

# Public Document Pack

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



**Belfast  
City Council**

10th June, 2020

## **MEETING OF LICENSING COMMITTEE**

Dear Alderman/Councillor,

The following is a list of reports with recommendations which were due to be considered by above-named Committee on 17<sup>th</sup> June, 2020.

These decisions will now be taken by the Chief Executive in accordance with the authority delegated to her by the Council.

A table of Recommendations to Committee will also be sent separately by email and these should be completed by each Member of the Committee and returned by the deadline indicated in the email.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

### **AGENDA:**

1. **Routine Matters**
  - (a) Declarations of Interest
2. **Delegated Matters**
  - (a) Houses in Multiple Occupation (HMO) Licenses Issued Under Delegated Authority (Pages 1 - 2)
  - (b) Applications for the renewal of a Licence to operate a House of Multiple Occupation for 11 Stranmillis Park , Belfast . BT9 5AU (Pages 3 - 22)
  - (c) Applications for the renewal of a Licence to operate a House of Multiple Occupation for 39 Stranmillis Gardens , Belfast . BT9 5AT (Pages 23 - 42)
  - (d) Applications for the renewal of a Licence to operate a House of Multiple Occupation for 46 Stranmillis Park , Belfast . BT9 5AU (Pages 43 - 62)

- (e) Applications for the renewal of a Licence to operate a House of Multiple Occupation for 27 St Ives Gardens , Belfast . BT9 5DN (Pages 63 - 82)
- (f) Minded opinion on the renewal of a Licence to operate a House in Multiple Occupation at 17 Colenso Parade, Belfast, BT9 5AN (Pages 83 - 88)
- (g) Minded opinion on the renewal of a Licence to operate a House in Multiple Occupation at 93B University Avenue, Belfast, BT7 1GX (Pages 89 - 94)



<b>Subject:</b>	<b>Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority</b>
<b>Date:</b>	17 June 2020
<b>Reporting Officer:</b>	Kevin Bloomfield, NIHMO Manager, 07584 270820
<b>Contact Officer:</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"/>
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>	
<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.

3.0	<b>Main report</b>																																																																		
	<b><u>Key Issues</u></b>																																																																		
3.1	Under the terms of the Houses in Multiple Occupation Act (Northern Ireland) 2016 the following HMO Licences were issued during April 2020.																																																																		
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<b>Subject:</b>	<b>Applications for the renewal of a Licence to operate a House of Multiple Occupation for 11 Stranmillis Park , Belfast . BT9 5AU</b>
<b>Date:</b>	17 June 2020
<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 type="checkbox"/> No <input checked="" type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or 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 style="margin-left: 40px; border: none;"> <thead> <tr> <th style="text-align: left;">Premises and Location</th> <th style="text-align: left;">Appl. No.</th> <th style="text-align: left;">Applicant</th> </tr> </thead> <tbody> <tr> <td>11 Stranmillis Park Belfast BT9 5AU</td> <td>7080</td> <td>Mr William James McGalliard</td> </tr> </tbody> </table>	Premises and Location	Appl. No.	Applicant	11 Stranmillis Park Belfast BT9 5AU	7080	Mr William James McGalliard
Premises and Location	Appl. No.	Applicant					
11 Stranmillis Park Belfast BT9 5AU	7080	Mr William James McGalliard					
1.2	Members will be aware that responsibility for HMO's was transferred to local district councils in April 2019 with the introduction of a new licensing regime. Any existing registrations under the old NIHE Registration Scheme operated were deemed to be licences at the point of transfer. 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.						
1.3	Following the publication of this application, an objection was received in relation to the application. This objection raises general concerns about the overprovision of HMOs, balanced communities, infrastructure and safety checks						
1.4	As a valid objection has been received, the application must be considered by Committee which must, after hearing from the objector and the applicant, decide whether to grant the renewal application.						

