

Public Document Pack

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

18th April, 2016

MEETING OF LICENSING COMMITTEE

Dear Alderman/Councillor,

Please find attached the remaining report to be considered at the meeting to be held at 5.00 p.m. on Wednesday, 20th April, 2016.

Yours faithfully,

Suzanne Wylie

Chief Executive

AGENDA:

2. Delegated Matters

- (j) Application for the Provisional Grant of an Amusement Permit - Roll the Dice, 181 Ormeau Road (Pages 1 - 46)

To: The Chairman and Members of the Licensing Committee

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Subject:	Application for the Provisional Grant of an Amusement Permit – Roll the Dice, 181 Ormeau Road
Date:	20th April, 2016
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

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

1.0	Purpose of Report/Summary of Main Issues						
1.1	<p>To consider an application from Mr James Neeson, for the provisional grant of an Amusement Permit under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.</p> <table style="width: 100%; margin-top: 10px;"> <thead> <tr> <th style="text-align: left;">Premises and Location</th> <th style="text-align: left;">Ref. No.</th> <th style="text-align: left;">Applicant</th> </tr> </thead> <tbody> <tr> <td>Roll the Dice 181 Ormeau Road Belfast BT7 1SQ</td> <td>WK/2015/01745</td> <td>Mr James Neeson 141-143 Donegall Pass Belfast BT7 1DS</td> </tr> </tbody> </table>	Premises and Location	Ref. No.	Applicant	Roll the Dice 181 Ormeau Road Belfast BT7 1SQ	WK/2015/01745	Mr James Neeson 141-143 Donegall Pass Belfast BT7 1DS
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Roll the Dice 181 Ormeau Road Belfast BT7 1SQ	WK/2015/01745	Mr James Neeson 141-143 Donegall Pass Belfast BT7 1DS					
1.2	A copy of the Application Form is attached at Appendix 1.						
1.3	A location map is attached at Appendix 2.						
2.0	Recommendations						
2.1	<p>The current policy, dictated by the governing Order, is that the Committee, in considering the application for the Grant of an Amusement Permit, shall have regard to:</p> <ul style="list-style-type: none"> a) The fitness of the applicant to hold a Permit having regard to his character, reputation and financial standing, b) The fitness of any other person by whom the business is to be carried on under the Permit would be managed, or for whose benefit that business would be carried on, c) Representation, if any, from the sub-divisional commander of the Police Service of Northern Ireland in whose sub-division the premises are situated, and d) Representation, if any, as a result of the public notices of advertisement. 						

<p>2.2</p> <p>2.3</p> <p>2.4</p> <p>2.5</p> <p>2.6</p>	<p>You are then required to make a decision based on the following options set out under the Order. You must refuse the application unless satisfied that:</p> <p>a) The applicant is a fit person to hold an Amusement Permit; and</p> <p>b) The applicant will not allow the business proposed to be carried on under the Amusement Permit to be managed by, or carried on for the benefit of, a person other than the applicant who would himself be refused the grant of an Amusement Permit.</p> <p>Thereafter:-</p> <p>1. You may refuse the application after hearing any representations from third parties, or</p> <p>2. You may grant the application, subject to the mandatory condition that the premises are not to be used for an unlawful purpose or as a resort of persons of known bad character, and</p> <p>In the case of premises, that have machines with the maximum cash prize of £25.00, where admission is restricted to persons aged 18 or over that –</p> <ul style="list-style-type: none"> • no persons under 18 are admitted to the premises; and • at any entrance to, and inside any such premises there are prominently displayed notices indicating that access to the premises is prohibited to persons aged under 18, and in addition <p>3. You may also grant the application subject to discretionary conditions outlined in the Order relating to the illumination of the premises, advertising of, and window displays on the premises and the display of information notices.</p> <p>Should you be of a mind to refuse the application for the grant of an Amusement Permit or grant the Permit subject to any discretionary conditions, you are required to advise the applicant of your intention to do so. In this case, you must afford the applicant the opportunity to make representations at a specified Licensing Committee meeting on the matter before making a final determination of the application.</p> <p>If, subsequent to hearing the applicant, you refuse the application for the Grant of an Amusement Permit or decide to grant the application subject to discretionary conditions, the applicant may appeal that decision to the County Court.</p>
<p>3.0</p>	<p>Main report</p>
<p>3.1</p>	<p><u>Key Issues</u></p> <p>Members are reminded that the Licensing Committee is responsible and has full delegated authority for determining all applications relating to the grant and provisional grant of Amusement Permits.</p> <p>Applicant</p>
<p>3.2</p>	<p>The applicant has requested to operate the premises under the hours of 10.00am to 11.00 pm Monday to Sunday. However, the planning permission hours of operation are from 10.00 am to 10.00 pm, in the interests of public amenity. However, the applicant has advised that they overlooked this at the time of making their provisional amusement permit application to us and is prepared to comply with the hours approved under the planning permission.</p>

