

**Democratic Services Section  
Chief Executive's Department  
Belfast City Council  
City Hall  
Belfast  
BT1 5GS**



**Belfast  
City Council**

**MEETING OF LICENSING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room - City Hall on Wednesday, 18th September, 2019 at 5.00 pm, 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 - 8)
- (b) Consideration of objections to an application for the Grant of an Entertainments Licence for the Lansdowne Hotel (Pages 9 - 124)
- (c) Application for the Variation of a 7-Day Annual Entertainments Licence for Fountain Lane (Pages 125 - 134)
- (d) Houses in Multiple Occupation (HMO) Licenses - Enforcement Policy and the issue of Fixed Penalty Notices (Pages 135 - 150)

- (e) Houses in Multiple Occupation (HMO) Licenses Issued Under Delegated Authority (Pages 151 - 154)

3. **Non-Delegated Matters**

- (a) Licence Fees for Sex Establishments (Pages 155 - 156)



<b>Subject:</b>	<b>Licences Issued Under Delegated Authority</b>
<b>Date:</b>	18 September 2019
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	James Cunningham, Regulatory Services Manager, 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>	
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>	
<b>Is the decision eligible for Call-in?</b>	Yes <input type="checkbox"/> No <input checked="" 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 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>
<b>2.1</b>	The Committee is requested to note the applications that have been issued under the Scheme of Delegation.

3.0	<b>Main report</b>																																																			
3.1	<p><b><u>Key Issues</u></b></p> <p>Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the following Entertainments Licences were issued since your last meeting.</p> <table border="1" data-bbox="280 389 1423 1928"> <thead> <tr> <th data-bbox="280 389 775 472">Premises and Location</th> <th data-bbox="775 389 983 472">Type of Application</th> <th data-bbox="983 389 1423 472">Applicant</th> </tr> </thead> <tbody> <tr> <td data-bbox="280 472 775 577">Alexandra Social Club, 170b Alexandra Park Avenue, Belfast, BT15 3GJ.</td> <td data-bbox="775 472 983 577">Renewal</td> <td data-bbox="983 472 1423 577">Mr Samuel Crozier</td> </tr> <tr> <td data-bbox="280 577 775 660">Allen Memorial Hall, 102-104 Cregagh Road, BT6 9ER.</td> <td data-bbox="775 577 983 660">Renewal</td> <td data-bbox="983 577 1423 660">Mr Jim Mc Curry</td> </tr> <tr> <td data-bbox="280 660 775 743">Ardoyne Community Centre, 40 Herbert Street, BT14 7FE.</td> <td data-bbox="775 660 983 743">Renewal</td> <td data-bbox="983 660 1423 743">Ms Catherine Taggart, Belfast City Council</td> </tr> <tr> <td data-bbox="280 743 775 848">Ballyhackamore Working Mens Club, 1A Sandown Road, BT5 6GT.</td> <td data-bbox="775 743 983 848">Renewal</td> <td data-bbox="983 743 1423 848">Mr Gordon Warnock</td> </tr> <tr> <td data-bbox="280 848 775 931">Belfast Boat Club, 12 Lockview Road, BT9 5FJ.</td> <td data-bbox="775 848 983 931">Renewal</td> <td data-bbox="983 848 1423 931">Mr Paul James Shaw</td> </tr> <tr> <td data-bbox="280 931 775 1037">Belfast Harbour Commissioners Office, Harbour Office, Corporation Square, Belfast, BT1 3AL.</td> <td data-bbox="775 931 983 1037">Renewal</td> <td data-bbox="983 931 1423 1037">Ms Laura Morrison, Belfast Harbour Commissioners</td> </tr> <tr> <td data-bbox="280 1037 775 1120">Belfast Waterfront Hall, 2 Lanyon Place, Belfast, BT1 3WH.</td> <td data-bbox="775 1037 983 1120">Renewal</td> <td data-bbox="983 1037 1423 1120">Mr John Griffin, Belfast Waterfront &amp; Ulster Hall LTD</td> </tr> <tr> <td data-bbox="280 1120 775 1225">Belvoir Park Golf Club, 73-75 Church Road, Newtownbreda, Belfast, BT8 7AN.</td> <td data-bbox="775 1120 983 1225">Renewal</td> <td data-bbox="983 1120 1423 1225">Mr Peter Donaldson</td> </tr> <tr> <td data-bbox="280 1225 775 1308">Botanic Inn, 23-27 Malone Road, BT9 6RU.</td> <td data-bbox="775 1225 983 1308">Renewal</td> <td data-bbox="983 1225 1423 1308">Mr Felix Mooney, Cathal GM Limited</td> </tr> <tr> <td data-bbox="280 1308 775 1391">Braniel Community Centre, Warren Grove, Belfast, BT5 7PX.</td> <td data-bbox="775 1308 983 1391">Renewal</td> <td data-bbox="983 1308 1423 1391">Ms Catherine Taggart, Belfast City Council</td> </tr> <tr> <td data-bbox="280 1391 775 1496">Cafe Parisien, Cleaver House, 3a Donegall Square North , Belfast, BT1 5GA.</td> <td data-bbox="775 1391 983 1496">Grant</td> <td data-bbox="983 1391 1423 1496">Mr Colin Johnston</td> </tr> <tr> <td data-bbox="280 1496 775 1601">Central Catholic Club, 43a Rosemary Street, Belfast, BT1 1QB.</td> <td data-bbox="775 1496 983 1601">Renewal</td> <td data-bbox="983 1496 1423 1601">Mr Gerard O' Neill</td> </tr> <tr> <td data-bbox="280 1601 775 1684">City Hall, Donegall Square, Belfast, BT1 5GS.</td> <td data-bbox="775 1601 983 1684">Renewal (indoor)</td> <td data-bbox="983 1601 1423 1684">Ms Carole Greenan, Belfast City Council</td> </tr> <tr> <td data-bbox="280 1684 775 1767">City Hall, Donegall Square, Belfast, BT1 5GS.</td> <td data-bbox="775 1684 983 1767">Renewal (outdoor)</td> <td data-bbox="983 1684 1423 1767">Ms Carole Greenan, Belfast City Council</td> </tr> <tr> <td data-bbox="280 1767 775 1850">Cock N Hen Bar, 1-3 Lord Street, Belfast, BT5 4QE.</td> <td data-bbox="775 1767 983 1850">Renewal</td> <td data-bbox="983 1767 1423 1850">Mrs Linda, Robert &amp; Colin McCreery</td> </tr> <tr> <td data-bbox="280 1850 775 1933">Concorde Community Centre, 36 Alliance Road, BT14 7JB.</td> <td data-bbox="775 1850 983 1933">Renewal</td> <td data-bbox="983 1850 1423 1933">Ms Catherine Taggart, Belfast City Council</td> </tr> </tbody> </table>	Premises and Location	Type of Application	Applicant	Alexandra Social Club, 170b Alexandra Park Avenue, Belfast, BT15 3GJ.	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<b>Premises and Location</b>	<b>Type of Application</b>	<b>Applicant</b>
Culturlann McAdam O Fiach, 216 Falls Road, BT12 6AH.	Renewal	Ms Aisling Ni Labhrai
Deane and Decano, 537 Lisburn Road, BT9 7GQ.	Renewal	Mrs Rachel McCreight, Deanes Restaurant Group
Deanes At Queens, 1 College Gardens, BT9 6BQ.	Renewal	Mrs Rachel McCreight, Deanes Restaurant Group
Deanes Deli, 42-44 Bedford Street, Belfast, BT2 7FF.	Renewal	Mrs Rachel McCreight, Deanes Restaurant Group
Deanes Restaurant, 28-40 Howard Street, Belfast, BT1 6PF.	Renewal	Mrs Rachel McCreight, Deanes Restaurant Group
Donegall Pass Community Centre, Apsley Street, Belfast, BT7 1BL.	Renewal	Ms Catherine Taggart, Belfast City Council
Duncairn Community Centre, Upper Mervue Street, Belfast, BT13 2JZ.	Renewal	Ms Catherine Taggart, Belfast City Council
Eglantine Inn, 32-40 Malone Road, Belfast, BT9 5BQ.	Renewal	Mr Robert Davis Wine Inns Ltd
Ewarts Bowling Club, Somerdale Park, Belfast, BT14 7HD.	Renewal	Mr Edward Smyth
Flame Restaurant, 46 Howard Street, Belfast, BT1 6PG.	Renewal	Mrs Charlotte McIlroy, Belfast Hospitality Limited
Hammer Main Hall, Agnes Street, Belfast, BT13 1GG.	Renewal	Ms Catherine Taggart, Belfast City Council
Hannahstown Community Centre, 23 Hannahstown Hill, Belfast, BT17 0LT.	Renewal	Mr Jim Ferguson, Hannahstown Community Association
Harland & Wolff Staff Sports & Rec Club, 8-10 Dundela Avenue, Belfast, BT4 3BQ.	Renewal	Mr Douglas Murray
Harp Bar, 35-39, Hill Street, Belfast, BT1 2LB.	Renewal	Mr Willie Jack, Commercial Court Inns Ltd
Hibernian Sports & Social Club, 71 Falls Road, Belfast, BT12 4PD.	Renewal	Mr Gerry Mc Closkey
Highfield Community Centre, High Green, Belfast, BT13 3SA.	Renewal	Ms Catherine Taggart, Belfast City Council
Hillfoot Glentoran Supporters Club, 126-130 Castlereagh Road, Belfast, BT5 5FS.	Renewal	Mr James Hanna
HMS Caroline, Alexandra Dock, Queens Road, Belfast, BT3 9DT.	Renewal	Mr Jamie Wilson
Jurys Inn Belfast, Fisherwick Place, Belfast, BT2 7AP.	Renewal	Mr Ryan Foster, Jurys Inn Group Ltd