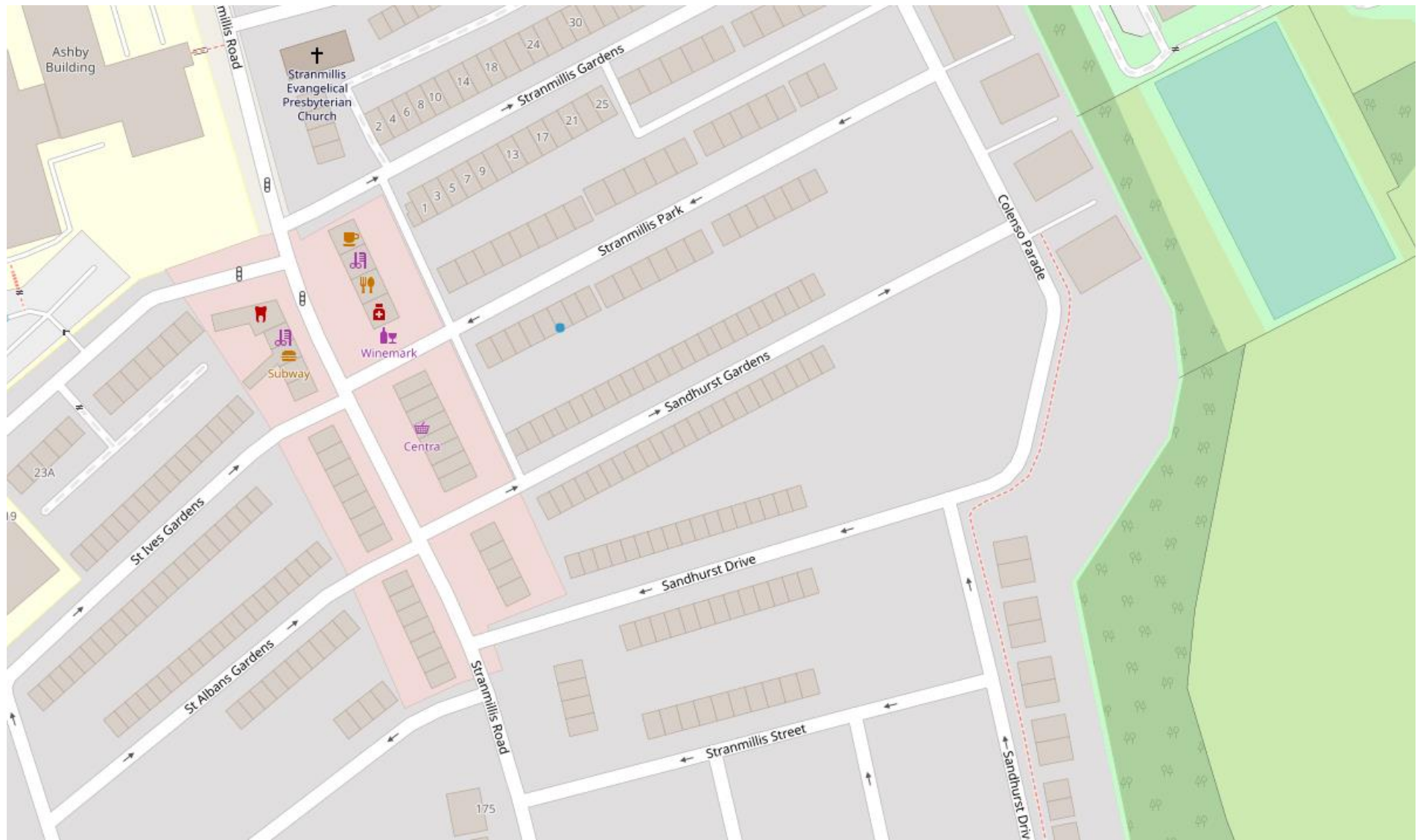
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>Taking into account the information presented Committee is asked to hear from the objectors and applicant and make a decision to either:</p> <ul style="list-style-type: none"> <li>(i) Grant the application, with or without any special conditions; or</li> <li>(ii) Refuse the application.</li> </ul>
2.2	<p>If the application is refused, the applicant has a right of appeal to the Magistrates 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>
2.3	<p>Objectors have no right of appeal but may be able to judicially review the Council's decision</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— <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>
3.2	<p>When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.</p>
3.3	<p>Section 20 of the 2016 Act states where the holder of an HMO licence makes an application for renewal, the council must apply the above provisions except for (a) and (d); namely whether the use is a breach of planning control or would result in overprovision.</p>
3.4	<p>Members will recall that counsel has advised that councils cannot taken into account the absence of planning permission through the prism of fitness. On the basis of this advice, Legal Services have confirmed that this also applies to issues around overprovision.</p>
3.5	<p><b><u>Objections</u></b></p> <p>Following publication of notice of the application, an objection was received in relation to the renewal application. A copy of that objection is appended to this report. As appears from the objection, 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) Room sizes;</li> <li>c) The need for safety checks</li> </ul>