3.3	The permit is for a total of 40 gaming machines, all of which are to pay out a maximum all cash prize of £25.00. In the case of premises which have machines with a maximum cash prize of £25.00, admission is restricted to persons aged 18 or over.
3.4	Mr Neeson and/or his representatives will be available to discuss any matters relating to the grant of the permit at your meeting.
Previous use as an Amusement Arcade	
3.5	Members are advised that this site was formerly a snooker hall (Mission snooker hall) and the front part of it operated as an amusement arcade between 1990 and 1999.
Planning Matters	
3.6	A planning application was made to the Planning Service on 2 nd February, 2012 for a change of use from a Retail Unit to an Amusement Arcade and this was granted on 17 th December, 2012.
3.7	Prior to the premises being approved as a retail unit it was formerly approved for a change of use from a snooker hall to a ground floor retail unit. Before that it was approved for a part change of use of an existing snooker hall to an Amusement Centre.
3.8	A copy of the planning permission granted on the 17 th December 2012 is attached at Appendix 3.
3.9	The Committee may be aware that, in an important Court of Appeal decision in June 1999, it was confirmed that the Council, in determining applications for Amusement Permits, may take into account planning considerations but should be slow to differ from the views of the Planning Authority.
3.10	The Court also confirmed that the Council can take into account matters such as location, structure, character and impact on neighbours and the surrounding area.
Amusement Permit Policy	
3.11	Members will be aware that the Council's Amusement Permit Policy was ratified at Council on 1 st May 2013. It outlines those matters which may be taken into account in determining any application and indicates that each application must be assessed on its own merits.
3.12	<p>The key Policy objectives are to:</p> <ol style="list-style-type: none"> 1. promote the retail vibrancy and regeneration of Belfast; 2. enhance the tourism and cultural appeal of Belfast by protecting its image and built heritage; 3. support and safeguard residential communities in Belfast; 4. protect children and vulnerable persons from being harmed or exploited by gambling; 5. respect the need to prevent gambling from being a source of crime and disorder.
3.13	The Policy consists of two components which are considered below:

1. Legal Requirements under the 1985 Order

- 3.14 Members must have regard to the legal requirements under the 1985 Order relating to:
- (a) The character, reputation and financial standing of the applicant:
- 3.15 References and additional supporting information for those associated with the application are attached at Appendix 4 to the report for consideration.
- (b) The nature of the premises and activity proposed:
- 3.16 To ensure that the nature of the premises proposed is suitable for this location Members may consider how the premises are illuminated, the form of advertising and window display, and how notices are displayed on the premises. Whilst the appearance of amusement arcades is considered a Planning matter, Members may still wish to be satisfied that the façade integrates with adjacent frontages.
- (c) Opinions of the Police:
- 3.17 The PSNI has been consulted in relation to the application and has not offered any objection to it. A copy of its correspondence is attached at Appendix 5. It is also worth noting that when an amusement arcade previously operated at this address from 1990 until 1999 the Council received no objections from the Police Service.
- (d) Submissions from the general public:
- 3.18 No objections have been received as a result of the public notices placed in the three local newspapers.

2. Assessment criteria for Suitability of a Location

- 3.19 There are five criteria set out in the Policy which should typically be considered when assessing the suitability of a location for an amusement arcade. These are detailed below as they relate to this application.
- (a) Retail vibrancy and viability of Belfast:**
- 3.20 The application premises are a former retail unit that sold electronic cigarettes. Prior to its redevelopment for retail use over a decade ago the planning history of the site indicates that it operated as a snooker club. In 1990 the front part of this snooker hall was granted a change of use planning permission (Z/1990/0719/F) to operate as an amusement centre. An amusement permit was subsequently issued and this remained in force for nearly a decade under a number of different permit holders.
- 3.21 While this vacant shop is located within a shopping and commercial area on the Ormeau Road arterial route, as designated in the Belfast Metropolitan Area Plan (BMAP) 2015, the unit in question is specifically left unzoned as white land. This is most likely due to the fact that it was not trading as a shop at the time of the land use survey for BMAP.
- 3.22 The unit is bordered on one side by a Turkish barbers, and on the other side, by a bicycle shop, with a shared service access (circa 1.5 metres wide) located between the bicycle shop and application premises. Having regard to the definition of a shop in Appendix D of the Amusement Permit Policy, which is reproduced from the Planning Use Classes Order (NI), the application premises are technically bordered on each side by a retail unit.