<b>Premises and Location</b>	<b>Type of Application</b>	<b>Applicant</b>
Knockbreda Parish Church Hall, Purdy's Lane, Newtownbreda, Belfast, BT8 6AR.	Renewal	Mrs Wilma Chrusciak
Lamh Dhearg CLG, 168 Upper Springfield Road, Belfast, BT17 0LZ.	Renewal	Mr Michael Boyle
Ligoniel Sports and Social Club, 186a Ligoniel Road, Belfast, BT14 8DT.	Renewal	Mr James Sullivan
Linenhall Library, 17 Donegall Square North, Belfast, BT1 5GB.	Renewal	Ms Julie Andrews
Love and Death Inc, 10a Ann Street, Belfast, BT1 4EF.	Renewal	Mr Lee Murphy, MaClad Ltd
Malone House, Barnetts Demesne, Malone Road, Belfast, BT9 5PB.	Renewal	Ms Ciara Glennon
Markets Community Centre, Market Street, Belfast, BT2 8JA.	Renewal	Ms Catherine Taggart, Belfast City Council
Michael Davitt GAC, 75-79 Falls Road, BT12 4PE.	Renewal	Mr Eugene Gallagher
Monico Bars, 17 Lombard Street, Belfast, BT1 1RH.	Renewal	Ms Nicole Mc Grath, Fisherwick Inns Ltd
Musgrave Park Bowling Pavilion, Stockmans Lane, Belfast, BT9 7JB.	Grant	Mr Ryan Black, Belfast City Council
Orangefield Presbyterian Church, 464 Castlereagh Road, Belfast, BT5 6BH.	Renewal	Mr David Irvine
QE1 Snooker Club, 32-46 Castlereagh Road, Belfast, BT5 5FB.	Renewal	Mr Alex Rainey
QUB, Centre For Drama & Film Studies, 20 University Square, Belfast, BT7 1PA.	Renewal	Mrs Wendy Galbraith, Queens University Belfast
QUB, Elms Student Centre, 78 Malone Road, BT9 5BU.	Renewal	Mrs Wendy Galbraith, Queens University Belfast
QUB, Elmwood Hall At Queens, 89 University Road, Belfast, BT7 1NF.	Renewal	Mrs Wendy Galbraith, Queens University Belfast
QUB, Riddel Hall, 185 Stranmillis Road, BT9 5EE.	Renewal	Mrs Wendy Galbraith, Queens University Belfast
QUB, Sir William Whitla Hall, University Road, Belfast, BT7 1NN.	Renewal	Mrs Wendy Galbraith, Queens University Belfast
QUB, The Club House, Queen's Sport, Upper Malone Road, Belfast, BT9 5NB.	Renewal	Mrs Wendy Galbraith, Queens University Belfast
QUB, The Harty Room, University Square, Belfast, BT7 1NN.	Renewal	Mrs Wendy Galbraith, Queens University Belfast

<b>Premises and Location</b>	<b>Type of Application</b>	<b>Applicant</b>
Ravenhill Bowling Pavilion, Ormeau Road, Belfast, BT7	Grant	Mrs Rose Crozier, Belfast City Council
RBAI Playing Fields, Bladon Park, Belfast, BT9 5LG.	Grant	Ms Alison Stewart, The Kevin Bell Repatriation Trust
Ronnie Drews, 79-83 May Street, Belfast, BT1 3JL.	Renewal	Ms Ashleigh Hawkins, Stillery Inns Ltd
Rosario Youth Centre, 469 Ormeau Road, Belfast, BT7 3GR.	Renewal	Ms Natalie Robinson
Rosemary Presbyterian Church Hall, 19 North Circular Road, Belfast, BT15 5HB.	Renewal	Mr Roy Eakin
Sandy Row Rangers Club, 37-41 Donegall Road, Belfast, BT12 5JL.	Renewal	Mr Daniel Bloomer
SD Bell & Co Limited, 516 Upper Newtownards Road, Belfast, BT4 3HL.	Renewal	Mr Robert Bell, SD Bell & Co Limited
Shu Restaurant, 253-255 Lisburn Road, Belfast, BT9 7EN.	Renewal	Mr Alan Reid, Fine-Foods Limited
Sonic Arts & Computer Science Research Centre, Ashby Complex, Cloreen Park, Belfast, BT9 5BX.	Renewal	Mrs Wendy Galbraith, Queens University Belfast
St Colmcilles Parochial Hall, 191 Upper Newtownards Road, Belfast, BT4 3JB.	Renewal	Rev Anthony Fitzsimons
St John's Presbyterian Church, 374-378 Ormeau Road, Belfast, BT7 3HX.	Renewal	Ms Patricia Mills
Strand Arts Centre, 152-156 Holywood Road, Belfast, BT4 1NY.	Renewal	Ms Linda Smyth
The 343, 431-444, Newtownards Road, Belfast, BT4 1AQ.	Grant	Mr Richard Bailie
The Errigle Inn, 312-320 Ormeau Road, Belfast, BT7 2GE.	Renewal	Mr Philip McGurran, T.J.McGurran Ltd
The Jeggy Nettle, 12 Stranmillis Road, Belfast, BT9 5AA.	Renewal	Ms Janine Kane, JK Pubs Limited
The Marcus Ward, 1 Bankmore Square, Belfast, BT7 1DH.	Renewal	Mr Lawrence Bannon, Tobar Inns Ltd
The Merchant Hotel, 16 Skipper Street, Belfast, BT1 2DZ.	Variation	Mr James Sinton, The Merchant Hotel Limited
The Metropolitan Arts Centre, 10 Exchange Street West, Belfast, BT1 2LJ.	Renewal	Mr Paul McIlwaine
The Poet, King's Square, King's Road, Belfast, BT5 7EA.	Renewal	Mr Gary McCalmat, Clinker Pubs Limited

<b>Premises and Location</b>	<b>Type of Application</b>	<b>Applicant</b>
The Points, 44 Dublin Road, Belfast, BT2 7HN.	Renewal & Variation	Mr Michael Moreland, Corick Facilities Management LTD.
The Pump House, HMS Caroline, Queens Road, Belfast, BT3 9DT.	Renewal	Mr Jamie Wilson
The Speak-Easy, QUB Student Union Bar, 92-96, Lisburn Road, Belfast, BT9 6AG.	Renewal	Mrs Joanne Clague, Queens University Belfast
The Thirsty Goat Bar & 21 Social, 1 Hill Street, Belfast, BT1 2LA.	Renewal	Mr Henry Downey, Eagle-Glen Limited
Times Bar, 24-28 York Road, Belfast, BT15 3HE.	Renewal	Mr Brian Boyd
Tullycarnet Community & Resource CR, Kinross Avenue, Belfast, BT5.	Renewal	Ms Catherine Taggart, Belfast City Council
Turf Lodge Tenants Association, 35A Norglen Gardens, Belfast, BT11 8EL.	Renewal	Ms Jean Russell

**3.2** Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the following Entertainments Licences were issued since your last meeting. In each case the Licence holder has been convicted of an offence under the Order within five years of the application for a Licence being submitted to the Council, however each conviction has previously been considered by the Committee and delegated authority has only been exercised on the basis that:

- a) All safety, technical and managerial matters have been maintained in accordance with the terms, conditions and restrictions of the Entertainments Licence,
- b) There has been no recurrence of the breach for which the applicant was convicted, or any other offences have been committed,
- c) There are no representations in respect of the application.

<b>Premises and Location</b>	<b>Type of Application</b>	<b>Applicant</b>
Becketts Bar, 241 Stewartstown Road, Dunmurry, Belfast, BT17 0LA.	Renewal	Ms Carol Hughes, Sharp NI Limited
Malone Rugby Football Club, 8 Gibson Park Avenue, Belfast, BT6 9GL.	Renewal	Mr Raymond Thomas

**3.3** Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 the following Amusement Permits were issued since your last meeting.

<b>Premises and Location</b>	<b>Type of Application</b>	<b>Applicant</b>
Mavericks, 28 Bradbury Place, Belfast, BT7 1RQ.	Renewal	Belfast Leisure Company Ltd
Players, 22 Shaftesbury Square, Belfast, BT2 7BD.	Renewal	Play SS Ltd



<b>Premises and Location</b>	<b>Type of Application</b>	<b>Applicant</b>
Oasis Gaming Centre, 429-431A Ormeau Road, Belfast, BT7 3GQ.	Renewal	Oasis Retail Service Limited

**3.4** Under the terms of the Street Trading Act (Northern Ireland) 2001 the following Street Trading Licences were issued since your last meeting.

<b>Location</b>	<b>Type of Application</b>	<b>Commodity</b>	<b>Hours Licensed</b>	<b>Applicant</b>
Donegall Street	Temporary	Hot food and non alcoholic beverages	03/08/2019 from 09.00 – 23.30	Mr Sydney McCallum
Apollo Road	Stationary	Hot food and non alcoholic beverages	Mon - Sun 10.00 - 20.00	Mr Michail Konstantos
Regent Street	Temporary	Hot food and non alcoholic beverages	06/09/2019 - 07/09/2019 from 12.00 – 23.00	Mr Darren Nugent
Shaw's Bridge car park	Stationary	Ice cream, confectionery and non alcoholic beverages	Mon - Sun 11.00 – 20.00	Mr William Topping
Suffolk, Ladybrook, Finaghy and Taughmonagh	Mobile	Ice cream, confectionery and non alcoholic beverages	Mon - Sun 13.00 – 20.00	Mr Paul Chivers

**3.5** Under the terms of the Road Traffic Regulation (Northern Ireland) Order 1997 the following Road Closure Orders were made since your last meeting.