3.6	Point 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.
3.7	The NIHMO Unit has consulted with City and Neighbourhood Services who have advised they haven't received any noise complaints.
	<b><u>Applicant</u></b>
3.8	The applicant has confirmed that he has not been convicted of any relevant offences as set out at paragraph 3.1 of this report. The applicant has not been being convicted of any offences by the Council. Due to data protection issues which have recently 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. Officers are not aware of any issues relevant to the applicant's fitness.
3.09	The applicant and/or his representatives will be available to discuss any matters relating to the renewal of the licence should they arise during your meeting.
	<b><u>Suitability of the premises</u></b>
3.10	An inspection of the premises was carried out by Officers from the Service on 18 March 2020. The inspections revealed that the applicant was continuing to adhere to the terms and conditions of the existing licence and no contraventions were discovered.
	<b><u>Notice of proposed decision</u></b>
3.11	On the 2 June 2020, 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.
	<b><u>Financial and Resource Implications</u></b>
3.12	None. The cost of assessing the application and officer inspections are provided for within existing budgets.
	<b><u>Equality and Good Relations Implications</u></b>
3.13	There are no equality or good relations issues associated with this report.
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Location Map</li> <li>• Appendix 2 – Objection</li> <li>• Appendix 3 – Notice of proposed decision</li> </ul>

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# Appendix 1 – Location Map – 11 Stranmillis Park



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

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<b>Subject:</b>	<b>Applications for the renewal of a Licence to operate a House of Multiple Occupation for 39 Stranmillis Gardens , Belfast . BT9 5AT</b>
<b>Date:</b>	17 June 2020
<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 type="checkbox"/> No <input checked="" type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or 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 style="width: 100%; margin-left: 40px;"> <tr> <td style="width: 35%;"><b>Premises and Location</b></td> <td style="width: 25%;"><b>Ref. No.</b></td> <td style="width: 40%;"><b>Applicant</b></td> </tr> <tr> <td>39 Stranmillis Gardens Belfast BT9 5AT</td> <td></td> <td>Mr Declan Wright</td> </tr> </table>	<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	39 Stranmillis Gardens Belfast BT9 5AT		Mr Declan Wright
<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
39 Stranmillis Gardens Belfast BT9 5AT		Mr Declan Wright					
1.2	Members will be aware that responsibility for HMO's was transferred to local district councils in April 2019 with the introduction of a new licensing regime. Any existing registrations under the old NIHE Registration Scheme operated were deemed to be licences at the point of transfer. 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.						
1.3	Following the publication of this application, an objection was received in relation to the application. This objection raises general concerns about the overprovision of HMOs, balanced communities, infrastructure and safety checks						
1.4	As a valid objection has been received, the application must be considered by Committee which must, after hearing from the objector and the applicant, decide whether to grant the renewal application.						
<b>2.0</b>	<b>Recommendations</b>						

