



<b>Subject:</b>	<b>Applications for the renewal of a Licence to operate a House of Multiple Occupation for 19 Haypark Avenue, Belfast. BT7 3FD</b>
<b>Date:</b>	16 September 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><thead><tr><th><b>Premises and Location</b></th><th><b>Application. No.</b></th><th><b>Applicant</b></th></tr></thead><tbody><tr><td>19 Haypark Avenue Belfast BT7 3FD</td><td>7021</td><td>Prof Jacqueline Bates- Gaston &amp; Mr Sean Gaston</td></tr></tbody></table>	<b>Premises and Location</b>	<b>Application. No.</b>	<b>Applicant</b>	19 Haypark Avenue Belfast BT7 3FD	7021	Prof Jacqueline Bates- Gaston & Mr Sean Gaston
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19 Haypark Avenue Belfast BT7 3FD	7021	Prof Jacqueline Bates- Gaston & Mr Sean Gaston					
1.2	<p>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.</p>						
1.3	<p>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</p>						
1.4	<p>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.</p>						

<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 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>
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>
	<p><b><u>Objections</u></b></p>
3.5	<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> </ul>
3.6	<p>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 applicants have confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.1 of this report.. 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 applicants and/or their 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 16 July 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 September 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>The notice of proposed decision stated that the council proposed to grant the licence in terms different from those applied for.</p>
3.13	<p>The Houses in Multiple Occupation (Living Accommodation Standard) Regulations (Northern Ireland) 2019 ("the Regulations") set out the minimum standards which must be met in order for accommodation to be regarded as suitable for occupation by a prescribed number of persons.</p>
3.14	<p>The Applicant applied for a permitted occupancy of 6 persons, however, council officers, following inspection of the property, deemed the accommodation only to be suitable for occupation by 5 persons, in view of the requirements set out in the Regulations.</p>
3.15	<p>Regulation 7 of the Regulations requires the provision of an additional bathroom or shower room for a HMO to be suitable for a 6 person occupancy;</p>
3.16	<p>Regulation 11 would require the provision of an additional cooker for a 6 person occupancy and;</p>
3.17	<p>Regulation 12 would require the provision of an additional sink, in the kitchen, or a plumbed in full size dishwasher in lieu of the additional sink, for a 6 person occupancy.</p>
<p><b><u>Financial and Resource Implications</u></b></p>	
3.18	<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>
<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><li>• Appendix 4 – Applicants response to representations</li></ul>