3.23	Viewed in this light, it can be concluded that the application would break up a continuous shopping frontage.
3.24	<p>Accordingly, bearing in mind the objective of the Amusement Permit Policy to promote the retail vibrancy of Belfast, together with the limited appeal of amusement centres in generating pedestrian flows, the application runs counter to the Permit Policy. Having stated this, it is worth noting that the planning decision was silent on its impact on the continuous shopping frontage. This is in spite of the fact that this guidance is contained in the Planning Service's own Development Control Advice Note 1 (DCAN 1), which the Amusement Permit Policy sought to be consistent with. Instead, the planning decision chose to attach overriding weight to its location in this mixed use area.</p> <p><i>Application does not comply with this criterion.</i></p>
	<p>(b) Cumulative build-up of amusement arcades in a particular location:</p>
3.25	<p>There are no other amusement arcades on the commercial frontage to which the application relates and therefore it would not contribute to a cumulative build-up of amusement centres at this location.</p> <p><i>Application complies with this criterion.</i></p>
	<p>(c) Impact on the image and profile of Belfast:</p>
3.26	<p>The application premises are not located next to a tourism asset and are not located at a Gateway location into Belfast City Centre.</p> <p><i>Application complies with this criterion.</i></p>
	<p>(d) Proximity to residential use:</p>
	<p>(i) - predominantly residential in character</p>
3.27	<p>The application premises are located at ground floor level along the shopping/commercial frontage of Ormeau Road where there is a mix of shopping/commercial units. There are residential units at first floor level immediately above this block of ground floor businesses. These residential units are accessed via Fitzwilliam Square, which is situated to the rear of the premises, off Rugby Avenue. Further residential units are located along the streets leading off the Ormeau Road.</p>
3.28	<p>Mindful of the above, the application premises are located along an arterial route into the city centre as defined under BMAP 2015 and the location can therefore be viewed as a 'mixed use' area and not one that is predominantly residential in character.</p>
	<p>(ii) – non-residential property that is immediately adjacent to residential property</p>
3.29	<p>There is an adjacent apartment situated above the premises, which forms part of the Fitzwilliam Square development that is accessed from the rear via Rugby Avenue. The Amusement Permit Policy states that permits will not be granted in cases where the proposed premises are immediately adjacent to residential use. However, it is important to note from the planning approval that the Council's Environmental Health Service adjudged the proposed use acceptable from a noise impact perspective and that the planning decision notice restricts opening hours between 10.00am and 10.00pm.</p>
3.30	<p>On balance, therefore, the location of the unit in a mixed used area, together with the restricted opening hours attached to the planning permission (10.00am-10.00pm) would tend to outweigh the presumption against not granting a permit on the basis of impact concerns for the existing apartment above.</p> <p><i>Application complies with this criterion.</i></p>

	<p>(e) Proximity to schools, youth centres, and residential institutions for vulnerable people:</p> <p>3.31 There are no schools, youth centres, or residential institutions for vulnerable people within 200m of the application premises. <i>Application complies with this criterion.</i></p> <p>3.32 A copy of the Council's Amusement Permit Policy is attached at Appendix 6.</p> <p>Conclusion</p> <p>3.33 The application premises do not comply with 1 of the 5 assessment criteria for the suitability of the location for an amusement centre as laid down in the Council's Amusement Permit Policy. This relates to its break up of a continuous shopping frontage, which the permit policy aspires to retain in the interest of promoting shopping in the City.</p> <p>3.34 This notwithstanding, it is important to note that this amusement centre was granted planning permission before the introduction of the Permit Policy and, therefore, there are exceptional circumstances pertaining to this permit application. In this regard, DOE Planning at the time was not aware of the detail of the Council's final Permit Policy and the weight it attached to the maintenance of a continuous shopping frontage. Instead, DOE Planning at the time attached overriding weight to its mixed use location on an arterial route, which is also acknowledged as a very important consideration.</p> <p>3.35 The circumstances of this application lead to a finely balanced determination. However, given that case law has resolved that the determination of a permit application should be slow to differ from that of a planning application and that an amusement permit was in force on the front part of this site for nearly a decade (between 1990 and 1999) it may be reasonable to conclude that there are exceptional grounds for the Council to depart from its assessment under the Permit Policy and to grant a permit accordingly.</p> <p><u>Financial and Resource Implications</u></p> <p>3.37 There are no financial or resource implications associated with this report.</p> <p><u>Equality or Good Relations Implications</u></p> <p>3.38 There are no equality or good relations issues associated with this report.</p>
<p>4.0</p>	<p>Documents Attached</p>
	<p>Appendix 1 – Application form</p> <p>Appendix 2 – Location map</p> <p>Appendix 3 – Copy of Planning Permission</p> <p>Appendix 4 – References and additional supporting information</p> <p>Appendix 5 – PSNI comments</p> <p>Appendix 6 – Council's Amusement Permit Policy</p>

