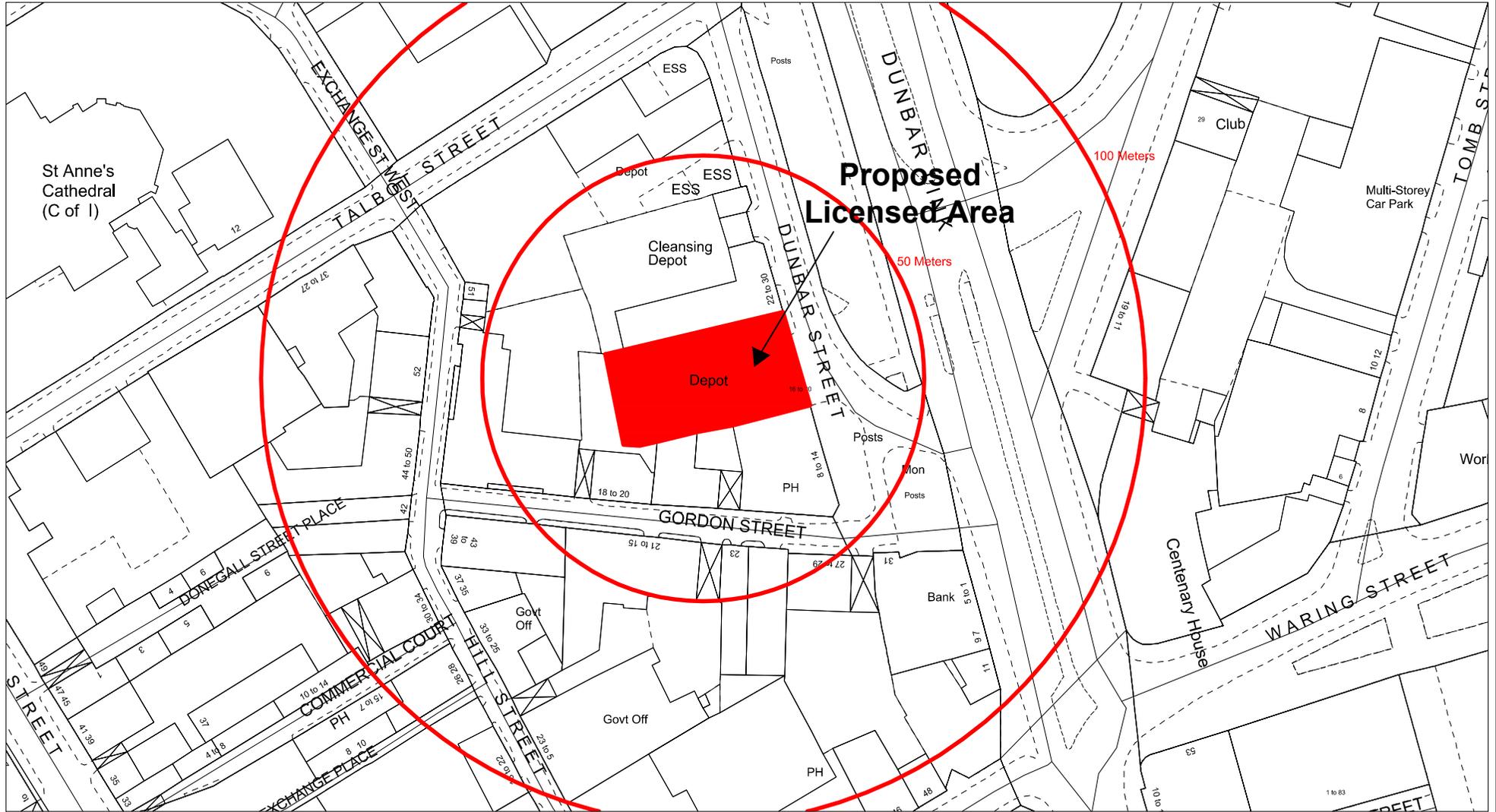
3.11 The areas where entertainment is proposed to be provided are as follows:

- Main Area (Ground Floor), with a maximum capacity of 290 persons
- Mezzanine Floor, with a maximum capacity of 60 persons

3.12	<p>The applicant has applied to provide entertainment on the following days and hours:</p> <ul style="list-style-type: none"> <li>• Monday to Saturday: 12.00 pm to 1.00 am the following morning, and</li> <li>• Sunday: 12.00 pm to 12.00 am.</li> </ul>
3.13	<p>The applicant initially applied to provide entertainment beyond the latest hour to which licences are normally granted for special events. However, Mr Lawrence Bannon advised the Service by email that they no longer require the extended hours at this time.</p>
3.14	<p>The applicant proposes to provide entertainment in the form of DJ's and live bands. During these occasions, they will operate a public bar facility via an occasional liquor licence.</p>
3.15	<p>This venue can potentially accommodate over 1,000 persons, however, the occupancy is restricted to 350 persons at this time due to emergency exit provision. A fire engineer has provided a strategy to ensure that adequate measures are in place to allow the 350 patrons to escape safely.</p>
3.16	<p>If in future the applicant wishes to increase the capacity, then additional emergency exits will be required. Mr Bannon has advised that he is negotiating with Belfast City Council to acquire permission to escape via the Council Depot on Dunbar Street.</p>
3.17	<p>Mr Bannon has advised that a Planning Application has been submitted in respect of the premises.</p>
3.18	<p>A Layout plan of the venue is attached at Appendix 3.</p>
	<p><b><u>PSNI</u></b></p>
3.19	<p>The PSNI has been consulted and has confirmed that it has no objection to the application. However, it does highlight that the proposed area is not covered by a 5(1)(a) Liquor Licence, as stated on the application form.</p>
3.20	<p>PSNI advises that, if the licence is granted, it expects that all current Covid-19 Regulations and Guidance and any current hospitality restrictions be strictly adhered to, implemented and enforced by the licence holder.</p>
3.21	<p>A copy of its correspondence is attached at Appendix 4.</p>
	<p><b><u>NIFRS</u></b></p>
3.22	<p>The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and has confirmed that it has no objection to the application.</p>
	<p><b><u>Health, Safety and Welfare Inspections</u></b></p>
3.23	<p>This building was previously used by Arnott's for fruit and vegetable storage. The applicant submitted a Building Regulations application for the change of use to an assembly building and a completion certificate for the works has been issued by the Service.</p>
3.24	<p>The existing roof of this building is covered with profiled cement-based sheets which contain asbestos. An asbestos report was submitted with the application, although the report did not mention the effect that loud music may have on the asbestos sheets. The applicant provided a further specialist report which detailed air sampling before and after playing loud music.</p>