<b>Location</b>	<b>Type of Activity</b>	<b>Date and Hours permitted</b>	<b>Applicant</b>
West Belfast	Féile 8 Km Run	04 August 2019 08:00 – 11:00	Mr Gerry McClory
Regent Street	Social event (ABV19)	05 August 2019 18:00 to 09 August 2019 18:00	Mr Darren Nugent
North Belfast	Run the walls	14 August 2019 18:45 – 21:00	Ms Elaine Burns
Earlscourt Street	Street party	17 August 2019 11:00 – 18:00	Mr Paul O'Brien

	Deramore Avenue	Street party	18 August 2019 10:00 – 18:00	Mr Gerry Tubritt
	Ormeau Embankment	Laganside 10 Km	01 September 2019 13:00 – 16:00	Mr Matt Shields
	West Belfast	Na Ceathrún Gaeltachta	08 September 2019 04:00 – 11:00	Mr Máirtín MacGabhann
	Duncrue Estate	Albertville 100yrs 5 Km	29 September 2019 11:30 – 13:00	Ms Jenny Hamilton

**Financial & Resource Implications**

3.6 None

**Equality or Good Relations Implications/Rural Needs Assessment**

3.7 There are no issues associated with this report.



<b>Subject:</b>	<b>Consideration of objections to an application for the Grant of an Entertainments Licence for the Lansdowne Hotel</b>
<b>Date:</b>	18 September, 2019
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Monica Gallagher, Senior Building Control Surveyor, ext. 2567

<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 type="checkbox"/> No <input checked="" type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of Main Issues</b>						
<b>1.1</b>	To consider an application for the Grant of a 7-Day Annual Indoor Entertainments Licence for the Lansdowne Hotel based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind.						
<b>1.2</b>	<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>Lansdowne Hotel, 657-659 Antrim Road, Belfast, BT15 4EF</td> <td>WK/201900809</td> <td>Mr Edmund Simpson JPE Hotels Antrim Road, Belfast</td> </tr> </table>	<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	Lansdowne Hotel, 657-659 Antrim Road, Belfast, BT15 4EF	WK/201900809	Mr Edmund Simpson JPE Hotels Antrim Road, Belfast
<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
Lansdowne Hotel, 657-659 Antrim Road, Belfast, BT15 4EF	WK/201900809	Mr Edmund Simpson JPE Hotels Antrim Road, Belfast					
<b>1.3</b>	A copy of the application form is attached as Appendix 1.						
<b>1.4</b>	A location map of the premises is attached as Appendix 2.						

<b>2.0</b>	<b>Recommendations</b>
<b>2.1</b>	Considering the information presented and representations received in respect of the application you are required to make a decision to either:  <ol style="list-style-type: none"><li>1. Approve the application for the Grant of the 7-Day Annual Entertainments Licence, or</li><li>2. Approve the application for the Grant of the 7-Day Annual Entertainments Licence with special conditions, or</li><li>3. Refuse the application for the Grant of the 7-Day Annual Entertainments Licence.</li></ol>
<b>2.2</b>	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.
<b>2.3</b>	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>
<b>3.1</b>	Three objections have been received from residents living near the Hotel. The nature of their objections relates to the following:  <ul style="list-style-type: none"><li>• Conversations and noise from patrons using the beer garden are at unacceptable levels of noise.</li><li>• The high level of noise breakout from the venue.</li><li>• The dispersal of patrons and taxis late at night create an unacceptable level of noise.</li><li>• The granting of a licence will escalate the noise problems from the beer garden.</li></ul>
<b>3.2</b>	Copies of these objections are attached as Appendix 3.
	<b><u>Liaison meetings</u></b>
<b>3.3</b>	Following receipt of the objections the Service facilitated liaison meetings between all parties involved to discuss residents' issues and attempt to resolve them.
<b>3.4</b>	Two of the objectors, a hotel director and an Officer from the Service Officer met at the Hotel to discuss resident's concerns on 3 July 2019 and a second meeting was held on 18 July to allow a further resident who had been on holiday to discuss their issues.
<b>3.5</b>	Following discussions, the hotel management implemented arrangements in relation to patron dispersal and noise as requested by residents. However, despite these meetings the residents still wish to pursue their objections.
<b>3.6</b>	As required by the Committee Protocol the applicant and each of the objectors were requested to provide their representation in advance of the meeting for consideration.

### **Objectors Representation**

3.7 The objectors Representation Forms are attached as Appendix 4 and they have been provided to the applicant, as required by the protocol.

3.8 In general, the representations relate to concerns as follows:

- The provision of entertainment without a licence,
- Noise caused by patrons leaving the premises late at night,
- The relocation of the main entrance to the Antrim Road and lack of management to encourage patron dispersal,
- Music is still audible despite remedial measures by the applicant,
- Noise caused by patrons in the beer garden area.

3.9 The residents have been invited to attend your meeting to discuss any matters relating to their objections should they arise.

### **Applicants Representation**

3.10 The applicant has provided their Representation Form, as required by the Protocol, and a copy of his response is attached as Appendix 5. The applicant has highlighted the measures which have been undertaken to try and address residents' concerns.

3.11 The applicants Representation Form has also been provided to the objectors, as required by the protocol.

3.12 A summary of the applicant's representation is as follows:

- The hotel directors have been in regular communication with the three residents objecting and endeavoured to satisfy their requests.
- The hotel directors have invested £2.5 million to refurbish the hotel.
- The hotel employs 72 staff from the local area and the failure to obtain an Entertainments Licence may well affect their future employment.
- The hotel carried out an external lobby construction at a cost of £18,000 to ensure that noise from the hotel could be reduced.
- Door staff were employed to ensure entrance doors were open for the minimum time possible.
- Signage was erected to encourage patrons to disperse quietly.
- The applicant has employed an acoustic consultant to advise on potential noise breakout from the venue.

### **Counter representations**

3.13 In response to the Representation Form submitted by the applicant one of the objectors has disagreed with their assertion that music levels are no longer an issue for residents. The resident has also added that they are not seeking an outright ban on live music but that a compromise situation can be found to suit all.

3.14 A copy of this email is included as Appendix 6.

3.15 Further to providing the applicant with a copy of the objectors' Representation Forms the applicant has strenuously refuted any knowledge of social media comments causing the

3.16	objectors concern and has provided information suggesting Members should disregard this information.
3.17	A copy of this email is included as Appendix 7.
3.18	The applicant has also objected to a photograph submitted in supporting evidence by one of the objectors. Further to discussion with Legal Services this photograph has been omitted from the information provided with the Representation Forms.
3.19	The applicant and/or their representatives will be available at your meeting to answer any queries you may have in relation to the application.
<b><u>Details of the Premises</u></b>	
3.20	<p>The areas the applicant wishes to be licensed to provide entertainment are the:</p> <ul style="list-style-type: none"> <li>• Ground Floor Bar which will have a maximum capacity of 200 persons</li> <li>• Ground Floor Function room which will have a maximum capacity of 350 persons.</li> </ul>
3.21	<p>The days and hours during which the applicant wishes to provide entertainment are:</p> <ul style="list-style-type: none"> <li>• Monday to Saturday: 11.30 am to 1.00 am the following morning and,</li> <li>• Sunday: 12.30 pm to midnight.</li> </ul>
<b><u>PSNI</u></b>	
3.22	The PSNI have been consulted in relation to the application and confirmed that they have no objection to it. Police have also advised that they are in contact with the Licensee and his solicitor regarding the recent alterations to the premises.
<b><u>NIFRS</u></b>	
3.23	The Northern Ireland Fire Rescue Service has also been consulted in relation to the application and have advised they have no objection to it.
<b><u>Health, safety and enforcement inspections</u></b>	
3.24	The premises have been inspected and all works to ensure patron safety in the premises have been completed to the satisfaction of the Service.
3.25	The Service became aware of residents' concerns with the premises in July 2019 when complaints were made through the Council's Noise Hotline Service alleging that entertainment was being held on the premises and residents were being disturbed by noise from music and patrons in and around the premises.
3.26	Monitoring inspections were carried out at the premises by Officers from the Service on 06 July, 20 July and 16 August and the inspection on 20 July was arranged jointly with PSNI.
3.27	To date we have not witnessed entertainment being provided at the premises and no enforcement action is contemplated at present.
<b><u>Noise issues</u></b>	
3.28	Two noise complaints have been received by the Night Time Noise Team (NTNT) since the application was made in July 2019. When responding to the complaints and attending the

