



Subject:	Application for a New Licence to operate a House of Multiple Occupation for Flat 1, 6 Sandhurst Road, Belfast, BT7 1PW
Date:	20 September 2023
Reporting Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910
Contact Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, City Solicitor, Ext. 6049

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

1.0	Purpose of Report or Summary of main Issues								
1.1	<p>The Committee, at its 21 June 2023 meeting, was asked to consider whether it would grant or refuse the application for a new HMO licence at Flat 1, 6 Sandhurst Road, Belfast, BT7 1PW.</p> <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>Flat 1, 6 Sandhurst Road, Belfast, BT7 1PW</td><td>9555</td><td>Queens Quarter Housing Limited</td><td>None</td></tr></tbody></table>	Premises	Application No.	Applicant(s)	Managing Agents	Flat 1, 6 Sandhurst Road, Belfast, BT7 1PW	9555	Queens Quarter Housing Limited	None
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Flat 1, 6 Sandhurst Road, Belfast, BT7 1PW	9555	Queens Quarter Housing Limited	None						
1.2	<p>At the June 2023 meeting following a presentation and a written submission on behalf of the owner of the accommodation, the Committee agreed to defer consideration of the application to enable officers to explore the strategic context of the issues which had been raised in relation to this application and the wider hostel accommodation in Belfast, and to present this information at a future meeting.</p>								
1.3	<p>An update report on hostel accommodation in Belfast and the relationship to HMO licensing is on the agenda for this meeting.</p>								
1.4	<p>On the day of the June 2023 meeting submissions were also submitted by the legal representative which are attached at Appendix 1 to this report. Officers raised several concerns relating to those documents at the meeting and for the purposes of this report those issues are detailed below.</p>								
1.5	<p>This report should be read in conjunction with the report presented to Committee at its June 2023 meeting. Appendix 2</p>								

Fire Safety / Fire Risk Assessments

- 1.6 Queens Quarter Housing Referral Policy and Procedure states “As per QQH inclusion criteria, QQH can accommodate up to four individuals who have an arson conviction. This agreement has been made following discussion with stakeholders and consultation with risk assessment consultant Willis Ltd. For risk management and insurance purposes, QQH ensure placements are available for these individuals in staffed accommodation”.
- 1.7 The fire risk assessment submitted with the HMO licence application dated 12 October 2022 made no reference to individuals with arson convictions being housed in the accommodation. Please note the Fire risk assessment indicates the occupants as being - Staff – 2, Service users – 12 (all sleeping occupants) and Visitors – approx. 2 (the fire risk assessment encompasses Flats 1, 2 and 3, 6 Sandhurst Road).
- 1.8 Officers wrote to the applicant on 26 June 2023 **Appendix 3** regarding the fire risk assessment provided- *“The fire risk assessment you forwarded as part of the application did not include any reference to the possibility of the accommodation housing persons with prior arson convictions, as such the Council is no longer satisfied as to the suitability of the fire risk assessments submitted and new fire risk assessments taking into account all material factors should be submitted as an urgent priority. Furthermore, due to the vulnerability of the other users within the accommodation which your legal team highlighted as part of their presentation to the licensing committee the Council requires personal emergency evacuation plans (PEEPs) for each of the occupants in residence...”*
- 1.9 Officers also stated the Council as the licensing authority had not been consulted in relation to the accommodation being occupied by persons with arson convictions and requested a copy of the consultation document / risk assessment produced by Willis Limited.
- 1.10 On the 18 July 2023 officers from the NIHMO Unit and the NIFRS undertook a joint inspection of the accommodation. Verbal reassurances were provided by the applicant during the inspection that the accommodation was not occupied by persons with arson convictions and although some deficiencies were noted and forwarded to the applicant for actioning the NIFRS confirmed the outcome of the audit was **“broadly compliant”**.
- 1.11 To date officers have not received an updated fire risk assessment, personal emergency evacuation plans (PEEPs) or a copy of the consultation document / risk assessment produced by Willis Limited.
- ### History of violent offending
- 1.12 Queens Quarter Housing Referral Policy and Procedure states “As per QQH inclusion criteria, QQH can accommodate individuals with a history violent offending. Any referral made for potential services users who have a history of these offences will be assessed as per availability of appropriate accommodation for risk management of staff and other service users.
- 1.13 The PSNI have disclosed that there has been an incident were the police were called by staff due to a service user being aggressive, and an incident of assault by one tenant on another tenant, (one tenant spat on another tenant).
- 1.14 Legal Counsel at the June 2023 meeting on behalf of the Applicant made reference to and indicated that members should take comfort from the fact Queen’s Quarter Housing are unable to provide accommodation for service users whose circumstance’s change during their stay to ‘COURT BAIL’ or ‘CRIMINAL CHARGES’ that would change the risk to residents or the local community.