3.25	<p>This report was provided to the Health and Safety Unit within the City and Neighbourhood Services Department, which has confirmed that the report by the asbestos analyst indicates that noise-induced asbestos fibre release is unlikely and, subject to the duty holder's ongoing responsibility to manage the asbestos containing materials within the premises, it would have no concerns.</p>
	<p><b><u>Noise Issues</u></b></p>
3.26	<p>Given the nature of the entertainment in the venue, an acoustic report outlining the measures to be taken to ensure minimal disturbance to persons in the neighbourhood, either due to noise breakout or from patron activity, has been requested from the applicant. The acoustic report has been submitted to the Environmental Protection Unit and consultations are ongoing with the Licensee in relation to the report.</p>
3.27	<p>If the Committee is of a mind to grant the application for the Entertainments Licence delegated authority is sought, before confirming the licence, to attach any terms and conditions to the Licence regarding the management of noise. Such conditions will only be attached with the full agreement of the licensee.</p>
	<p><b><u>Objector's Representation</u></b></p>
3.28	<p>The objector's Representation Forms are attached as Appendix 5 and they have been provided to the applicant, as required by the protocol.</p>
3.29	<p>In general, the representations relate to concerns as follows:</p> <ul style="list-style-type: none"> <li>• The premises do not have Planning Permission for the current use.</li> <li>• Contravention of the current planning consent brings into question the character and suitability of the applicant.</li> <li>• An opinion from an expert as to whether or not the asbestos could be released by sound energy or the transmission of vibration through rhythmic movement would not meet reasonable due diligence without physical on-site tests of a robust nature.</li> <li>• From knowledge of the premises and previous requirements of Building Control there are concerns regarding acoustics, fire compliance, toilet provision, emergency access and egress and noise nuisance in the neighbouring area.</li> </ul>
3.30	<p>The objector has been invited to attend the meeting to discuss any matters relating to their objections, should they arise.</p>
	<p><b><u>Applicant's Representation</u></b></p>
3.31	<p>The applicant has provided their Representation Form, as required by the Protocol, and a copy of their response is attached as Appendix 6.</p>
3.32	<p>The applicant's Representation Form has also been provided to the objectors, as required by the protocol.</p>
3.33	<p>A summary of the applicant's representation is as follows:</p> <ul style="list-style-type: none"> <li>• The objection received is a commercial objection which is unfounded, without merit and does not stand up to scrutiny.</li> <li>• The meritless objections should be given no consideration.</li> <li>• Asbestos report submitted to the satisfaction of Belfast City Council Health and Safety.</li> </ul>

<p>3.34</p> <p>3.35</p> <p>3.36</p> <p>3.37</p> <p>3.38</p> <p>3.39</p>	<ul style="list-style-type: none"> <li>• Acoustic report submitted to Belfast City Council Environmental Protection Unit.</li> <li>• Building works completed to the satisfaction of Belfast City Council Building Control.</li> </ul> <p>Following the PSNI response, the solicitor acting on behalf of Carlisle Inns Ltd confirmed that the application form was incorrect and the premises is not covered by a 5(1)(a) liquor licence.</p> <p>He stated that there have been various applications for occasional licences at the premises which use the Article 5(1)(a) licence held by Carlisle Inns Ltd for the adjoining premises at Gordon Street. This is where the confusion has arisen.</p> <p>The applicant and/or their representatives will be available at the meeting to answer any queries you may have in relation to the application.</p> <p><b><u>Counter Representations</u></b></p> <p>No counter representations have been received at the time of writing this report. A copy of the report has been provided to the applicant and objector and a verbal update will be provided in respect of any further representations which are received.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p>Officers carry out during performance inspections on premises providing entertainment this is catered for within existing budgets.</p> <p><b><u>Equality and Good Relations Implications/Rural Needs Assessment</u></b></p> <p>There are no issues associated with this report.</p>
<p><b>4.0</b></p>	<p><b>Documents Attached</b></p>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Location Map</li> <li>• Appendix 2 – Objection Email</li> <li>• Appendix 3 – Layout plans</li> <li>• Appendix 4 – PSNI response</li> <li>• Appendix 5 – Objector’s Representation form</li> <li>• Appendix 6 – Applicant’s Representation form</li> </ul>