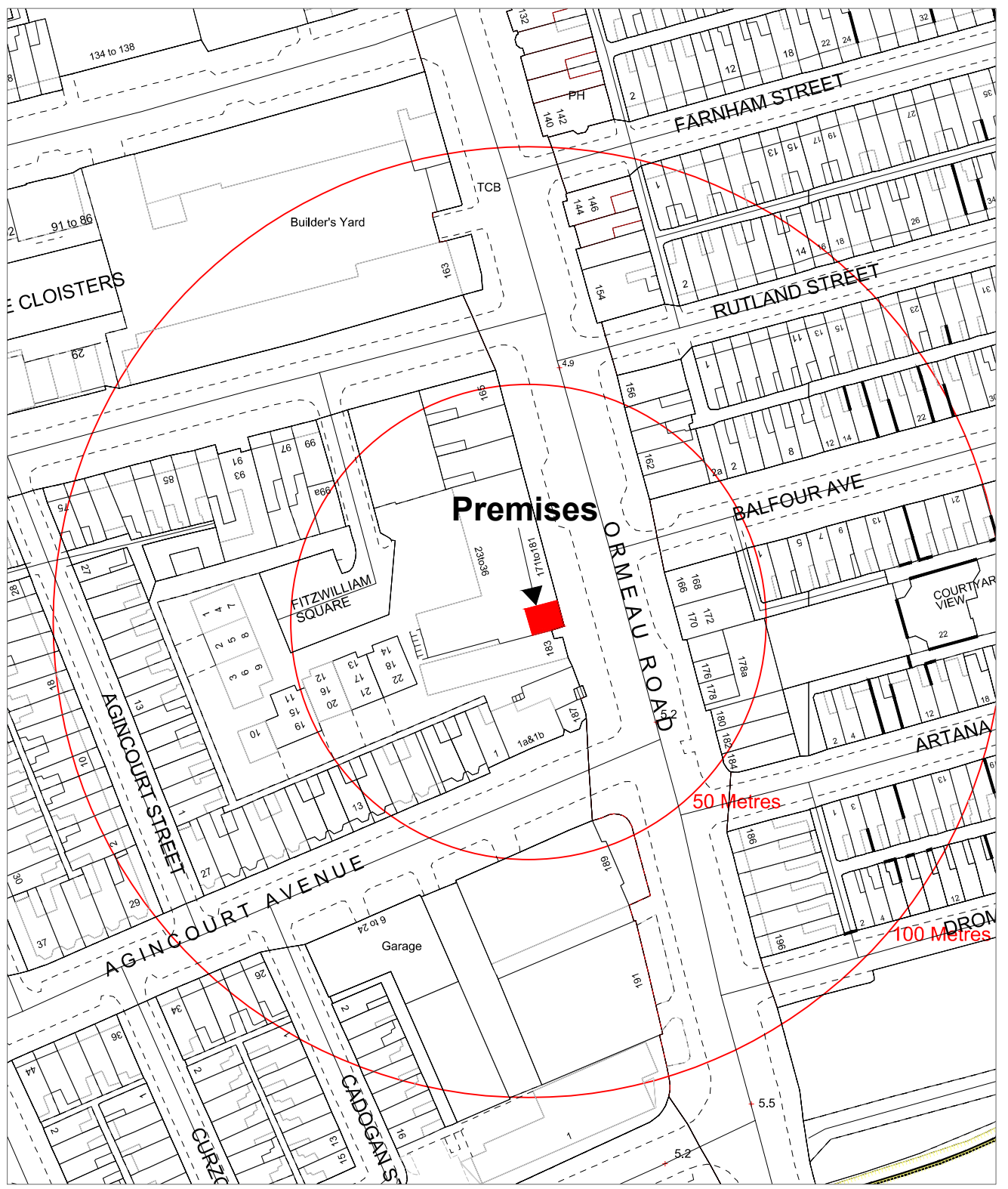
By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 6
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Building Control Service



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Department of
the Environment
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APPROVAL OF PLANNING PERMISSION

Planning (Northern Ireland) Order 1991

Application No: **Z/2012/0139/F**

Date of Application: **2nd February 2012**

Site of Proposed Development: **181 Ormeau Road
Belfast
BT7 1SQ**

Description of Proposal: **Change of use from retail unit to amusement arcade**

Applicant: **Blüehouse Developments Ltd**
Address: **c/o agent**

Agent: **Design And Management**
Address: **2 Bellsbridge Office Park
100 Ladas Drive
Belfast
BT6 9FH**