	<p>area Officers of the Noise Team did not witness any excessive noise levels that warranted action.</p>
<b>3.29</b>	<p>On 14th July a planned night time call out was arranged after a liaison meeting with a complainant. Outside the complainant's dwelling audible bass music was heard for a few minutes and voices were heard from the beer garden. Within the complainant's bedroom traffic noise was the main source of noise recorded.</p>
<b>3.30</b>	<p>On 3rd September a complainant contacted the NTNT who visited the premises but witnessed no noise from the Hotel and no patrons in the beer garden. Inside the complainant's property NTNT witnessed no noise from the hotel and road traffic noise was predominant.</p>
<b>3.31</b>	<p>The applicant has provided an acoustic report to determine if any works need to be carried out to the premises to prevent noise breakout. The report is currently being assessed by the Environmental Protection Unit and it is suggested that, if Members are of a mind to grant a licence, you do so on the basis that all acoustic measures are implemented to the satisfaction of the Council before entertainment may take place.</p>
<b>3.32</b>	<p>Members are reminded that the Clean Neighbourhood and Environment Act 2011 gives council's additional powers in relation to the control of entertainment noise after 11.00 pm.</p>
	<p><b><u>Financial and Resource Implications</u></b></p>
<b>3.33</b>	<p>Officers carry out monitoring inspections on premises receiving complaints, but this is catered for within existing budgets.</p>
	<p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p>
<b>3.34</b>	<p>There are no issues associated with this report.</p>
<b>4.0</b>	<p><b>Appendices – Documents Attached</b></p>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Application Form</li> <li>• Appendix 2 – Location Map</li> <li>• Appendix 3 – Letters of objection</li> <li>• Appendix 4 – Objectors Representation Forms</li> <li>• Appendix 5 – Applicant's Representation Form</li> <li>• Appendix 6 – Objectors counter representation</li> <li>• Appendix 7 – Applicant's counter representation</li> <li>• Appendix 8 – PSNI Comments</li> </ul>

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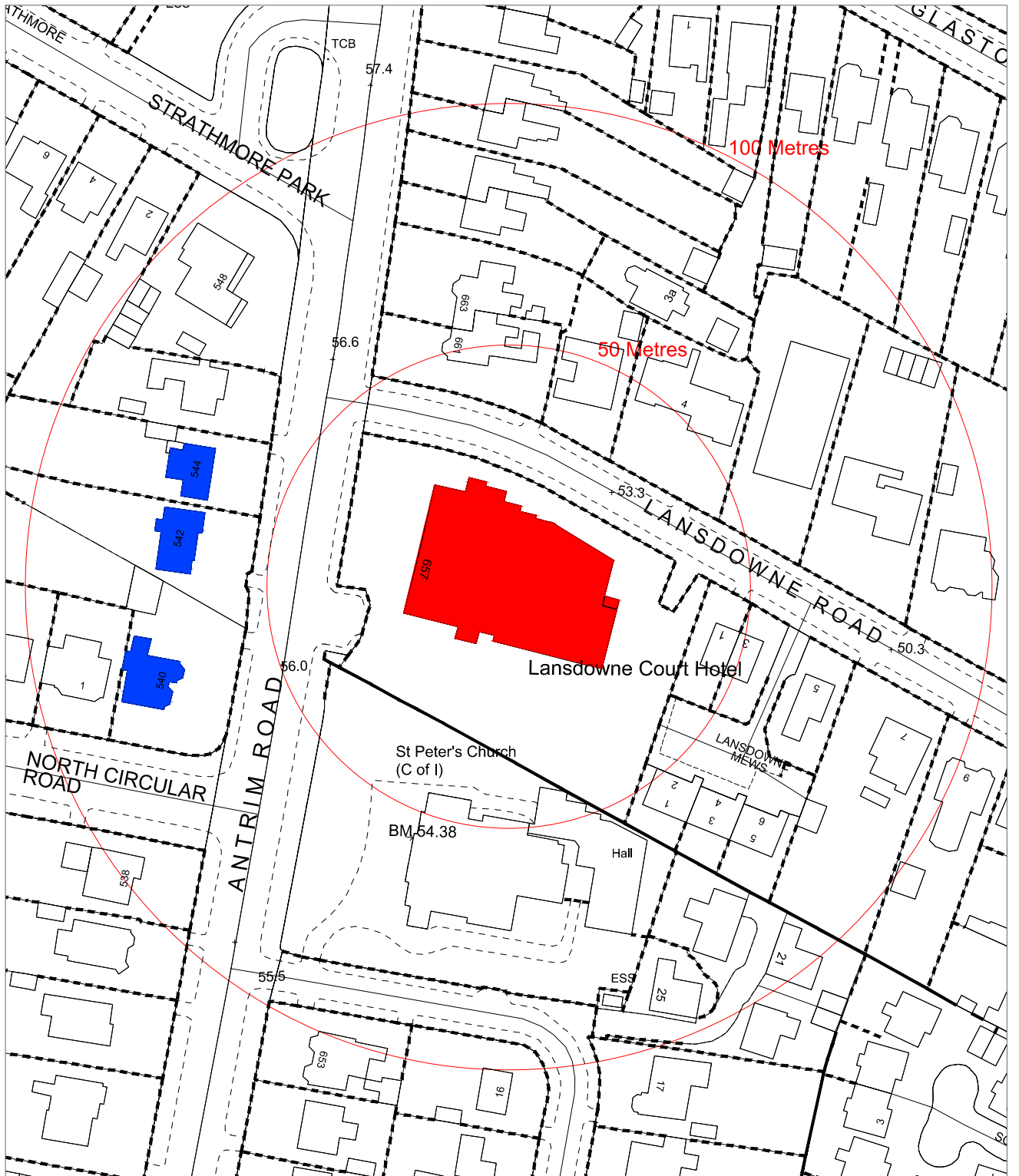
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# Building Control Service

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<b>Subject:</b>	<b>Application for the Variation of a 7-Day Annual Entertainments Licence for Fountain Lane</b>
<b>Date:</b>	18 <sup>th</sup> September, 2019
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Moira Dougherty, Senior Building Control Surveyor, ext. 2458

<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 type="checkbox"/> No <input checked="" type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>				
<b>1.1</b>	<p>To consider an application for the variation of the 7-Day Annual Indoor Entertainments Licence for Fountain Lane, based on the Council's standard conditions to provide indoor music, singing, dancing or any other entertainment of a like kind.</p> <table style="width: 100%; margin-top: 10px;"> <thead> <tr> <th style="width: 50%; text-align: left;">Premises and Location</th> <th style="width: 50%; text-align: left;">Applicant</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;">                     Fountain Lane                      16-20 Fountain Street                      Belfast                      BT1 5ED                 </td> <td style="vertical-align: top;">                     Mr Paul Langsford                      Clover Pubs NI No2 Ltd.                      Aisling House                      50 Stranmillis Embankment                      Belfast BT9 5FL                 </td> </tr> </tbody> </table>	Premises and Location	Applicant	Fountain Lane 16-20 Fountain Street Belfast BT1 5ED	Mr Paul Langsford Clover Pubs NI No2 Ltd. Aisling House 50 Stranmillis Embankment Belfast BT9 5FL
Premises and Location	Applicant				
Fountain Lane 16-20 Fountain Street Belfast BT1 5ED	Mr Paul Langsford Clover Pubs NI No2 Ltd. Aisling House 50 Stranmillis Embankment Belfast BT9 5FL				

<p>1.2</p> <p>1.3</p> <p>1.4</p> <p>1.5</p> <p>1.6</p>	<p>The nature of the variation is to extend the hours during which entertainment may be provided on Monday to Saturday nights from 1.00 am to 2.00 am the following morning and on Sunday night from midnight to 2.00 am the following morning.</p> <p>Members are reminded that the normal process for dealing with Entertainments Licence applications which are not the subject of objections is that the Director of Planning and Building Control will grant the licence as provided for in the Council's Scheme of Delegation.</p> <p>However, in light of the fact that the applicant has applied for a variation to extend the hours of entertainment beyond 1.00 am, the application is being presented to you for your consideration.</p> <p>A renewal application is pending and will be issued under delegated authority after the variation application has been considered.</p> <p>A location map is attached as Appendix 1.</p>
<p>2.0</p>	<p><b>Recommendations</b></p>
<p>2.1</p> <p>2.2</p> <p>2.3</p>	<p>Taking into account the information presented and representations received in respect of the application you are required to make a decision to either:</p> <ol style="list-style-type: none"> <li>1. Approve the application for the variation of the 7-Day Annual Indoor Entertainments Licence, or</li> <li>2. Approve the application for the variation of the 7-Day Annual Indoor Entertainments Licence with special conditions, or</li> <li>3. Refuse the application for the variation of the 7-Day Annual Indoor Entertainments Licence.</li> </ol> <p>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.</p> <p>Should the Committee decide to refuse the variation application, and the applicant decides to appeal, the licence will continue with its present conditions until the Appeal is determined.</p>
<p>3.0</p>	<p><b>Main report</b></p>
<p>3.1</p> <p>3.2</p> <p>3.3</p>	<p><b><u>Key Issues</u></b></p> <p>The areas currently licensed to provide indoor entertainment are the:</p> <ul style="list-style-type: none"> <li>• Ground Floor, with a maximum capacity of 50 persons.</li> <li>• First Floor, with a maximum capacity of 90 persons.</li> </ul> <p>The days and hours during which the premises are currently licensed to provide entertainment are:</p> <ul style="list-style-type: none"> <li>• Monday to Saturday: 11.30 am to 1.00 am the following morning, and</li> <li>• Sunday: 12.30 pm to midnight</li> </ul> <p>The days and hours during which the applicant proposes to provide entertainment are:</p> <ul style="list-style-type: none"> <li>• Monday to Saturday: 11.30 am to 2.00 am the following morning, and</li> </ul>

