



|                           |  |
|---------------------------|--|
| <b>Subject:</b>           | <b>Addendum report in respect of an application for a New Licence to operate a House of Multiple Occupation for 5 Riverview Street, Belfast, BT9 5FD</b> |
| <b>Date:</b>              | 30 May 2022  |
| <b>Reporting Officer:</b> | Kevin Bloomfield, HMO Unit Manager   |
| <b>Contact Officer:</b>   | Kevin Bloomfield, HMO Unit Manager<br>Nora Largey, Divisional Solicitor  |

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

| <b>1.0</b>                               | <b>Purpose of Report or Summary of main Issues</b>  |              |   |              |                 |  |      |             |   |
|--|---|--------------|---|--------------|-----------------|--|------|-------------|---|
| 1.1                                      | The Committee, at its March 2022 meeting, was asked to consider whether it would grant or refuse the application for a new HMO licence at 5 Riverview Street, Belfast, BT9 5FD  |              |   |              |                 |  |      |             |   |
| 1.2                                      | At that meeting, following a presentation and a written submission by the owner of the accommodation, and following discussions with the Divisional Solicitor, the committee agreed to defer its decision, pending further legal advice.  |              |   |              |                 |  |      |             |   |
| 1.3                                      | This report should be read in conjunction with the report presented to Committee at its March 2022 meeting which is at <b>Appendix 1</b> .  |              |   |              |                 |  |      |             |   |
| 1.4                                      | Application details   |              |   |              |                 |  |      |             |   |
|  | <table border="1"><thead><tr><th>Premises</th><th>Application No.</th><th>Applicant(s)</th><th>Managing Agents</th></tr></thead><tbody><tr><td>5 Riverview Street<br/>Belfast<br/>BT9 5FD</td><td>8908</td><td>Mr Che Gill</td><td>Hampton Estate<br/>Agency Limited T/A<br/>Hampton Estates</td></tr></tbody></table>  | Premises     | Application No.   | Applicant(s) | Managing Agents | 5 Riverview Street<br>Belfast<br>BT9 5FD | 8908 | Mr Che Gill | Hampton Estate<br>Agency Limited T/A<br>Hampton Estates |
| Premises                                 | Application No.   | Applicant(s) | Managing Agents   |              |                 |  |      |             |   |
| 5 Riverview Street<br>Belfast<br>BT9 5FD | 8908  | Mr Che Gill  | Hampton Estate<br>Agency Limited T/A<br>Hampton Estates |              |                 |  |      |             |   |
| 1.5                                      | Mr. Gill informed the Committee that the reasons for his application having been submitted late were that, during the Covid-19 pandemic, he isolated with his vulnerable parents. He stated that upon receipt of the letter in August 2020, to advise him that he must renew his HMO licence, he presumed that while restrictions were in place that he would not be able to renew his application with the HMO Unit. |              |   |              |                 |  |      |             |   |
| 1.6                                      | He further added that, in September 2020, he had travelled to France for business purposes and had intended to return, upon his family having been vaccinated, however, in January  |              |   |              |                 |  |      |             |   |

|            |   |
|------------|---|
|            | <p>2021, when he had been due to return to Belfast, his flight had been cancelled as a result of the pandemic. He highlighted that the house had been vacant for the previous seven months and stated that he had thought that some mitigations would have been in place surrounding the renewal process, given the impacts of the Covid-19 pandemic.</p>   |
| 1.7        | <p>Counsel's advice was sought and obtained, and Legal Services has confirmed that section 20(2) of the Houses in Multiple Occupation (Northern Ireland) Act 2016 ("the 2016 Act") makes it clear that an application to renew a licence <b>must</b> be made before the licence ceases to have effect. Whilst the applicant refers to the Council's letter dated 4 August 2020, to the extent that it advised that the NI HMO Unit was operating a reduced service and that Council officers were unable to undertake HMO inspections, the letter also made it clear that;</p> <p><i>"Existing licence holders should submit their renewal applications online before the expiry of their existing licence (including the required payment). If the renewal is received before the expiry date, the existing licence will, pursuant to the provisions of Section 21 of the Houses in Multiple Occupation Act (Northern Ireland) 2016, continue to have effect until the application is determined."</i></p> |
| 1.8        | <p>As the current application was received after the expiry of the previous licence, this application is for a new licence and, in accordance with section 8(2)(d) of the 2016 Act, the Council <b>may grant the licence only</b> if it is satisfied that it will not result in an overprovision of HMOs in the locality in which the living accommodation is situated.</p>   |
| 1.9        | <p>When considering overprovision, the Council <b>must</b> have regard to: (a) the number and capacity of licensed HMOs in the locality; (b) the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need; and, (c) such other matters as the Department may by regulations specify.</p>  |
| 1.10       | <p>Therefore, members must consider the above provisions at 1.9 of this report, regarding overprovision, and cannot simply ignore same because of the representations made by the Applicant concerning his personal circumstances and reasons for failing to renew his previous licence on time.</p>  |
| 1.11       | <p>Members can, however, in considering the question of whether granting the licence would result in overprovision, take into account the submissions made by the applicant on the issue of overprovision, in particular paragraphs 2 and 3 of his written submissions <b>Appendix 2</b>.</p>   |
| 1.12       | <p>Then, haven taken those submissions into account, as well as the views of Council officers, members must decide whether it is satisfied that the granting of the licence will not result in an overprovision of HMOs in the locality in which the living accommodation is situated.</p>  |
| <b>2.0</b> | <b>Recommendations</b>  |
| 2.1        | <p>Taking into account the information presented Committee is asked to hear from the 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 County Court. Such an appeal must be lodged within 28 days of formal notification of the decision. The licence will remain in place pending the appeal.</p>  |
| <b>3.0</b> | <b>Appendices – Documents Attached</b>  |

- |  |  |
|--|--|
|  | <ul style="list-style-type: none"><li>• <b>Appendix 1</b> – <a href="#">Committee Report dated 16 March 2022</a></li><li>• <b>Appendix 2</b> – Applicant's correspondence in response to the notice of proposed decision dated 3 February 2022</li><li>• <b>Appendix 3</b> – <a href="#">Minutes of the Licensing Committee meeting on 16 March 2022</a></li></ul> |
|--|--|