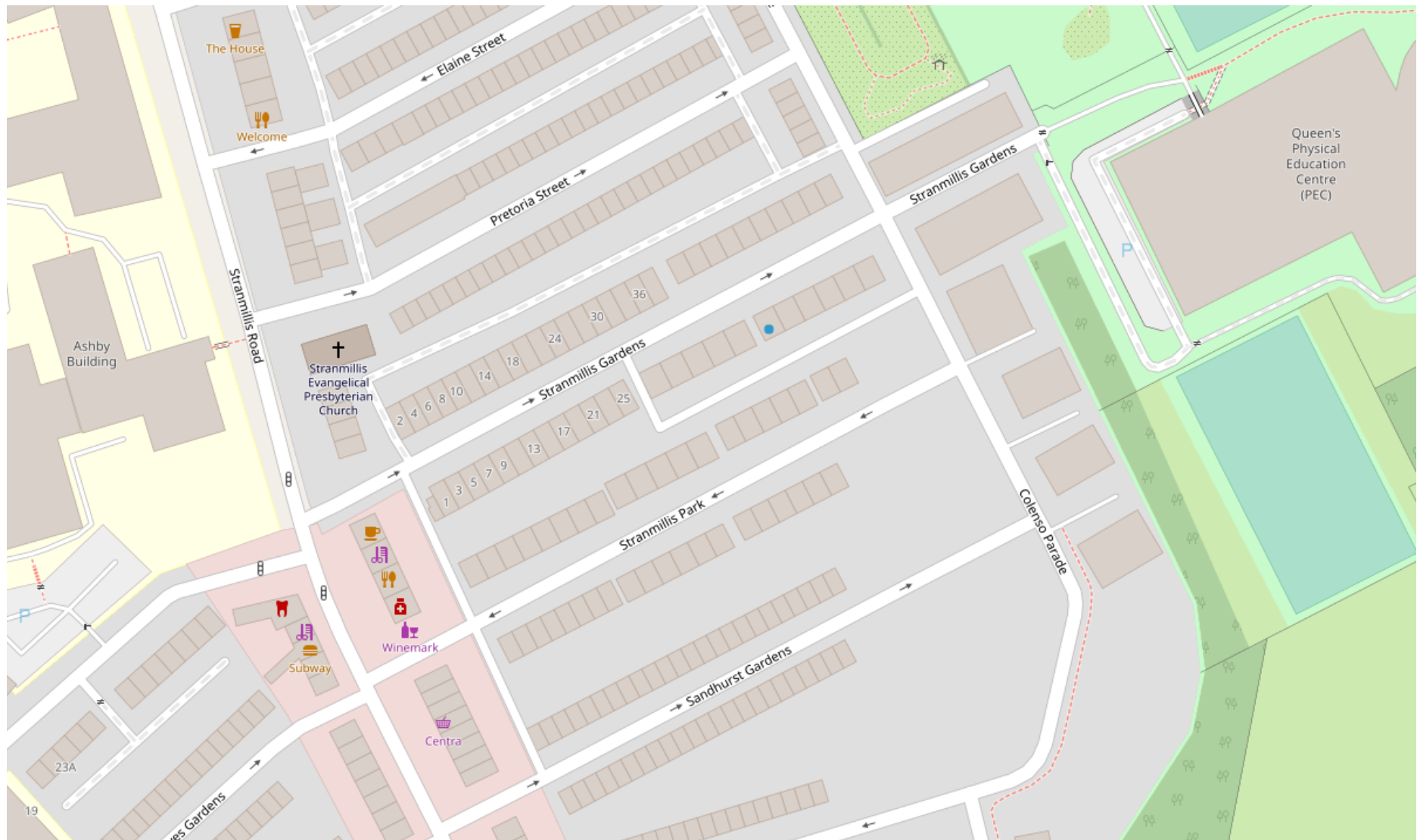
<p>2.1</p> <p>2.2</p> <p>2.3</p>	<p>Taking into account the information presented Committee is asked to hear from the objectors and applicant and make a decision to either:</p> <ul style="list-style-type: none"> <li>(i) Grant the application, with or without any special conditions; or</li> <li>(ii) Refuse the application.</li> </ul> <p>If the application is refused, the applicant has a right of appeal to the Magistrates 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> <p>Objectors have no right of appeal but may be able to judicially review the Council's decision</p>
<p><b>3.0</b></p>	<p><b>Main report</b></p>
<p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p> <p>3.5</p> <p>3.6</p>	<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>When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.</p> <p>Section 20 of the 2016 Act states where the holder of an HMO licence makes an application for renewal, the council must apply the above provisions except for (a) and (d); namely whether the use is a breach of planning control or would result in overprovision.</p> <p>Members will recall that counsel has advised that councils cannot taken into account the absence of planning permission through the prism of fitness. On the basis of this advice, Legal Services have confirmed that this also applies to issues around overprovision.</p> <p><b><u>Objections</u></b></p> <p>Following publication of notice of the application, an objection was received in relation to the renewal application. A copy of that objection is appended to this report. As appears from the objection, 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) Room sizes;</li> <li>c) The need for safety checks</li> </ul>