	<ul style="list-style-type: none"> <li>• Sunday: 12.30 pm to 2.00 am the following morning.</li> </ul> <p><b><u>Reasons for the Variation</u></b></p> <p>3.4 The applicant has stated the main reason they wish to extend the hours of entertainment is to compete with other premises in the City centre providing late night entertainment.</p> <p>3.5 A copy of the applicant's submission is appended to this report as Appendix 2.</p> <p><b><u>Representations</u></b></p> <p>3.6 Notice of the application has been advertised and no written representations have been lodged.</p> <p><b><u>PSNI</u></b></p> <p>3.7 The Police Service of Northern Ireland has been consulted in relation to the application and confirmed that they have no objections to the application. A copy of their response is attached as Appendix 3.</p> <p><b><u>Health, Safety and Welfare Issues</u></b></p> <p>3.8 A Building Regulations application has been submitted for the refurbishment works currently being carried out. The premises are currently closed and are being inspected under both Building Regulations and Licensing legislation.</p> <p><b><u>Applicant</u></b></p> <p>3.9 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> <p><b><u>Noise Issues</u></b></p> <p>3.10 The Environmental Protection Unit (EPU) has been consulted in relation to the application and confirmed that it has received no noise complaints in the last 12 months.</p> <p><b><u>Financial &amp; Resource Implications</u></b></p> <p>3.11 Officers carry out during performance inspections on premises providing entertainment but this is catered for within existing budgets.</p> <p><b><u>Equality or Good Relations Implications</u></b></p> <p>3.12 There are no equality or good relations issues associated with this report.</p>
4.0	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Location Map</li> <li>• Appendix 2 – Submission for later hours from the applicant</li> <li>• Appendix 3 – PSNI response</li> </ul>

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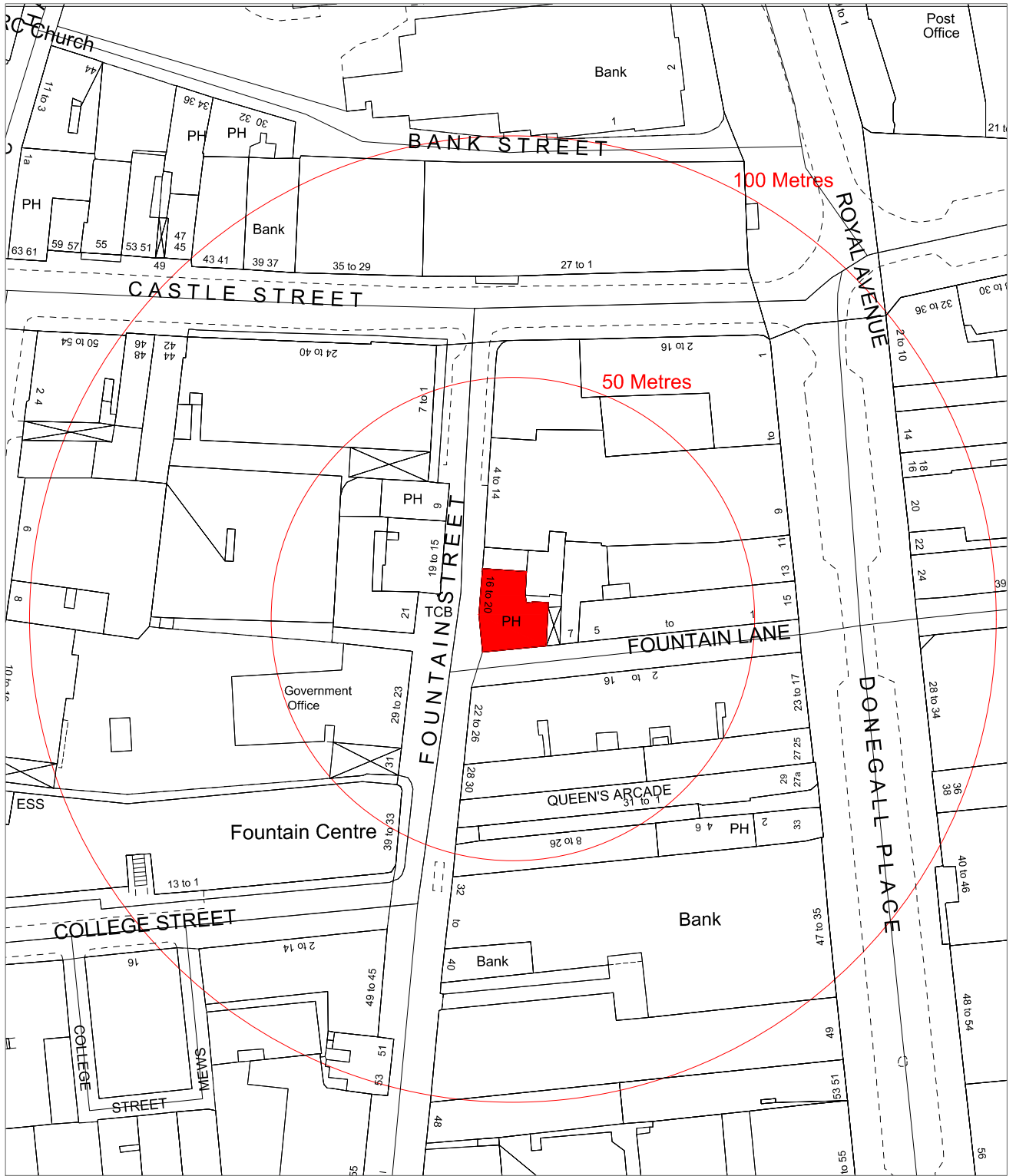


# Building Control Service

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<b>Subject:</b>	<b>Houses in Multiple Occupation (HMO) Licenses – Enforcement Policy &amp; the issue of Fixed penalty Notices</b>
<b>Date:</b>	18 September 2019
<b>Reporting Officer:</b>	Nigel Grimshaw, Strategic Director of City & Neighbourhood Services
<b>Contact Officers:</b>	Valerie Brown, City Services Manager, tel. 9027 0668 Kevin Bloomfield, NIHMO Manager, ext. 5910

<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"/>
Some time 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 type="checkbox"/> No <input checked="" type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
<b>1.1</b>	<p>The Houses in Multiple Occupation (HMO) Act NI 2016 received Royal Assent on 12<sup>th</sup> May 2016 and became operational on 1<sup>st</sup> April 2019 when the council took over operational responsibility for HMO licensing and enforcement.</p> <p>This paper provides Members with information regarding the approach to enforcement of HMO legislation and the service of fixed penalty notices.</p>
<b>2.0</b>	<b>Recommendations</b>
<b>2.1</b>	<p>The Committee is asked to:</p> <ul style="list-style-type: none"> <li>• Endorse the HMO Enforcement Policy Guidelines</li> </ul>