DRAWN BY	M Treacy
DATE	12/10/2021

Common Market Arnotts Building, 16-20 Dunbar Street
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SCALE	1:1250 @ A4
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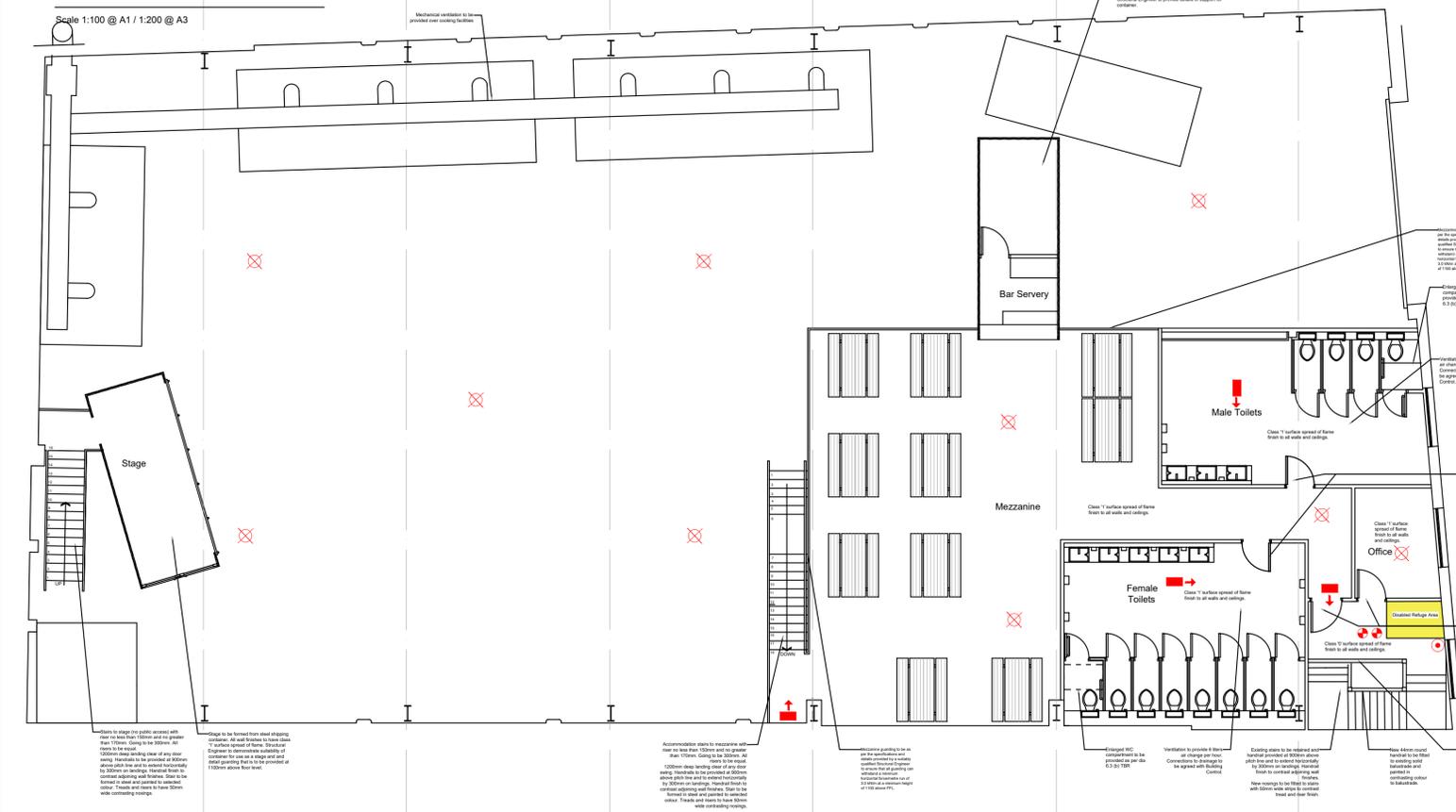
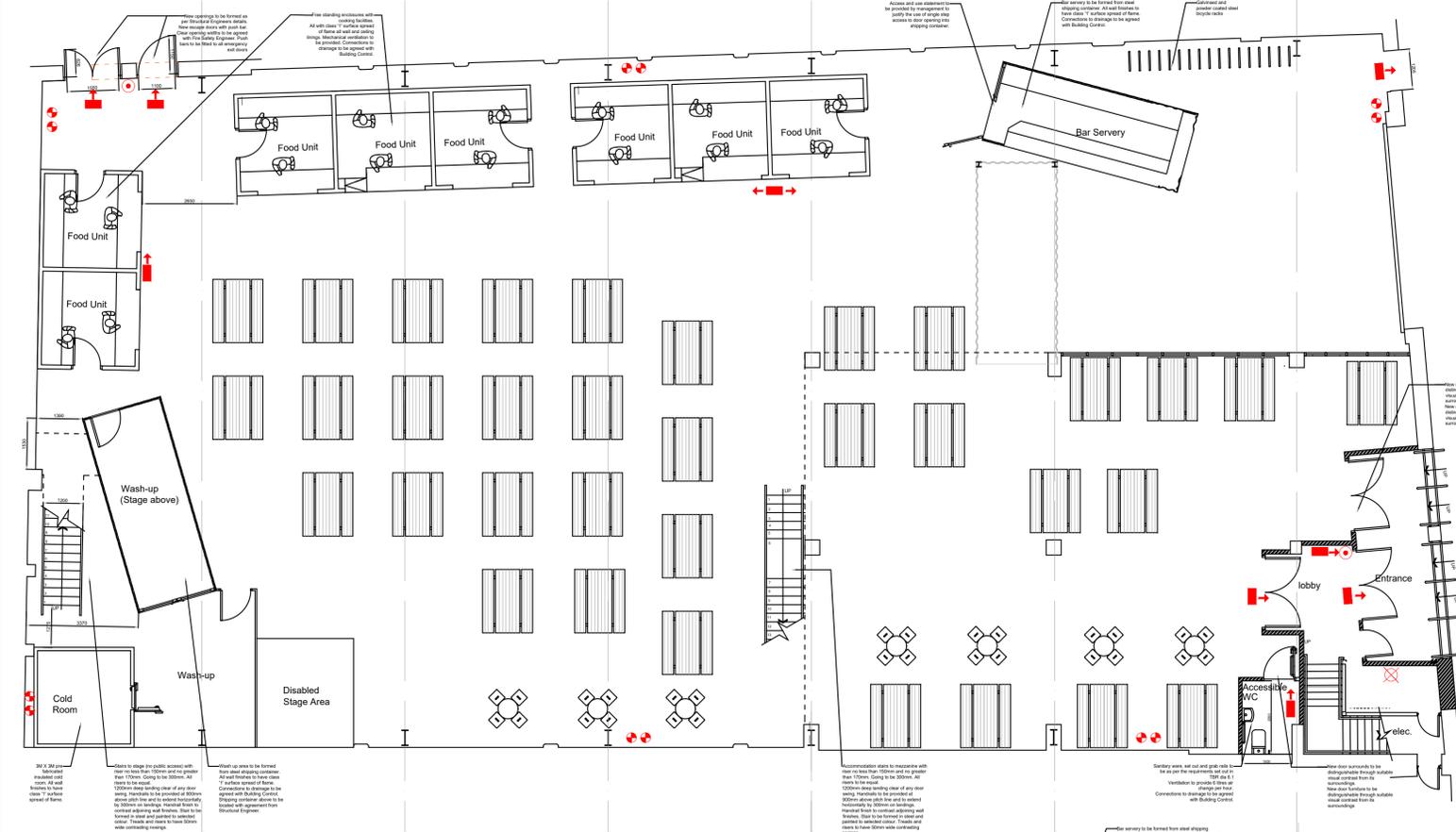
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of the Local Government Act (Northern Ireland) 2014.

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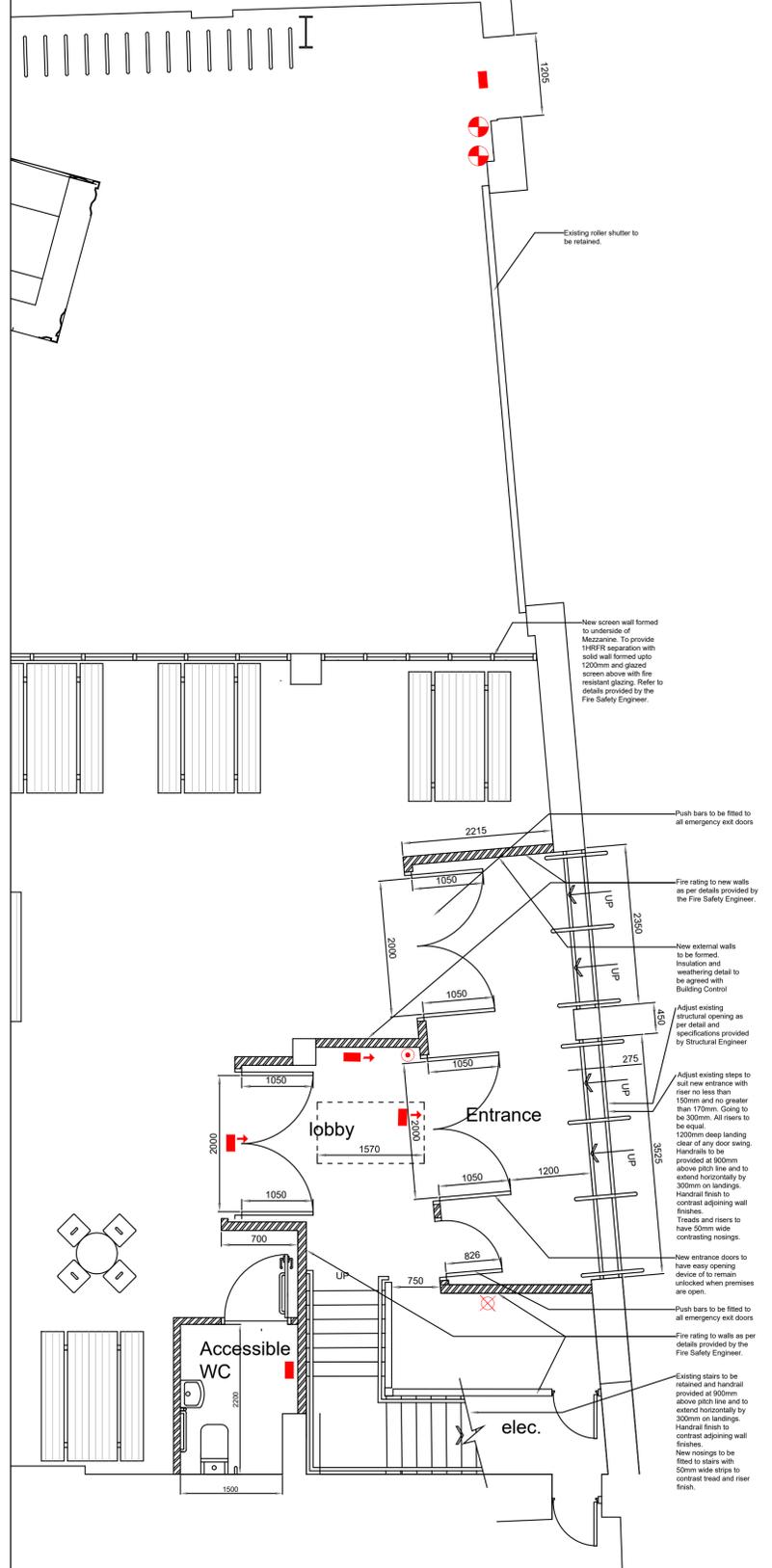
# Proposed General Arrangement Plans