3.7	<p>Point 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>The NIHMO Unit has consulted with City and Neighbourhood Services who have advised they haven't received any noise complaints.</p>
3.8	<p><b><u>Applicant</u></b></p> <p>The applicant has confirmed that he has not been convicted of any relevant offences as set out at paragraph 3.1 of this report. The applicant has not been being convicted of any offences by the Council. Due to data protection issues which have recently 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. Officers are not aware of any issues relevant to the applicant's fitness.</p>
3.09	<p>The applicant and/or his representatives will be available to discuss any matters relating to the renewal of the licence should they arise during your meeting.</p>
3.10	<p><b><u>Suitability of the premises</u></b></p> <p>An inspection of the premises was carried out by Officers from the Service on 4 March 2020. The inspections revealed that the applicant was continuing to adhere to the terms and conditions of the existing licence and no contraventions were discovered.</p>
3.11	<p><b><u>Notice of proposed decision</u></b></p> <p>On the 2 June 2020, 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.</p>
3.12	<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>
3.13	<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>
4.0	<p><b>Appendices – Documents Attached</b></p>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Location Map</li> <li>• Appendix 2 – Objection</li> <li>• Appendix 3 – Notice of proposed decision</li> </ul>

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# Appendix 1 – Location Map – 39 Stranmillis Gardens



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<b>Subject:</b>	<b>Applications for the renewal of a Licence to operate a House of Multiple Occupation for 46 Stranmillis Park , Belfast . BT9 5AU</b>
<b>Date:</b>	17 June 2020
<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

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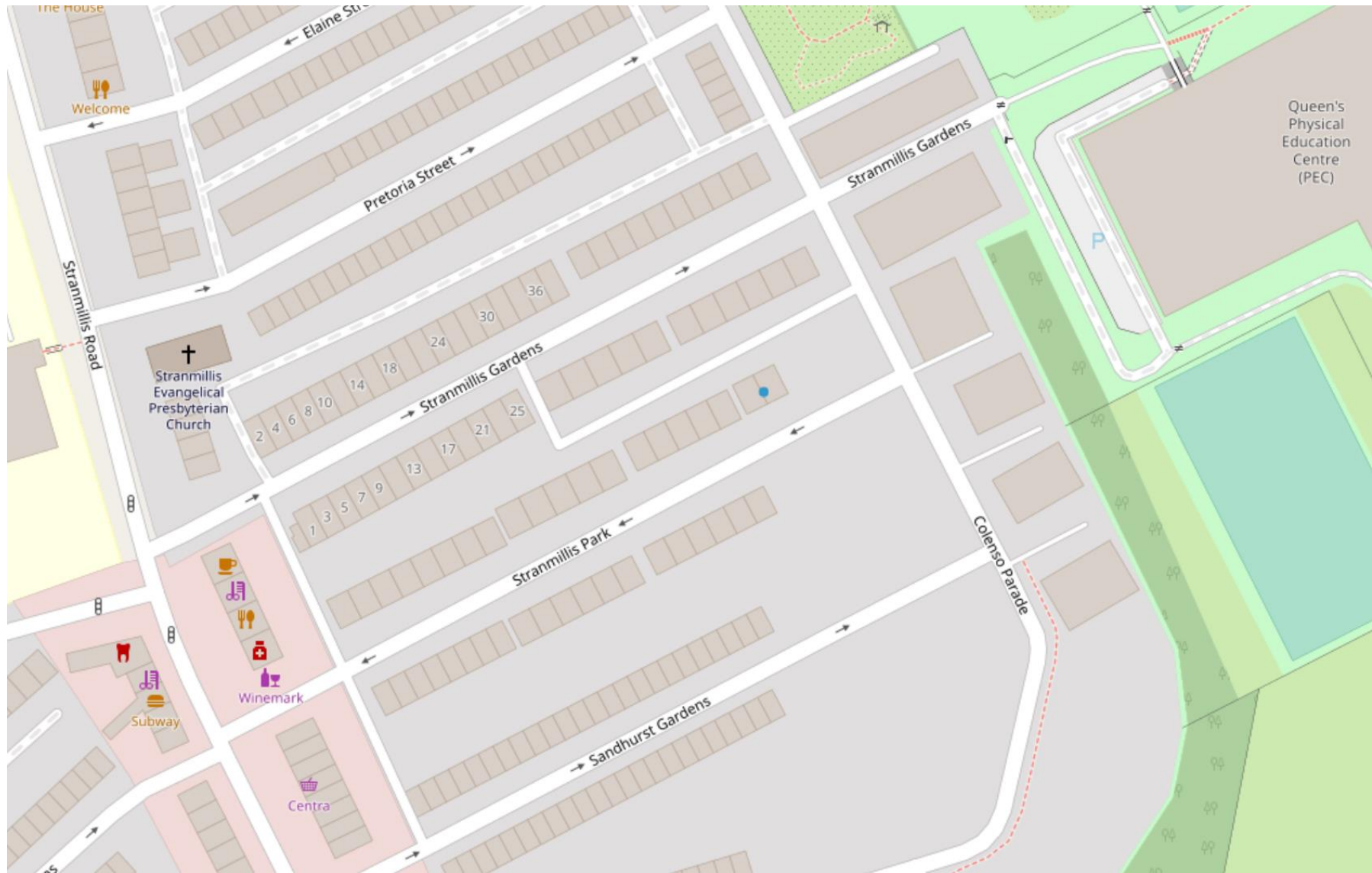
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<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
46 Stranmillis Park Belfast BT9 5AU		Mr Declan Wright					
1.2	Members will be aware that responsibility for HMO's was transferred to local district councils in April 2019 with the introduction of a new licensing regime. Any existing registrations under the old NIHE Registration Scheme operated were deemed to be licences at the point of transfer. 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.						
1.3	Following the publication of this application, an objection was received in relation to the application. This objection raises general concerns about the overprovision of HMOs, balanced communities, infrastructure and safety checks						
1.4	As a valid objection has been received, the application must be considered by Committee which must, after hearing from the objector and the applicant, decide whether to grant the renewal application.						
<b>2.0</b>	<b>Recommendations</b>						