	<ul style="list-style-type: none"> <li>Note the information in relation to the service of fixed penalty notices (FPNs)</li> </ul>																														
<b>3.0</b>	<b>Main report</b>																														
	<p><b><u>Key Issues</u></b></p> <p><b>3.1</b> The purpose of the Houses in Multiple Occupation Act (Northern Ireland) 2016 is to enable better regulation of Houses in Multiple Occupation (HMO), by introducing a system of licensing and new provisions about standards of housing.</p> <p><b>3.2</b> The NIHMO Unit based in Belfast City Council acts on behalf of each of the 11 Northern Irelands councils to ensure an efficient and effective approach to all regulatory and enforcement activities carried out under the Act and the associated sub-ordinate legislation.</p> <p><b><u>HMO Enforcement Guidelines</u></b></p> <p><b>3.3</b> The proposed HMO Enforcement Guidelines are attached in Appendix 1. The document sets out the principles which will enable the NIHMO Unit to provide an effective and fair service, and to ensure consistent and open enforcement.</p> <p><b>3.4</b> The guidelines are written as a guide for officers, HMO owners and managers and the general public, outlining the general principles as to how the NIHMO Unit will carry out its enforcement duties.</p> <p><b>3.5</b> This document aims to support the objectives of the legislation to improve the life of HMO occupants and local residents by making HMO accommodation and the communities they are based in better places to live.</p> <p><b><u>Fixed Penalty Notices (FPNs)</u></b></p> <p><b>3.6</b> The Houses in Multiple Occupation (HMO) Act NI 2016 provides a wide variety of enforcement options, including the ability to serve Fixed Penalty Notices (FPN).</p> <p><b>3.7</b> Section 64-66 of the 2016 Act gives councils the power to issue fixed penalty notices.</p> <p><b>3.8</b> A fixed penalty notice (“FPN”) is a notice giving the recipient the opportunity of discharging any liability to conviction for an offence, by paying a fixed sum of money within a particular period.</p> <p><b>3.9</b> Members should note the issuing of a notice is an alternative to prosecuting the offender, in instances where an authorised officer, following an investigation, has reason to believe that a person has committed an offence under any of the relevant provisions, and there are grounds for instituting proceedings for an offence.</p> <p><b>3.10</b> To date 5 fixed penalty notices have been issued as follows</p> <table border="1"> <thead> <tr> <th>Section</th> <th>Offence</th> <th>Offence date</th> <th>FPN Amount</th> <th>Paid</th> </tr> </thead> <tbody> <tr> <td>31(1)</td> <td>Exceeding licensed occupancy - owner</td> <td>1 July 2019</td> <td>£5000</td> <td>No</td> </tr> <tr> <td>31(1)</td> <td>Exceeding licensed occupancy - owner</td> <td>1 July 2019</td> <td>£5000</td> <td>Yes</td> </tr> <tr> <td>30(1)</td> <td>Unlicensed HMO - Owner</td> <td>9 July 2019</td> <td>£5000</td> <td>Yes</td> </tr> <tr> <td>30(2)</td> <td>Unlicensed HMO – Agent</td> <td>9 July 2019</td> <td>£5000</td> <td>Yes</td> </tr> <tr> <td>30(1)</td> <td>Unlicensed HMO - Owner</td> <td>6 August 2019</td> <td>£5000</td> <td>Yes</td> </tr> </tbody> </table>	Section	Offence	Offence date	FPN Amount	Paid	31(1)	Exceeding licensed occupancy - owner	1 July 2019	£5000	No	31(1)	Exceeding licensed occupancy - owner	1 July 2019	£5000	Yes	30(1)	Unlicensed HMO - Owner	9 July 2019	£5000	Yes	30(2)	Unlicensed HMO – Agent	9 July 2019	£5000	Yes	30(1)	Unlicensed HMO - Owner	6 August 2019	£5000	Yes
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3.11	Officers' note that in access of 100 properties in Belfast previously licensed as HMOs have not applied to renew their license.																										
3.12	Officers' intend to inspect those properties previously licensed at the commencement of the new academic year to determine if they are in HMO usage. Officers will assess the premises for any offences under the HMO Act during the inspection.																										
3.13	For offences (other than section 31(1) exceeding licensed occupancy for which there is no reasonable excuse provision) the NIHMO Unit will write to the owner and/or the managing agent asking them to detail any reasonable excuse they may have for any of the following offences.																										
	<table border="1"> <thead> <tr> <th data-bbox="268 582 1121 622">Offence</th> <th data-bbox="1121 582 1481 622">Location in Act</th> </tr> </thead> <tbody> <tr> <td data-bbox="268 622 1121 663">Unlicensed HMO: Agent</td> <td data-bbox="1121 622 1481 663">30(1)</td> </tr> <tr> <td data-bbox="268 663 1121 703">Unlicensed HMO: Owner</td> <td data-bbox="1121 663 1481 703">30(2)</td> </tr> <tr> <td data-bbox="268 703 1121 743">Contravention of overcrowding notice</td> <td data-bbox="1121 703 1481 743">60(1)</td> </tr> <tr> <td data-bbox="268 743 1121 784">Contravention of occupancy requirement of suitability notice</td> <td data-bbox="1121 743 1481 784">60(2)</td> </tr> <tr> <td data-bbox="268 784 1121 824">Uses or permits use of HMO subject to a hazard notice</td> <td data-bbox="1121 784 1481 824">60(4)</td> </tr> <tr> <td data-bbox="268 824 1121 864">Breach of licence conditions: owner/agent</td> <td data-bbox="1121 824 1481 864">31(2)</td> </tr> <tr> <td data-bbox="268 864 1121 904">Breach of licence conditions: person not named on licence</td> <td data-bbox="1121 864 1481 904">31(3)</td> </tr> <tr> <td data-bbox="268 904 1121 945">Person represents HMO as licensed when it is not</td> <td data-bbox="1121 904 1481 945">32</td> </tr> <tr> <td data-bbox="268 945 1121 985">Agent operating but not named on licence - owner</td> <td data-bbox="1121 945 1481 985">33(2)</td> </tr> <tr> <td data-bbox="268 985 1121 1025">Obstruction of a relevant person</td> <td data-bbox="1121 985 1481 1025">80(5)</td> </tr> <tr> <td data-bbox="268 1025 1121 1066">Failure to comply with information notice</td> <td data-bbox="1121 1025 1481 1066">49</td> </tr> <tr> <td data-bbox="268 1066 1121 1106">Failure to provide information under sections 71, 72 or 73</td> <td data-bbox="1121 1066 1481 1106">75</td> </tr> </tbody> </table>	Offence	Location in Act	Unlicensed HMO: Agent	30(1)	Unlicensed HMO: Owner	30(2)	Contravention of overcrowding notice	60(1)	Contravention of occupancy requirement of suitability notice	60(2)	Uses or permits use of HMO subject to a hazard notice	60(4)	Breach of licence conditions: owner/agent	31(2)	Breach of licence conditions: person not named on licence	31(3)	Person represents HMO as licensed when it is not	32	Agent operating but not named on licence - owner	33(2)	Obstruction of a relevant person	80(5)	Failure to comply with information notice	49	Failure to provide information under sections 71, 72 or 73	75
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3.14	If no reasonable excuse is forthcoming an authorised officer will serve a fixed penalty notice on the owner and/or managing agent for any of the aforementioned offences as appropriate.																										
3.15	In accordance with section 8.5 the aforementioned HMO enforcement policy, failure to pay the fixed penalty notice will result in the council commencing legal proceeding of the alleged offence.																										
3.16	<p data-bbox="268 1299 1481 1344"><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p data-bbox="268 1344 1481 1451">There are no equality, good relations or rural needs implications associated with this report.</p>																										
4.0	<b>4.0 Appendices</b>																										
	Appendix 1: Houses in Multiple Occupation - Enforcement Guidelines																										

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# Houses in Multiple Occupation Act (Northern Ireland) 2016

## HMO Enforcement Guidelines

## Contents

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## 1.0 Introduction

- 1.1 The purpose of the Houses in Multiple Occupation Act (Northern Ireland) 2016 is to enable better regulation of Houses in Multiple Occupation (HMO), by introducing a system of licensing and new provisions about standards of housing.
- 1.2 The NIHMO Unit based in Belfast City Council acts on behalf of each of the 11 Northern Ireland's councils to ensure an efficient and effective approach to all regulatory and enforcement activities carried out under the Act and the associated sub-ordinate legislation. This guidance outlines the approach officers will take when considering alleged breaches of the provisions of the Act.
- 1.3 This guidance is consistent with the principles set out in the Council's Regulation and Enforcement Policy and it is also intended to improve compliance with legislation while minimising the burden on businesses, individuals, organisations and the Council.
- 1.4
- 1.5 The NIHMO Unit believes that effective and well targeted enforcement is essential in ensuring public protection, promoting fairness and protecting the public realm from the adverse effect some HMO accommodation may have within local communities.
- 1.6 This guidance aims to improve the quality of life of HMO occupants and local residents by making HMO accommodation and the communities they are based in better places to live.

## 2.0 Scope of the guidelines

2.1 These guidelines sets out the principles, which will enable the NIHMO Unit to provide an effective and fair service, and to ensure consistent and open enforcement.

2.2 The NIHMO Unit has responsibility for enforcing the following legislation:

- The Houses in Multiple Occupation Act (Northern Ireland) 2016  
<https://www.legislation.gov.uk/nia/2016/22/contents>
- The Houses in Multiple Occupation (Commencement and Transitional Provisions) Order (Northern Ireland) 2019  
<https://www.legislation.gov.uk/nisr/2019/39/contents/made>
- The Houses in Multiple Occupation (Notice of Application) Regulations (Northern Ireland) 2019  
<https://www.legislation.gov.uk/nisr/2019/38/contents/made>
- The Houses in Multiple Occupation (Space Standard) Regulations (Northern Ireland) 2019  
<https://www.legislation.gov.uk/nisr/2019/37/contents/made>
- The Houses in Multiple Occupation (Specified Educational Establishments) Regulations (Northern Ireland) 2019  
<https://www.legislation.gov.uk/nisr/2019/36/contents/made>
- The Houses in Multiple Occupation (Fees) Regulations (Northern Ireland) 2019  
<https://www.legislation.gov.uk/nisr/2019/34/contents/made>
- he Houses in Multiple Occupation (Hazards) Regulations (Northern Ireland) 2019  
<https://www.legislation.gov.uk/nisr/2019/33/contents/made>
- The Houses in Multiple Occupation (Code of Practice) Regulations (Northern Ireland) 2019  
<https://www.legislation.gov.uk/nisr/2019/32/contents/made>
- The Houses in Multiple Occupation (Living Accommodation Standard) Regulations (Northern Ireland) 2019  
<https://www.legislation.gov.uk/nisr/2019/31/contents/made>

2.2 These guidelines are written as a guide for officers, HMO owners and managers and the general public, outlining the general principles as to how the NIHMO Unit will carry out our enforcement duties.

2

2.5

2.6

## 3.0 Principles of enforcement

- 3.1 The NIHMO Unit believes in effective but fair regulation and recognises that its regulatory activities should be proportionate, accountable, consistent, transparent and targeted to situations that need action.
- 3.2 These guidelines sets out the clear standards of service that the public and HMO owners and managing agents can expect to receive from the NIHMO Unit. Where appropriate the NIHMO Unit or individual councils may publish other information relating to the implementation of this guidance.
- 3.3 The NIHMO Unit will aim to be consistent in our response to all incidents and complaints, in the advice officers give and in using its enforcement powers, including when deciding whether to issue fixed penalty notices (FPNs) or prosecute.
- 3.4 However, the NIHMO Unit recognises that consistency is not a simple matter of uniformity and officers must be able to exercise professional judgement in individual cases. The NIHMO Unit will determine whether a prosecution or other enforcement action is appropriate having considered the circumstances of the case and any prevailing legal requirements.
- 3.5 Action by the NIHMO Unit will be proportionate to the objectives of the legislation. As far as the law allows, the NIHMO Unit will take account of the circumstances of the case and the attitude of the offender when considering action.
- 3.6 The NIHMO Unit will be transparent and open in all its activities and we will help people to understand what is expected of them and what they should expect from us. It also means explaining the reasons why the NIHMO Unit intend to, or have taken, enforcement action.
- 3.7 The NIHMO Unit will provide clear information and guidance on general compliance issues, individual compliance failures or any difficulties an individual may experience when trying to comply with the law. However the onus remains on HMO owners and managers to ensure that they comply with their legal obligations.
- 3.8 No inspection will take place without a reason and by prioritising effort and resource the NIHMO Unit can make sure it inspects the greater risk areas more frequently. When the NIHMO Unit takes enforcement action it may take account of any national, regional or local priorities that exist at that time.
- 3.9 As a regulator, the NIHMO Unit will be accountable to the public for its actions. If someone is dissatisfied with the level of service provided, the NIHMO Unit welcomes comments on how that can be improved.
- 3.10 Prevention is better than cure and HMO owners and managers are encouraged to contact the NIHMO Unit if they need any help. Advice and support will be given to help people understand and comply with their legal obligations. The NIHMO Unit will also promote and encourage good practice. Officers will be helpful and courteous and will provide a contact point and telephone number for any further dealings.
- 3.11 The NIHMO unit may raise awareness of statutory requirements and promote compliance through a range of methods including the provision of compliance tools, direct contact with staff, education programmes, publicity campaigns and online guidance through our website.