Scale 1:100 @ A1 / 1:200 @ A3



Proposed Mezzanine Floor GA Plan  
Scale 1:100 @ A1 / 1:200 @ A3

## Appendix 3



Proposed Ground Floor Entrance Detail Plan  
Scale 1:50 @ A1 / 1:100 @ A3

- KEY :
- FIRE EXIT SIGN
  - BREAK POINT
  - EMERGENCY LIGHTING
  - SMOKE DETECTOR

PROJECT	Arnott's Fruit Warehouse		
ADDRESS	16 - 20 Dunbar Street, Belfast, BT1 2LH		
CLIENT	L Bannon		
DRG NO	REV	SCALE	DATE
PL-01	/	1:100@A1	July 2021
DRAWN BY	CHECKED BY		
MS	HJ		
DRG TITLE	Proposed Floor Plans - Electrical / Fire		

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

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<b>Subject:</b>	<b>Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority</b>
<b>Date:</b>	20th October 2021
<b>Reporting Officer:</b>	Kevin Bloomfield, NIHMO Manager
<b>Contact Officer:</b>	Vivienne Donnelly, City Protection Manager Kevin Bloomfield, NIHMO Manager

<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If Yes, when will the report become unrestricted?</b>	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

<b>Call-in</b>	
<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 or Summary of Main Issues</b>
<b>1.1</b>	Under the Scheme of Delegation, the Director of City and Neighbourhood Services is responsible for exercising all powers in relation to the issue and variation, but not refusal, of HMO Licences, excluding provisions relating to the issue of HMO Licences where adverse representations have been made. Those applications which were dealt with under the Scheme are listed below.
<b>2.0</b>	<b>Recommendations</b>
<b>2.1</b>	The Committee is requested to note the applications that have been issued under the Scheme of Delegation.

<b>3.0</b>	<b>Main Report</b>																																																																																														
	<b><u>Key Issues</u></b>																																																																																														
<b>3.1</b>	Under the terms of the Houses in Multiple Occupation Act (Northern Ireland) 2016, the following HMO Licences were issued during September, 2021.																																																																																														
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35 Melrose Street	Mrs. Jacqueline Fitzpatrick	WINDSOR	EDINBURGH ST HMO 2/08
17 Melrose Street	Mrs. Jacqueline Fitzpatrick	WINDSOR	EDINBURGH ST HMO 2/08
146 Cliftonpark Avenue	Mr. Mark Callaghan	WATER WORKS	None
10 Sandhurst Drive	Mr. Mark Hardy	STRANMILLIS	STRANMILLIS HMO 2/19
Flat 2, 37 Sandymount Street	Mr. Kieran Campbell	STRANMILLIS	SANDYMOUNT HMO 2/17
63 Rugby Road	Mr. Brendan Maguire	CENTRAL	BOTANIC, HOLYLANDS, RUGBY HMO 2/22
19 Donnybrook Street	Mr. David Allison	WINDSOR	EDINBURGH ST HMO 2/08
20 Penrose Street	Mr. Thomas Smyth	CENTRAL	BOTANIC, HOLYLANDS, RUGBY HMO 2/22
35 Magdala Street	Lottie Bear Limited	CENTRAL	BOTANIC, HOLYLANDS, RUGBY HMO 2/22
18 Fitzroy Avenue	E.L. Engineering LTD	CENTRAL	BOTANIC, HOLYLANDS, RUGBY HMO 2/22
38 Damascus Street	Mr. Alex Boyle	CENTRAL	BOTANIC, HOLYLANDS, RUGBY HMO 2/22
45 Stranmillis Gardens	Mr. John Kinney	CENTRAL	STRANMILLIS HMO 2/19
48 Sandymount Street	Mr. Richard John Finlay	STRANMILLIS	SANDYMOUNT HMO 2/17
88 Sandhurst Drive	Macleod Properties NI LTD	STRANMILLIS	STRANMILLIS HMO 2/19
12 Stranmillis Street	Mrs. Ann McManus	STRANMILLIS	STRANMILLIS HMO 2/19
43 Melrose Street	J. & A. Murphy Limited	WINDSOR	EDINBURGH ST HMO 2/08
24 Strandview Street	Ms. Emma McQuiggan	STRANMILLIS	STRANMILLIS HMO 2/19
29 Claremont Street	Ms. Caroline Grant	WINDSOR	FITZWILLIAM HMO 2/10
46 Ashley Avenue	Bandar limited	WINDSOR	ULSTERVILLE HMO 2/21
6B Stranmillis Park	Ms. Mary-Clare Dale	CENTRAL	STRANMILLIS HMO 2/19
6 Riverview Street	Mr. Declan Boyle	STRANMILLIS	STRANMILLIS HMO 2/19
141 Ulsterville Avenue	Mr. Alastair Aicken	WINDSOR	ULSTERVILLE HMO 2/21
30 Chadwick Street	Mr. Daniel Brennan	WINDSOR	MEADOWBANK HMO 2/15
47 Fitzwilliam Street	Mr. Trevor Mills	WINDSOR	FITZWILLIAM HMO 2/10
45 Colenso Parade	Mr. Jonathan Adrain Booth	CENTRAL	STRANMILLIS HMO 2/19
21 Stranmillis Park	Bandar limited	CENTRAL	STRANMILLIS HMO 2/19

	<b><u>Financial and Resource Implications</u></b>
3.2	None
	<b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b>
3.3	There are no issues associated with this report.