<p>2.1</p> <p>2.2</p> <p>2.3</p>	<p>Taking into account the information presented Committee is asked to hear from the objectors and applicant 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> <p>If the application is refused, the applicant has a right of appeal to the Magistrates 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> <p>Objectors have no right of appeal but may be able to judicially review the Council’s decision</p>
<p><b>3.0</b></p>	<p><b>Main report</b></p>
<p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p> <p>3.5</p> <p>3.6</p>	<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>When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.</p> <p>Section 20 of the 2016 Act states where the holder of an HMO licence makes an application for renewal, the council must apply the above provisions except for (a) and (d); namely whether the use is a breach of planning control or would result in overprovision.</p> <p>Members will recall that counsel has advised that councils cannot taken into account the absence of planning permission through the prism of fitness. On the basis of this advice, Legal Services have confirmed that this also applies to issues around overprovision.</p> <p><b><u>Objections</u></b></p> <p>Following publication of notice of the application, an objection was received in relation to the renewal application. A copy of that objection is appended to this report. As appears from the objection, 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) Room sizes;</li> <li>c) The need for safety checks</li> </ul> <p>Point 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>

3.7	<p>The NIHMO Unit has consulted with City and Neighbourhood Services who have advised they haven't received any noise complaints.</p> <p><b><u>Applicant</u></b></p>
3.8	<p>The applicant has confirmed that he has not been convicted of any relevant offences as set out at paragraph 3.1 of this report. The applicant has not been being convicted of any offences by the Council. Due to data protection issues which have recently 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. Officers are not aware of any issues relevant to the applicant's fitness.</p>
3.09	<p>The applicant and/or his representatives will be available to discuss any matters relating to the renewal of the licence should they arise during your meeting.</p> <p><b><u>Suitability of the premises</u></b></p>
3.10	<p>An inspection of the premises was carried out by Officers from the Service on 4 March 2020. The inspections revealed that the applicant was continuing to adhere to the terms and conditions of the existing licence and no contraventions were discovered.</p> <p><b><u>Notice of proposed decision</u></b></p>
3.11	<p>On the 2 June 2020, 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.</p> <p><b><u>Financial and Resource Implications</u></b></p>
3.12	<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>
3.13	<p>There are no equality or good relations issues associated with this report.</p>
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Location Map</li> <li>• Appendix 2 – Objection</li> <li>• Appendix 3 – Notice of proposed decision</li> </ul>

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# Appendix 1 – Location Map – 46 Stranmillis Park