## 4.0 Arrangements for enforcement

4.1 The NIHMO Unit shall make adequate arrangements to provide effective enforcement services by ensuring that:

- sufficient numbers of enforcement officers are employed who are adequately qualified, trained, experienced and competent to carry out their duties,
- all enforcement actions are taken by officers who have been specifically authorised in accordance with the relevant legislation and the relevant Council's Scheme of Delegated Authority,
- all investigations are carried out in compliance with the Police and Criminal Evidence (NI) Order 1989, and relevant codes of practice.



## 6.0 Reasonable excuse

- 6.1 Before serving a fixed penalty notice or initiating a prosecution for the offences listed in table 1 the NIHMO Unit shall contact the suspected perpetrator and offer them an opportunity to provide details of any “reasonable excuse” they may have for the suspected non-compliance.
- 6.2 Representations in relation to any “reasonable excuse” will be evaluated by an authorised officer of the NIHMO Unit and after considering the circumstances of the case and any prevailing legal requirements shall determine whether or not to serve a fixed penalty notice or recommend that a prosecution is taken.

**Table 1**

<b>Offence</b>	<b>Location in Act</b>
Unlicensed HMO: Agent	30(1)
Unlicensed HMO: Owner	30(2)
Contravention of overcrowding notice	60(1)
Contravention of occupancy requirement of suitability notice	60(2)
Uses or permits use of HMO subject to a hazard notice	60(4)
Unauthorised disclosure of information obtained under section 73 or 74	76(1)
Breach of licence conditions: owner/agent	31(2)
Breach of licence conditions: person not named on licence	31(3)
Person represents HMO as licensed when it is not	32
Agent operating but not named on licence - owner	33(2)
Obstruction of a relevant person	80(5)
Failure to comply with information notice	49
Failure to provide information under sections 71, 72 or 73	75

## 7.0 Fixed penalty notices (FPNs)

7.1 If an authorised officer of the NIHMO Unit has reason to believe that a person has committed an offence they will generally (subject to the seriousness of the breach, the past record of the person and any other relevant considerations) offer the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty under any of the following provisions –

- a) section 30; <https://www.legislation.gov.uk/nia/2016/22/section/30>
- b) section 31; <https://www.legislation.gov.uk/nia/2016/22/section/31>
- c) section 32; <https://www.legislation.gov.uk/nia/2016/22/section/32>
- d) section 33; <https://www.legislation.gov.uk/nia/2016/22/section/33>
- e) section 37(1); <https://www.legislation.gov.uk/nia/2016/22/section/37>
- f) section 49; <https://www.legislation.gov.uk/nia/2016/22/section/49>
- g) section 60; <https://www.legislation.gov.uk/nia/2016/22/section/60>
- h) section 75; <https://www.legislation.gov.uk/nia/2016/22/section/75>
- i) section 80(5); <https://www.legislation.gov.uk/nia/2016/22/section/80>
- j) section 82(4); <https://www.legislation.gov.uk/nia/2016/22/section/82>
- k) paragraph 14 of Schedule 2;  
<https://www.legislation.gov.uk/id/nia/2016/22/schedule/2/paragraph/14>
- l) paragraph 8 of Schedule 3.  
<https://www.legislation.gov.uk/id/nia/2016/22/schedule/3/paragraph/8>

7.2

## 8.0 Prosecutions

8.1 The NIHMO Unit recognises that prosecution is a serious matter and should only be taken after full consideration of the evidence, implications and consequences. It is however an important part of any enforcement system and acts as a punishment, a deterrent to others and as a means of avoiding a recurrence.

8.2 It follows that it may be appropriate to use prosecution to ensure certain requirements are met. Where the circumstances warrant it, prosecution without prior warning or recourse to alternative sanctions will be pursued.

8.3

8.5 Without prejudice to the generality of the above, the NIHMO Unit will normally recommend prosecution in of the following circumstances:

- the breaches have serious consequences for public safety or have severe adverse effects on the locality in which the HMO is situated;
- failure to comply with a statutory notice for a similar offence to one previously discharged via the payment of a fixed penalty notice;

- failure to pay a fine after receiving a fixed penalty notice;
- excessive or persistent breaches of legislation;
- obstruction of NIHMO staff in carrying out their statutory duties.

## 10.0 Complaints

- 10.1 If a person is unhappy with the level of service and wish to make a formal complaint, the complaint should be addressed to Belfast City Council who are the employing authority for NIHMO Unit staff. Details on how to make a complaint can be found via the link. <https://www.belfastcity.gov.uk/contact/feedback.aspx>

## 11.0 List of offences and associated penalties



No	Offence	Location in Act	FPN	Criminal Penalty	Daily Fine
1	Unlicensed HMO: Agent	30(1)	£5,000	Subject on summary conviction of a fine up to £20,000 (Equivalent to Level 5)	Daily fine of £50
2	Unlicensed HMO: Owner	30(2)	£5,000	£20,000	Daily fine of £50
3	Breach of occupancy specified in licence	31(1)	£5,000	£20,000	Daily fine of £50
4	Contravention of overcrowding notice	60(1)	£5,000	£20,000	Daily fine of £50
5	Contravention of occupancy requirement of suitability notice	60(2)	£5,000	£20,000	Daily fine of £50
6	Uses or permits use of HMO subject to a hazard notice	60(4)	£5,000	£20,000	Daily fine of £50
7	Unauthorised disclosure of information obtained under section 73 or 74	76(1)	N/A	£20,000 and/or on conviction on indictment, to imprisonment for a term not exceeding 2 years	N/A
8	Unlicensed HMO: Owner authorises person to act on his behalf	30(3)	£2,500	Subject on summary conviction of a fine up to £10,000 (Equivalent to Level 4)	
9	Breach of licence conditions: owner/agent	31(2)	£2,500	£10,000	
10	Breach of licence conditions: person not named on licence	31(3)	£2,500	£10,000	
11	Person represents HMO as licensed when it is not	32	£2,500	£10,000	
12	Agent operating but not named on licence - other	33(1)	£2,500	£10,000	
13	Agent operating but not named on licence - owner	33(2)	£2,500	£10,000	
14	Failure to comply with rectification notice	37(1)	£2,500	£10,000	
15	Unlawful occupation	Para 8 of Sch 3	£500	Subject on summary conviction of a fine up to £1,000 (Equivalent to Level 3)	
16	Owner fails to complete works specified in hazard notice	60(6)	£500	£1,000	
17	Obstruction of a relevant person	80(5)	£500	£1,000	
No	Offence	Location in Act	FPN	Criminal Penalty	Daily Fine

18	Obstruction of works needed, under a Part 4 notice, TENs & rectification notices	82(4)	£500	£1,000	
19	Failure to comply with information notice	49	£200	Subject on summary conviction of a fine up to £500 (Equivalent to Level 2)	
20	Failure to provide information under sections 71, 72 or 73	75	£200	£500	
21	Provision of false information under sections 71, 72 or 73	75	£200	£500	
21	Providing false or misleading information	Para 14 of Sch 2	£200	£500	



<b>Subject:</b>	<b>Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority</b>
<b>Date:</b>	18 September 2019
<b>Reporting Officer:</b>	Valerie Brown, City Services Manager, tel. 9027 0668
<b>Contact Officer:</b>	Kevin Bloomfield, NIHMO Manager, ext. 5910