<b>Subject:</b>	<b>Application for a New Licence to Operate a House of Multiple Occupation - 8 Jerusalem 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 a Licence permitting the use of premises as a House in Multiple Occupation (HMO).</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 30%;">Premises</th> <th style="width: 20%;">Application No.</th> <th style="width: 30%;">Applicant(s)</th> <th style="width: 20%;">Managing Agents</th> </tr> </thead> <tbody> <tr> <td>8 Jerusalem Street Belfast BT7 1QN</td> <td>8360</td> <td>TJHFT Limited and DMHFT Limited</td> <td>CPS Property</td> </tr> </tbody> </table>	Premises	Application No.	Applicant(s)	Managing Agents	8 Jerusalem Street Belfast BT7 1QN	8360	TJHFT Limited and DMHFT Limited	CPS Property
Premises	Application No.	Applicant(s)	Managing Agents						
8 Jerusalem Street Belfast BT7 1QN	8360	TJHFT Limited and DMHFT Limited	CPS Property						
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	The property had the benefit of an HMO registration granted by the Northern Ireland Housing Executive (“NIHE”) which expired on 7th October 2018 for 4 persons.								
1.4	On 22nd March 2021, an HMO licence application was received from the owners of the accommodation. The NIHMO Unit searched the database of licenced HMOs and found that the property was not licenced as an HMO with the council. Officer’s also searched the NIHE historical database which indicated the registration was not renewed after the expiry date of the 7 October 2018.								
1.5	Following the publication of this application, an objection was received in relation to the application. This objection raises concerns about the overprovision of HMOs in the locality								

1.6	As a valid objection has been received, the application must be considered by the Committee which must, after hearing from the objector and the applicant, decide whether to grant the application.
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>Taking into account the information presented Committee is asked to hear from the Applicants and make a decision to either:</p> <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>
2.2	If the application is refused, the applicants have a right of appeal to the County Court. Such an appeal must be lodged within 28 days of formal notification of the decision.
2.3	Objectors have no right of appeal but may be able to judicially review the Council's decision
<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: <ul style="list-style-type: none"> <li>(i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or</li> <li>(ii) can be made so suitable by including conditions in the licence.</li> </ul> </li> </ul> <p><b>Planning</b></p> <p>3.2 As this is a new application, the NIHMO Unit consulted with the Council's Planning Service which, on 26th March 2021 confirmed that a Certificate of Lawful Existing Use or Development ("CLEUD") was granted with the planning reference <b>LA07/2020/1277/LDE</b>.</p> <p><b>Fitness</b></p> <p>3.3 When considering the fitness of an applicant, the Council must have regard to specified offences and any other matter it considers to be relevant.</p> <p>3.4 The NIHMO Unit has consulted with the following units within the Council's City and Neighbourhood Services Department:</p>

	<p>(a) Environmental Protection Unit (“EPU”) - has 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,</p> <p>(b) 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>(c) 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>(d) 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>
3.5	The applicants and managing agent have confirmed that they have not been convicted of any relevant offences.
3.6	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 recently arisen, the PSNI has not been accepting or responding to notification of these applications. Officers are continuing to engage with the PSNI to find a resolution to this issue.
3.7	From information submitted to the Council’s Planning Service, in support of the Applicant’s application for a CLEUD, it would appear that the property was let as an HMO from 7th October 2018 (when the previous registration expired) to 31st March 2019, without registering it with NIHE as an HMO, in accordance with the Statutory Registration Scheme for Houses in Multiple Occupation in Northern Ireland.
3.8	Furthermore, the documentation submitted with the CLEUD application would appear to suggest that the property was let as an unlicensed HMO from 1st April 2019 to 31st August 2020, contrary to section 7(1) of the 2016 Act, which is an offence under the 2016 Act.
3.9	The Council was granted an order at Belfast Magistrates’ Court on 27 <sup>th</sup> July 2021 to extend the time afforded to it, to determine the applicants’ licence application. The application was made on the basis that the Council required time to write to the applicants seeking its comments on the evidence that was provided in support of their application for a CLEUD and the implication that the subject premises had been operating as an unlicensed HMO for a significant period of time; this being a relevant consideration for officers in determining whether the Applicants are fit and proper persons.
3.10	Unfortunately, due to an administrative oversight, officers overlooked writing to the applicants in this regard and, in error, issued a Notice of Proposed Decision to refuse the application on the grounds of overprovision only, on 5th October 2021.
3.11	A further Notice of Proposed Decision was issued on 6th October 2021 confirming that the Council proposed to refuse the Applicants’ licence application on overprovision and on the basis that it could not be satisfied that the applicants were fit and proper persons.
3.12	Officers would ask Members to note that the applicants are afforded a 14-day period in which to make representations in response to the Notice of Proposed Decision.

3.13	Members are also asked to note that NIHE inspection records refer to an arranged inspection of the property on 3rd December 2018, at which time the property was occupied by 2 persons and, as such, did not appear to be in HMO usage. Furthermore, the Managing Agent confirmed that the property was vacant when inspected by the NIHMO Unit on 7th April 2021, In addition, it was confirmed that 2 tenants took up residence on 10th April 2021 and a copy of the new tenancy agreement was provided to the NIHMO Unit.
3.14	Officers are not aware of any other issues relevant to the applicant's fitness.
<b>Overprovision</b>	
3.15	For the purpose of determining whether or not the granting of a licence would result in an overprovision of HMOs in the locality of the accommodation, and in order to ensure consistency as both a planning and licensing authority the locality was defined as being HMO Policy Area "HMO 2/22 Botanic, Holylands and Rugby" as defined in the document "Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015.
3.16	The Legal Services Unit 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.
3.17	On the date of assessment, 14 September 2021 there were a total of 1081 licensed HMOs in HMO policy area "HMO 2/22 Botanic, Holylands and Rugby" which equates to 45% of the total dwelling units, which in turn exceeds the 30% development limit as set out at Policy HMO 1. The 1081 licensed HMOs have a capacity of 4948 persons.
3.18	The total number of dwelling units in a Policy Area is measured by Ordnance Survey's Pointer database.
3.19	The Council must also consider the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need.
3.20	The Council recognises that there is a need for intensive forms of housing and to meet this demand, Houses in Multiple Occupation (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.
3.21	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."
3.22	On 6th October 2021, there were no licensed HMOs advertised for let on the website Property News in BT7, it was identified on the same website that there was 1 licensed HMO properties advertised for let in BT9 with a capacity of 3 bed spaces.
3.23	Members will be aware from BBC press reports that "Queen's offers students £1,500 not to take up university accommodation". The university said due to "unprecedented" demand accommodation in its halls was oversubscribed. Officers followed up on the press reports by contacting other Purpose-Built Managed Student Accommodation PBMSA. Student Roost confirmed that they have no accommodation across their 3 sites Great Patrick Street, John Bell House and Swanston Houses and are now operating a waiting list. Botanic Studios

	confirmed they are also completely full and have a waiting list. LIV Student Belfast indicate on their website that they are sold out.
3.24	Anecdotal evidence from conversations with HMO managing agents suggest that that there is currently a lack of HMO accommodation available in the locality. It is too early to tell whether this is a temporary problem or evidence of an emerging long-term supply issue.
3.25	The fact 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. There is an argument that it may not do so as the premises are already being used as an HMO.
3.26	However, it should be borne in mind that planning permission was granted on the basis that the use had been established for 5 or more years and was therefore immune to enforcement. No assessment of overprovision was made at that time. Given the level of licensed HMO properties in this locality as set out above it would be highly unlikely that a planning application for a new HMO in the area would be successful as the thresholds in the 2015 Plan have been significantly exceeded.
	<b>Objections</b>
3.27	Following publication of notice of the application, an objection was received in relation to the application. A copy of that objection is attached at <b>Appendix 3</b> . The objection appears to be on the basis of over provision.
	<b>Attendance</b>
3.28	The applicant and/or their representatives will be available to discuss any matters relating to the licence application should they arise during your meeting. The objector will also be in attendance if the Committee wishes to hear from him.
	<b>Suitability of the Premises</b>
3.29	An inspection of the premises was carried out by an officer from the NIHMO Unit on 7th April 2021, at which time it was established that the property meets the physical standards for an HMO.
	<b>Notice of Proposed Decision</b>
3.30	On 6th October 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 to the applicant setting out the terms of the proposed licence. (see <b>Appendix 4</b> )
3.31	The Notice of Proposed Decision stated that the Council proposed to refuse the licence as The Council is not satisfied that: <ul style="list-style-type: none"> <li>(a) the granting of the licence will not result in overprovision of HMOs in the locality in which the living accommodation is situated.</li> <li>(b) the owner of the living accommodation is a fit and proper person for the purposes of granting a licence pursuant to section 8 of the Houses in Multiple Occupation Act (Northern Ireland) 2016.</li> </ul>
3.32	A statement of reasons for the proposal was included in the Notice of Proposed Decision.