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<b>Subject:</b>	<b>Applications for the renewal of a Licence to operate a House of Multiple Occupation for 27 St Ives Gardens , Belfast . BT9 5DN</b>
<b>Date:</b>	17 June 2020
<b>Reporting Officer:</b>	Kevin Bloomfield, HMO Unit Manager, 07584 270820
<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 type="checkbox"/> No <input checked="" type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or 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 style="margin-left: 40px; border: none;"> <thead> <tr> <th style="text-align: left;">Premises and Location</th> <th style="text-align: left;">Appl. No.</th> <th style="text-align: left;">Applicant</th> </tr> </thead> <tbody> <tr> <td>27 St Ives Gardens Belfast BT9 5DN</td> <td>7058</td> <td>Mr Ian McKeown and Ms Carmel McKeown</td> </tr> </tbody> </table>	Premises and Location	Appl. No.	Applicant	27 St Ives Gardens Belfast BT9 5DN	7058	Mr Ian McKeown and Ms Carmel McKeown
Premises and Location	Appl. No.	Applicant					
27 St Ives Gardens Belfast BT9 5DN	7058	Mr Ian McKeown and Ms Carmel McKeown					
1.2	Members will be aware that responsibility for HMO's was transferred to local district councils in April 2019 with the introduction of a new licensing regime. Any existing registrations under the old NIHE Registration Scheme operated were deemed to be licences at the point of transfer. 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.						
1.3	Following the publication of this application, an objection was received in relation to the application. This objection raises general concerns about the overprovision of HMOs, balanced communities, infrastructure and safety checks						
1.4	As a valid objection has been received, the application must be considered by Committee which must, after hearing from the objector and the applicant, decide whether to grant the renewal application.						
<b>2.0</b>	<b>Recommendations</b>						

<p>2.1</p> <p>2.2</p> <p>2.3</p>	<p>Taking into account the information presented Committee is asked to hear from the objectors and applicant 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> <p>If the application is refused, the applicant has a right of appeal to the Magistrates 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> <p>Objectors have no right of appeal but may be able to judicially review the Council's decision</p>
<p><b>3.0</b></p>	<p><b>Main report</b></p>
<p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p> <p>3.5</p> <p>3.6</p>	<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>When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.</p> <p>Section 20 of the 2016 Act states where the holder of an HMO licence makes an application for renewal, the council must apply the above provisions except for (a) and (d); namely whether the use is a breach of planning control or would result in overprovision.</p> <p>Members will recall that counsel has advised that councils cannot taken into account the absence of planning permission through the prism of fitness. On the basis of this advice, Legal Services have confirmed that this also applies to issues around overprovision.</p> <p><b><u>Objections</u></b></p> <p>Following publication of notice of the application, an objection was received in relation to the renewal application. A copy of that objection is appended to this report. As appears from the objection, 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) run down look of the area;</li> <li>c) car parking</li> </ul>

<p>3.7</p> <p>3.8</p> <p>3.09</p> <p>3.10</p> <p>3.11</p> <p>3.12</p> <p>3.13</p>	<p>Point 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>The NIHMO Unit have consulted with City and Neighbourhood Services who have advised that a single noise complaint was received in respect of the property on 25/09/2018. The Council was not required to take formal enforcement action as a result of the complaint received.</p> <p><b><u>Applicant</u></b></p> <p>The applicant has confirmed that he has not been convicted of any relevant offences as set out at paragraph 3.1 of this report. The applicant has not been being convicted of any offences by the Council. Due to data protection issues which have recently 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. Officers are not aware of any issues relevant to the applicant's fitness.</p> <p>The applicant and/or his representatives will be available to discuss any matters relating to the renewal of the licence should they arise during your meeting.</p> <p><b><u>Suitability of the premises</u></b></p> <p>Officers from the Service confirmed on the 29 May 2020 that the premises confirmed to the relevant standards and the applicant was continuing to adhere to the terms and conditions of the existing licence and no contraventions were discovered.</p> <p><b><u>Notice of proposed decision</u></b></p> <p>On the 2 June 2020, 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.</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>Appendices – Documents Attached</b></p>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Location Map</li> <li>• Appendix 2 – Objection</li> <li>• Appendix 3 – Notice of proposed decision</li> </ul>

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# Appendix 1 – Location Map – 27 St Ives Gardens



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