1.15	The PSNI have confirmed that they do not conduct bail checks at the premises and furthermore, if there are persons who are placed on court bail after they have been housed in the premises those persons are moved to suitable alternative accommodation.
1.16	Queen's Quarter Housing Limited have also indicated that "pertinent background information is sought via Public Protection Unit and placements are approved by PSNI as per Public Protection Arrangements Northern Ireland "PPANI" where applicable.
Probation Board for Northern Ireland letter dated 17 May 2023	
1.17	<p>Legal Counsel on behalf of the applicant referred to a letter from the Director of Operations of the Probation Board for Northern Ireland dated 17 May 2023 Appendix 1. In which he says –</p> <p>"I am writing in support of the renewal of the Licence at Queen's Quarter Hostel IV Unit, to allow for their continued service delivery.</p> <p>PBNI consider this unit an important service for individuals with addiction issues, which offers both stable accommodation and a safe and monitored environment for injection. The unit assists with managing the associated risks of illegal drug use within the local community, including the safe disposal of drug paraphernalia....,"</p>
1.18	Clarification was sought from the PBNI on whether the letter was supporting the application for new HMO licences at 6 Sandhurst Road or in support of the wider services provided by Queen's Quarter Housing Limited. Appendix 4
1.19	<p>PBNI have yet to respond.</p> <p>The possibility of undue public nuisance</p>
1.20	At the June 2023 meeting members received a presentation from the PSNI who drew members attention to the incident log which provided detail of reported incidents linked to the properties. They described the community impact of the accommodation being used as a HMO, together with the pressure on Policing to safeguard the area.
1.21	Officers have received from the owner of a licensed HMO situated near 6 Sandhurst Road allegations of public nuisance associated with the premises which are deemed relevant to members consideration of this licence application. Appendix 5 . However, as these representations were received outside of the statutory consultation period, members will need to expressly decide whether to exercise their discretion and consider same.
Proposed meeting between the Applicant and Autonomie	
1.22	On the 4 August 2023 the Applicant wrote to Autonomie requesting a meeting to discuss concerns regarding the 6 Sandhurst Road, Belfast, BT7 1PW Appendix 6
1.23	<p>The Chief Executive of Autonomie responded to the applicant Appendix 7 on the 29 August 2023 stating –</p> <p><i>"Autonomie representatives would be open to meeting with you to discuss the matter further if you believe that such a meeting 'would benefit both organisations'.</i></p> <p><i>To allow us to prepare adequately for such a meeting, I'd be grateful if you would provide us with a draft agenda and details of who is likely to attend the meeting from QQH."</i></p>

1.24	<p>Autonomie have confirmed no further correspondence has been received from the Applicant.</p> <p>Projected need for temporary accommodation</p>
1.25	<p>The Housing Executive's strategic action plan for temporary accommodation 2022 – 27 titled Ending Homelessness Together - Homeless to Home clearly indicates that –</p> <ul style="list-style-type: none"> a) demand for temporary accommodation will remain higher than pre-pandemic levels and will outstrip supply, b) single person households will remain the largest cohort presenting for temporary accommodation, and also with the greatest support needs, c) young people who have been disproportionately impacted by the pandemic, will continue to need accommodation and support, d) Belfast and Derry/Londonderry will continue to have the highest gap between supply and demand, e) levels of support needs will continue to grow, particularly related to mental health and addictions, f) there will be increased demand from those losing private rented accommodation, g) it is anticipated that there will be increased demand from victims of domestic abuse. <p>Determining the application</p>
1.26	<p>Although the housing need in the relevant locality and the extent to which HMO accommodation is required to meet that need is something that members must have regard to, officers are not proposing the refusal of this HMO licence application on the grounds of overprovision.</p>
1.27	<p>The proposed grounds for refusal of this application solely relate to section 8(2)(e), as read with section 13, which states that the Council may only grant a licence if they are satisfied that the accommodation is suitable for use as an HMO for the specified maximum number of persons or could be made so by including conditions in the licence. In coming to the decision, the Council must have regard to -</p> <ul style="list-style-type: none"> (a) the accommodation's location, (b) the type and number of persons likely to occupy it, (c) the safety and security of persons likely to occupy it, and (d) the possibility of undue public nuisance.
2.0	Recommendations
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"> (i) Grant the application, with or without any special conditions; or (ii) Refuse the application.

<p>2.2</p> <p>2.3</p> <p>2.4</p> <p>2.5</p>	<p><u>Notice of proposed decision</u></p> <p>On the 28 March 2023, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 (“the 2016 Act”), Officers issued a Notice of Proposed Decision attached at Appendix 8</p> <p>The Notice of Proposed Decision stated that the Council proposed to refuse the licence on the basis that it is not satisfied the living accommodation is suitable for use as an HMO pursuant to section 8(2)(e) and section 13 of the 2016 Act.</p> <p>A statement of reasons for the proposal was included in the Notice of Proposed Decision.</p> <p>If the application is refused or granted in terms different from those applied for, 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.</p>
	<p>Appendices – Documents Attached</p>
	<p>Appendix 1 – Correspondence received on 21 June 2023 from McCann & McCann Appendix 2 – Report and appendices presented to committee on 21 June 2023 Appendix 3 – Correspondence sent to the applicant dated 26 June 2023 Appendix 4 – Correspondence sent to the PBNI dated 8 September 2023 Appendix 5 – Alleged incident of public nuisance Appendix 6 – Request for a meeting sent by the Applicant to Autonomie dated 4 August 2023 Appendix 7 – Autonomie’s response to a request for a meeting dated 29 August 2023 Appendix 8 – Notice of Proposed Decision.</p>