3.33

**The statement of reasons outlined the following as the Council's basis for refusal:-**

**(a) Overprovision**

*Pursuant to section 12 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 "2016 Act" the Council is satisfied that the granting of the HMO licence will result in overprovision of HMO accommodation in the locality of the accommodation for the purpose of section 8(2)(d) of the 2016 Act.*

*For the purpose of section 12(2) of the 2016 Act, the Council has determined the locality as being HMO Policy Area "HMO 2/22 Botanic, Holylands and Rugby" as defined in the document "Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015 (the "2015 Plan")*

*In making this decision the Council has had 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*

*To inform the Council in its consideration of the above provisions, the Council has taken account of the 2015 Plan and in particular, Policy HMO 1 and Policy HMO 2.*

*On the date of assessment, 14 September 2021 there were a total of 1081 licensed HMOs in HMO policy area "HMO 2/22 Botanic, Holylands and Rugby" which equates to 45% of the total dwelling units, which in turn exceeds the 30% development limit as set out at Policy HMO 1. The 1081 licensed HMOs have a capacity of 4948 persons.*

*The total number of dwelling units in a Policy Area is measured by Ordnance Survey's Pointer database.*

*On the 06 October 2021 there were no licensed HMOs advertised for let on the website Property News in BT7, it was identified on the same website that there was 1 licensed HMO properties advertised for let in BT9 with a capacity of 3 bed spaces.*

*Anecdotal evidence from conversations with HMO managing agents suggest that there is currently a lack of HMO accommodation available in the locality. It is too early to tell whether this is a temporary problem or evidence of an emerging long-term supply issue.*

*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.*

**(b) Fit and proper person**

*The Council may grant a licence only if it is satisfied, in addition to other considerations, that the "...the owner of the living accommodation, and any managing agent of it, are fit and proper persons (see section 10)..." (section 8(2)(b)).*

*Section 10 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 ("the 2016 Act") provides that in deciding whether a person is a fit and proper person, the Council must have regard to (a) the matters mentioned in subsections (4) to (7), and any other matter which the council considers to be relevant.*

*The property had the benefit of an HMO registration, with a permitted occupancy of 4 persons, granted by the Northern Ireland Housing Executive ("NIHE") which expired on the 7 October 2018.*

*As this is a new application, the HMO Unit consulted with the Council's Planning Service who on the 26 March 2021 confirmed that a Certificate of Lawful Use or Development was granted with the planning reference **LA07/2020/1277/LDE***

*To obtain a CLEUD in this regard, an applicant is required to demonstrate to the particular Council's satisfaction that use of the respective property as an HMO began more than 5 years from the date of the CLEUD application and that the use was continuous.*

*The evidence submitted with the CLEUD application included the following*

- 12 months signed tenancy agreement commencing 1 September 2014 (4 tenants)*
- 12 months signed tenancy agreement commencing 1 September 2015 (4 tenants)*
- 12 months signed tenancy agreement commencing 1 September 2016 (4 tenants)*
- 12 months signed tenancy agreement commencing 1 September 2017 (4 tenants)*
- 12 months signed tenancy agreement commencing 1 September 2018 (4 tenants)*
- 12 months signed tenancy agreement commencing 1 September 2019 (4 tenants)*
- An HMO Registration Certificate issued 7 October 2013*
- A rates bill dated 16 April 2019*

*From the information submitted with the CLEUD application, it would appear that the property was let as an HMO from 7th October 2018 (when the previous registration expired) to 31st March 2019 without registering it with NIHE as an HMO, in accordance with the Statutory Registration Scheme for Houses in Multiple Occupation in Northern Ireland.*

*Furthermore, based on the documentation submitted with the CLEUD application, it would appear that the property was let as an unlicensed HMO from the 1 April 2019 to the 31 August 2020 contrary to section 7(1) of the 2016 Act.*

*As a result, officers are satisfied that such matters are relevant in deciding whether the applicants, in their capacity as the owners of the HMO, are fit and proper persons.*

*Therefore, officers cannot be satisfied that the owners are fit and proper person, in accordance with section 8(2)(b) and section 10(4)(d) of the 2016 Act."*

#### **Financial and Resource Implications**

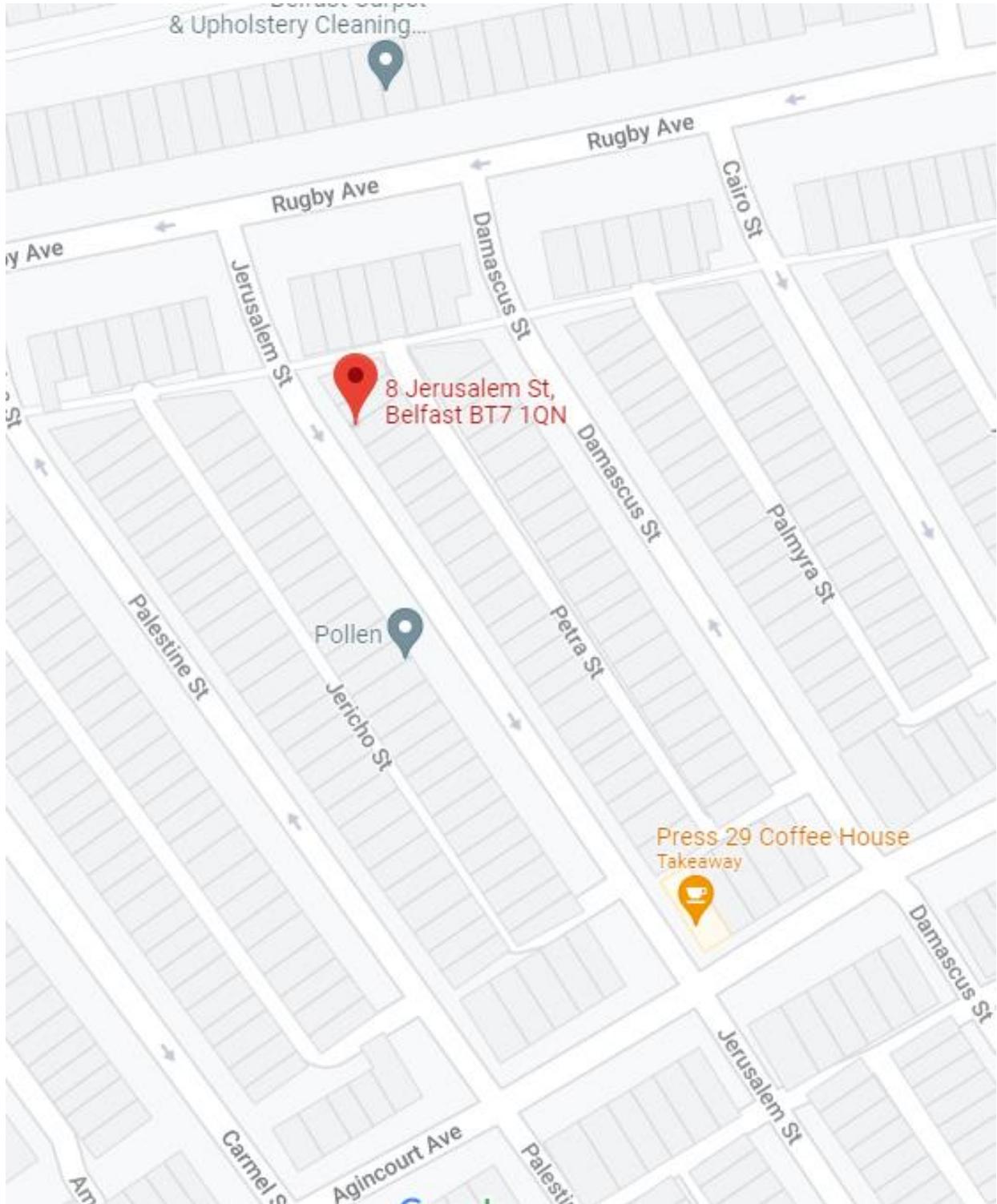
3.34 None. The cost of assessing the application and officer inspections are provided for within existing budgets.