<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"/>
Some time 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 type="checkbox"/> No <input checked="" 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 & Neighbourhood Services Department 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>3.1</b>	<p><b><u>Key Issues</u></b></p> <p>Under the terms of the Houses in Multiple Occupation Act (Northern Ireland) 2016 &amp; The Houses in Multiple Occupation (Commencement and Transitional Provisions) Order (Northern Ireland) 2019 the following HMO Licences were issued since your last meeting.</p> <table border="1"> <thead> <tr> <th>HMO Location</th> <th>Type of Application</th> <th>Applicant</th> </tr> </thead> <tbody> <tr> <td>1A ST IVES GARDENS, BELFAST, ANTRIM, BT9 5DN</td> <td>Commencement and Transitional Provisions</td> <td>Mr Tim Duffy</td> </tr> <tr> <td>1B ST IVES GARDENS, BELFAST, ANTRIM, BT9 5DN</td> <td>Commencement and Transitional Provisions</td> <td>Mr Tim Duffy</td> </tr> <tr> <td>81 GREAT NORTHERN STREET, BELFAST, ANTRIM, BT9 7FL</td> <td>Commencement and Transitional Provisions</td> <td>Mr Seamus Burden</td> </tr> <tr> <td>FLAT 2, 12 DUNLUCE AVENUE, BELFAST, ANTRIM, BT9 7AY</td> <td>Commencement and Transitional Provisions</td> <td>Mr Peter Quinn</td> </tr> <tr> <td>1 HATFIELD STREET, BELFAST, ANTRIM, BT7 2FB</td> <td>Commencement and Transitional Provisions</td> <td>Mr Seamus Leonard</td> </tr> <tr> <td>50 JERUSALEM STREET, BELFAST, ANTRIM, BT7 1QP</td> <td>Commencement and Transitional Provisions</td> <td>Mr Seamus Leonard</td> </tr> <tr> <td>119 AGINCOURT AVENUE, BELFAST, BT7 1QD</td> <td>Commencement and Transitional Provisions</td> <td>Mr Martin Carlin</td> </tr> <tr> <td>113 DUNLUCE AVENUE,, Belfast, BT9 7AX</td> <td>Commencement and Transitional Provisions</td> <td>Mr Eamon Toye</td> </tr> <tr> <td>54 STRANMILLIS PARK, BELFAST, BT9 5AU</td> <td>Commencement and Transitional Provisions</td> <td>Mr Peter Teague</td> </tr> <tr> <td>18 FLORENCEVILLE AVENUE, BELFAST, DOWN, BT7 3GZ</td> <td>Commencement and Transitional Provisions</td> <td>Mr Patrick MacFarlane</td> </tr> <tr> <td>107 DUNLUCE AVENUE, BELFAST, ANTRIM, BT9 7AX</td> <td>Commencement and Transitional Provisions</td> <td>Ms Jackie Nelson</td> </tr> <tr> <td>138 DONNYBROOK STREET, BELFAST, ANTRIM, BT9 7DG</td> <td>Commencement and Transitional Provisions</td> <td>Mr John Kinnear</td> </tr> <tr> <td>2 ASHLEY MEWS, BELFAST, ANTRIM, BT9 7BN</td> <td>Commencement and Transitional Provisions</td> <td>Mrs Ursula Murray</td> </tr> <tr> <td>55 Palestine Street, Belfast, BT7 1QJ</td> <td>Commencement and Transitional Provisions</td> <td>Mr Cathal McCormack</td> </tr> </tbody> </table>	HMO Location	Type of Application	Applicant	1A ST IVES GARDENS, BELFAST, ANTRIM, BT9 5DN	Commencement and Transitional Provisions	Mr Tim Duffy	1B ST IVES GARDENS, BELFAST, ANTRIM, BT9 5DN	Commencement and Transitional Provisions	Mr Tim Duffy	81 GREAT NORTHERN STREET, BELFAST, ANTRIM, BT9 7FL	Commencement and Transitional Provisions	Mr Seamus Burden	FLAT 2, 12 DUNLUCE AVENUE, BELFAST, ANTRIM, BT9 7AY	Commencement and Transitional Provisions	Mr Peter Quinn	1 HATFIELD STREET, BELFAST, ANTRIM, BT7 2FB	Commencement and Transitional Provisions	Mr Seamus Leonard	50 JERUSALEM STREET, BELFAST, ANTRIM, BT7 1QP	Commencement and Transitional Provisions	Mr Seamus Leonard	119 AGINCOURT AVENUE, BELFAST, BT7 1QD	Commencement and Transitional Provisions	Mr Martin Carlin	113 DUNLUCE AVENUE,, Belfast, BT9 7AX	Commencement and Transitional Provisions	Mr Eamon Toye	54 STRANMILLIS PARK, BELFAST, BT9 5AU	Commencement and Transitional Provisions	Mr Peter Teague	18 FLORENCEVILLE AVENUE, BELFAST, DOWN, BT7 3GZ	Commencement and Transitional Provisions	Mr Patrick MacFarlane	107 DUNLUCE AVENUE, BELFAST, ANTRIM, BT9 7AX	Commencement and Transitional Provisions	Ms Jackie Nelson	138 DONNYBROOK STREET, BELFAST, ANTRIM, BT9 7DG	Commencement and Transitional Provisions	Mr John Kinnear	2 ASHLEY MEWS, BELFAST, ANTRIM, BT9 7BN	Commencement and Transitional Provisions	Mrs Ursula Murray	55 Palestine Street, Belfast, BT7 1QJ	Commencement and Transitional Provisions	Mr Cathal McCormack
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	20-22 ELMWOOD AVENUE, BELFAST BT9 6AY	Renewal	Church of Ireland
	45 MALONE AVENUE, BELFAST BT9 6EP	Renewal	Mr Paul Kieran
	15 STRANMILLIS GARDENS BT9 5AS	New (change of ownership)	Mr David Cartmill Mrs Fiona Cartmill
	15 HOLYWOOD ROAD, BELFAST BT4 3BA	New	Janet Dowling Laura Cairns
<b>3.3</b>	<b><u>Financial &amp; Resource Implications</u></b>		
	None		
<b>3.4</b>	<b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b>		
	There are no issues associated with this report.		

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<b>Subject:</b>	<b>Licence Fees for Sex Establishments</b>
<b>Date:</b>	18 September, 2019
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, Ext 2435
<b>Contact Officer:</b>	James Cunningham, Regulatory Services Manager, 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>	
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>	
<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 Article 4 and Schedule 2 of The Local Government (Miscellaneous Provisions) (NI) Order 1985 (the Order), the Council has powers relating to the Licensing of Sex Establishments. Paragraph 19, Schedule 2 provides that an applicant for the grant, renewal or transfer of a licence shall pay a reasonable fee determined by the council.
<b>1.2</b>	Unlike the Street Trading Act (NI) 2001 and the Licensing of Pavement Cafés Act (NI) 2014, there is no procedure prescribed in the Order that the Council must follow in determining the Licence fee.
<b>1.3</b>	The current Sex Establishment Licence fees were set at your meeting of June 2016 and Committee agreed that a review of the fees be conducted each year.

<b>2.0</b>	<b>Recommendations</b>														
<p data-bbox="164 255 209 282"><b>2.1</b></p> <p data-bbox="272 255 576 282">Members are asked to:</p> <ul data-bbox="284 324 1262 351" style="list-style-type: none"> <li data-bbox="284 324 1262 351">• Agree that our current fees, set in September 2018, remain unchanged.</li> </ul> <p data-bbox="164 392 209 418"><b>2.2</b></p>	<p data-bbox="272 392 1469 517">Members are advised that the Licensing Committee does not have delegated powers in relation to policy decisions concerning licensing matters and as such your recommendation as to the appropriate fees for sex establishments licences will be subject to ratification by Council.</p>														
<b>3.0</b>	<b>Main report</b>														
<p data-bbox="164 696 209 723"><b>3.1</b></p> <p data-bbox="164 864 209 891"><b>3.2</b></p> <p data-bbox="164 1357 209 1384"><b>3.3</b></p> <p data-bbox="164 1525 209 1552"><b>3.4</b></p>	<p data-bbox="272 629 427 656"><b><u>Key Issues</u></b></p> <p data-bbox="272 696 1469 822">A review of the time allocated to each task in the licensing process has been undertaken and costing estimates reviewed. This analysis has demonstrated that the current fees, as agreed by Committee last September, are still proportionate to the cost of the processes associated with administering a Sex Establishment Licence.</p> <p data-bbox="272 864 1469 927">As there has been no change in the current costs, it is proposed that the fees set last year remain as shown below.</p> <table border="1" data-bbox="555 965 1182 1249"> <tr> <td data-bbox="560 965 991 1003"><b>Application Fee</b></td> <td data-bbox="991 965 1177 1003"><b>£3,200</b></td> </tr> <tr> <td data-bbox="560 1003 991 1041"></td> <td data-bbox="991 1003 1177 1041"></td> </tr> <tr> <td data-bbox="560 1041 991 1079"><b>Renewal Fee</b></td> <td data-bbox="991 1041 1177 1079"><b>£1,430</b></td> </tr> <tr> <td data-bbox="560 1079 991 1117"></td> <td data-bbox="991 1079 1177 1117"></td> </tr> <tr> <td data-bbox="560 1117 991 1155"><b>Transfer Fee</b></td> <td data-bbox="991 1117 1177 1155"><b>£1,125</b></td> </tr> <tr> <td data-bbox="560 1155 991 1193"></td> <td data-bbox="991 1155 1177 1193"></td> </tr> <tr> <td data-bbox="560 1193 991 1232"><b>Licence Fee</b></td> <td data-bbox="991 1193 1177 1232"><b>£500</b></td> </tr> </table> <p data-bbox="272 1290 783 1317"><b><u>Financial and Resource Implications</u></b></p> <p data-bbox="272 1357 1469 1420">The Sex Establishment Licence fees will ensure the cost of the operational and administration processes are proportionate to the licensing scheme.</p> <p data-bbox="272 1460 1198 1487"><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p> <p data-bbox="272 1525 890 1552">There are no issues associated with this report.</p>	<b>Application Fee</b>	<b>£3,200</b>			<b>Renewal Fee</b>	<b>£1,430</b>			<b>Transfer Fee</b>	<b>£1,125</b>			<b>Licence Fee</b>	<b>£500</b>
<b>Application Fee</b>	<b>£3,200</b>														
<b>Renewal Fee</b>	<b>£1,430</b>														
<b>Transfer Fee</b>	<b>£1,125</b>														
<b>Licence Fee</b>	<b>£500</b>														
<b>4.0</b>	<b>Appendices – Documents Attached</b>														
	None														