#### **Equality and Good Relations Implications**

3.35 There are no equality or good relations issues associated with this report.

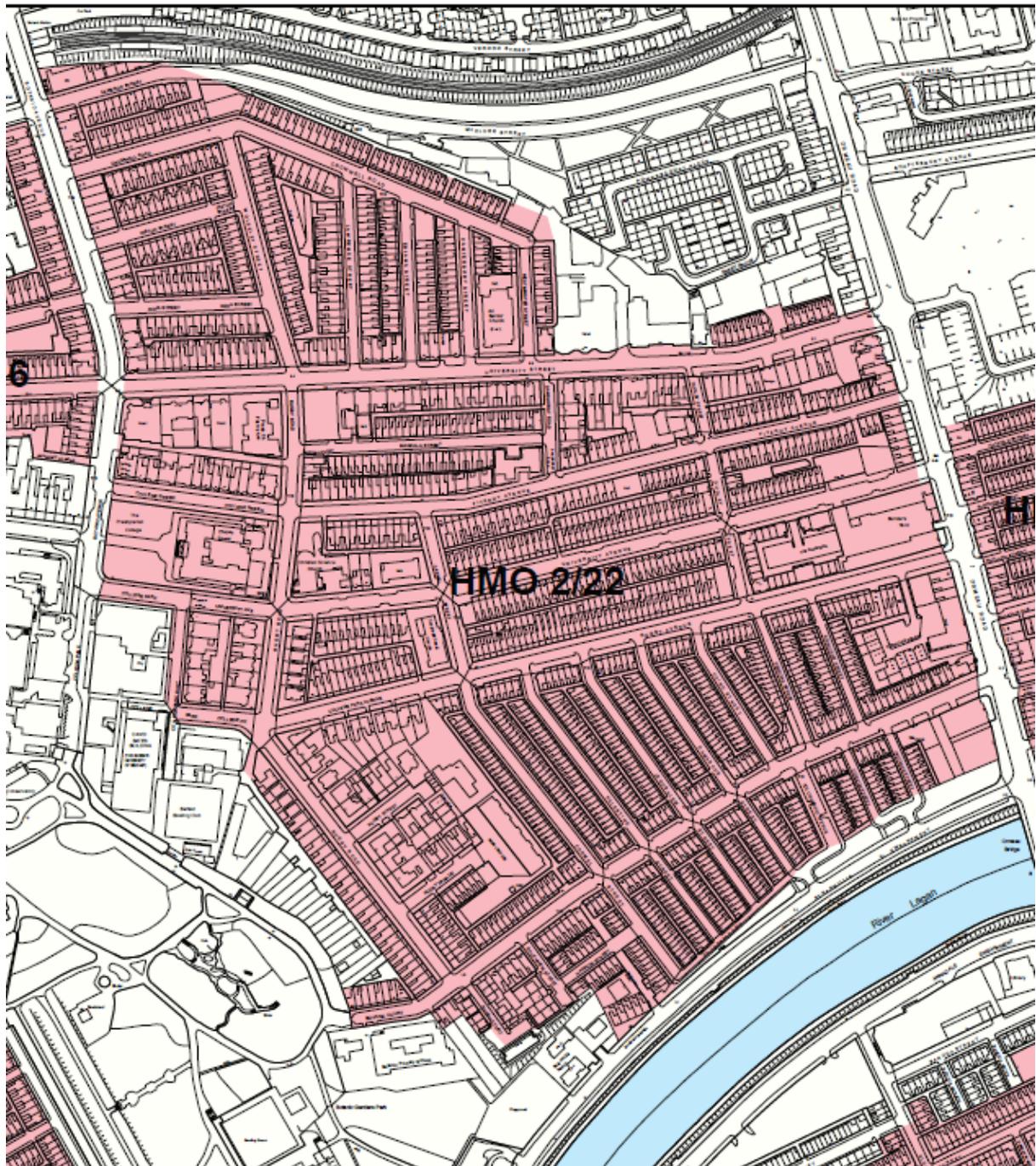
	<b>Documents Attached</b>
	Appendix 1 – Location Map Appendix 2 – Map of HMO Policy Area “HMO 2/22 Botanic, Holylands and Rugby” Appendix 3 – Representations Appendix 4 – Notice of Proposed Decision of 6th October, 2021

**Appendix 1 – Location Plan - 8 Jerusalem Street, Belfast. BT7 1QN**



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**Appendix 2 – Map of HMO Policy Area “HMO 2/22 Botanic, Holylands and Rugby”**



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

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<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"/>

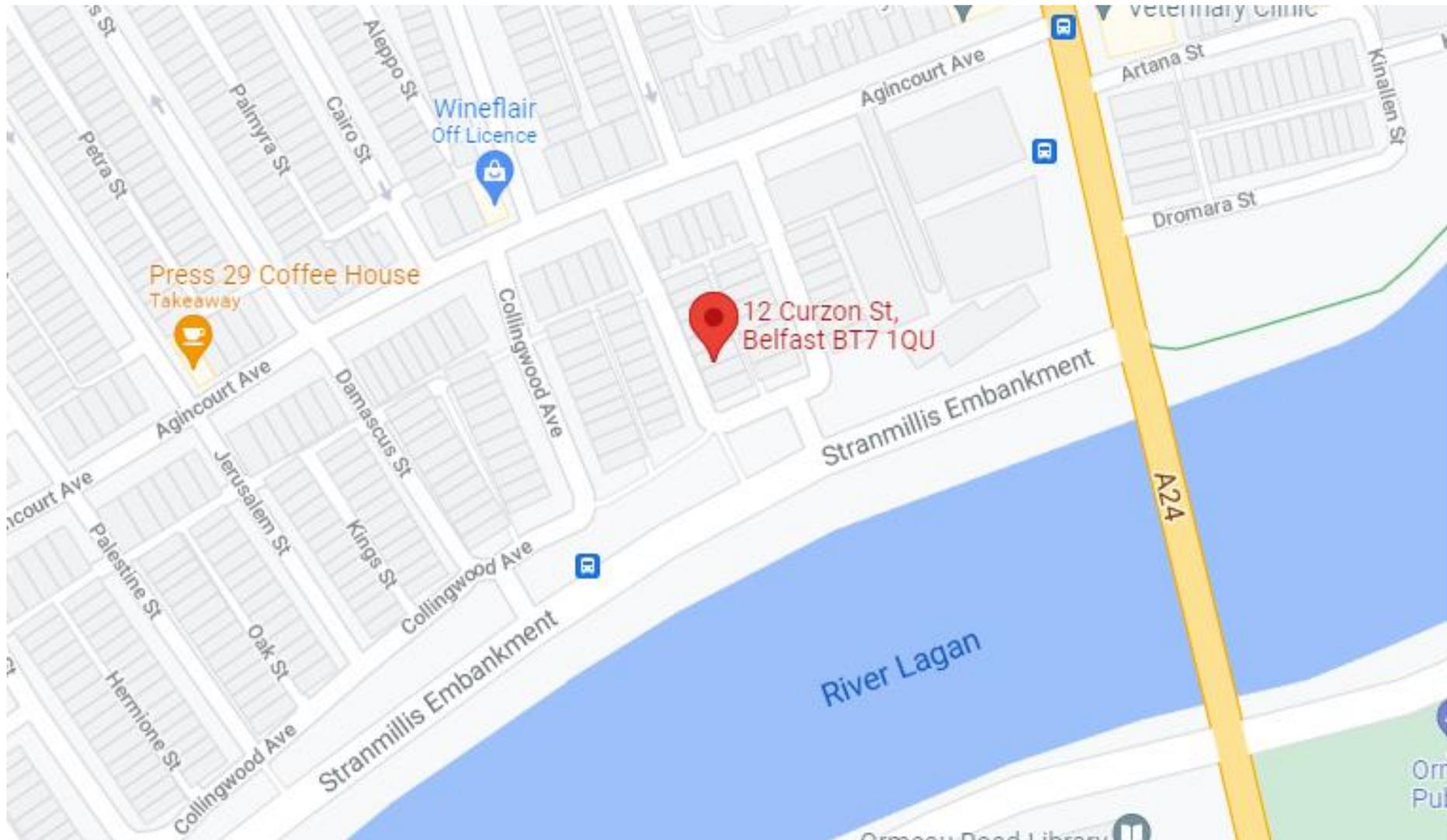
<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>								
1.1	<p>To consider an application for the renewal of a Licence permitting the use of premises as a House in Multiple Occupation (HMO).</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 30%;">Premises</th> <th style="width: 20%;">Application No.</th> <th style="width: 30%;">Applicant(s)</th> <th style="width: 20%;">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.

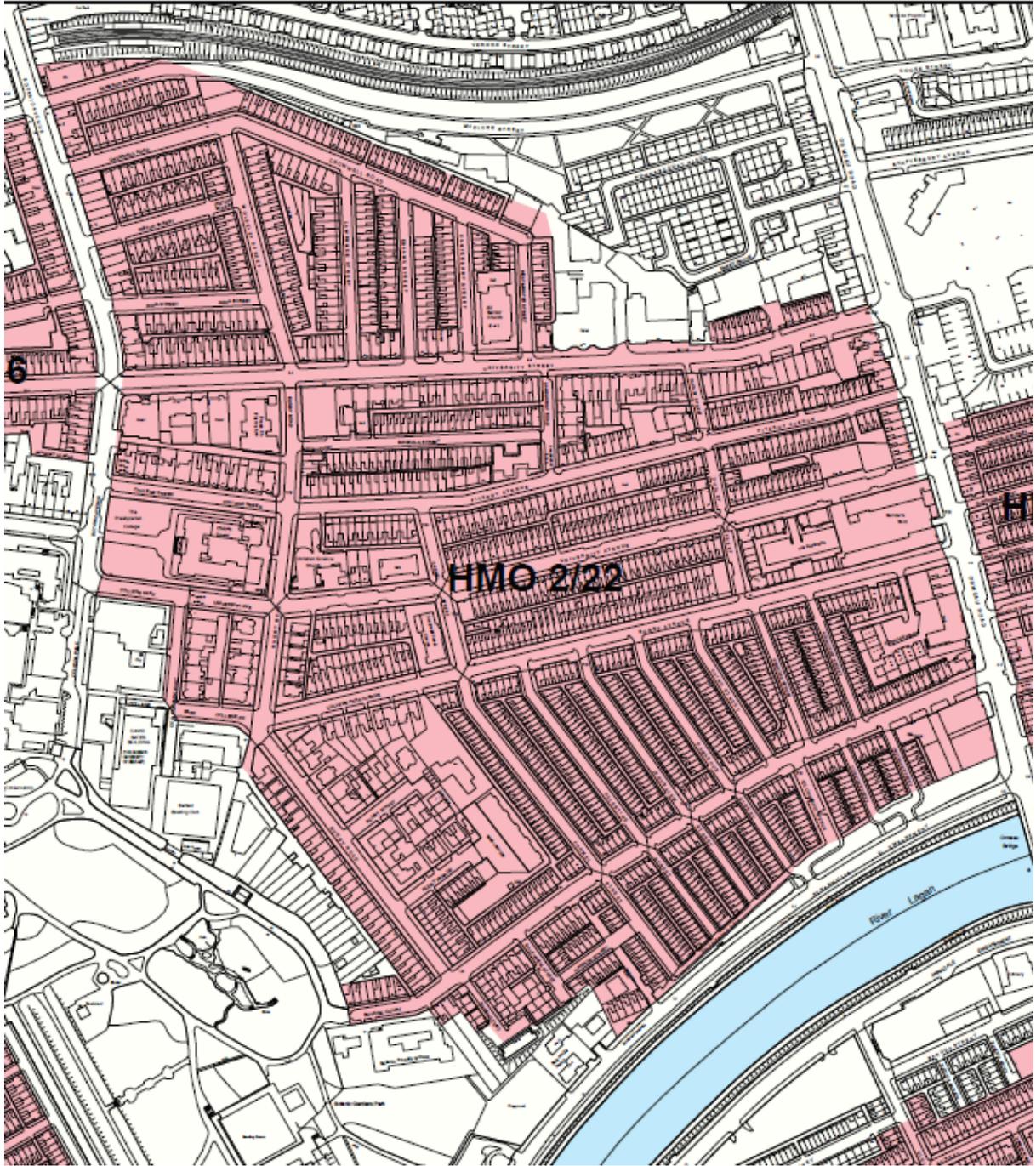
<p>3.16</p> <p>3.17</p> <p>3.18</p> <p>3.19</p> <p>3.20</p> <p>3.21</p>	<p><b><u>Attendance</u></b></p> <p>The applicant and/or their representatives will be available to discuss any matters relating to the licence application should they arise during your meeting.</p> <p><b><u>Suitability of the premises</u></b></p> <p>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>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>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>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>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>

Appendix 1 – Location Map – 12 Curzon Street, Belfast, BT7 1QU



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Appendix 2 - HMO 2/22 Botanic, Holylands and Rugby



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