Drawing Ref: **01, 02**

The Department of the Environment in pursuance of its powers under the above-mentioned Order hereby

GRANTS PLANNING PERMISSION

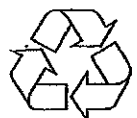
for the above-mentioned development in accordance with your application subject to compliance with the following conditions which are imposed for the reasons stated:

1. As required by Article 34 of the Planning (Northern Ireland) Order 1991, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: **Time Limit.**

Application No. **Z/2012/0139/F**

BLF

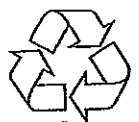


2. The premises shall not remain open for business prior to 10:00 hrs or after 22:00 hrs.

Reason: In the interests of residential amenity.

Informatives

1. The approval hereby granted relates to a change of use to amusement arcade only and any other building works affecting the external appearance of the buildings must be the subject of a separate application.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. The applicant's attention is drawn to:
 - i. the relevant provisions of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978, and
 - ii. the Code of Practice for Access for the Disabled to buildings.
4. The applicant is advised that the internal layout of the proposal should make adequate provision for the needs of people with disabilities. Further advice is set out in Development Control Advice Note "Access for People with Disabilities" available from Divisional Planning Offices.
5. This approval does not apply to any signs or advertising material which the developer or occupier may wish to erect at the premises.
6. Signs may require separate approval under the Planning (Control of Advertisements) Regulations (NI) 1992. Their size, construction, content and siting should be approved by the Department BEFORE any such signs are erected.
7. **THE BETTING, GAMING, LOTTERIES AND AMUSEMENTS (NORTHERN IRELAND) ORDER 1985**
The applicant is advised that they must apply to the Council's Building Control Department for a permit to operate as an amusement arcade.
8. **CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (NI) 2011**
The applicant is advised to ensure that all plant and equipment used in connection with the development is so situated, operated and maintained as to prevent the transmission of noise and odours to nearby premises.
The applicant is advised to ensure that the behaviour of patrons gathering outside the premises is monitored to reduce potential noise disturbance to neighbouring premises.





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9. **THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (NI) 2011**
Should any unforeseen ground contamination be encountered during the development, and in order to protect human health, all works on the site should immediately cease. The Health and Environmental Services of Belfast City Council should be informed and a full written risk assessment in line with current government guidance (Model Procedures for the Management of Land Contamination - CLR11) that details the nature of the risks and any necessary mitigation measures should be prepared and submitted for appraisal.

Dated: 17th December 2012

Authorised Officer

Paul Montgomery

PAUL MONTGOMERY



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Belfast City Council
Amusement Permit Policy



Amusement Permit Policy





Introduction

To operate an amusement arcade a person must apply to Belfast City Council ('the Council') for an amusement permit. The Council is directly empowered to grant or refuse amusement permits in Belfast under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 as amended, ('the 1985 Order').

This means that the Council issue amusement permits to premises, typically described as amusement arcades, which have 'amusement with prizes machines'. These types of machines are normally known as gaming machines. Except in the case of renewing amusement permits, applicants are normally required to first obtain planning permission for an amusement arcade before applying for an amusement permit.

What are gaming machines and amusement arcades?

A gaming machine (or amusement with prizes machine) means any machine which is used for playing a game of chance, by the insertion of money into it, with the aim of winning money. There are lower prize gaming machines and higher prize gaming machines. Use of the higher prize gaming machines is restricted to adults only (i.e. persons aged 18 or over). In Belfast, admittance to amusement arcades is usually restricted to adults because many premises only operate higher prize machines.

An amusement arcade is defined as premises which are being used wholly or mainly for amusement by gaming machines. The Council will normally deem this to be the case when there is at least one more gaming machine than the total number of all other types of machines or otherwise when it can be reasonably viewed that a substantial proportion of the business relates to the provision of gaming machines (more than de minimus)

Registered Clubs, bookmaking offices, commercial bingo clubs, public houses and licensed hotels are not required to have an amusement permit in order to have gaming machines, though other aspects of gambling legislation in Northern Ireland may apply to gaming machines in these establishments.

Aim and scope of policy –why does the Council need an amusement permit policy?

The overall aim of the amusement permit policy is to serve as a guide for Elected Members, Council officers, applicants and the wider public on applications for amusement permits in the Belfast City Council area. By outlining those matters which may be taken into account in determining an application for an amusement permit this policy has been developed to introduce greater clarity, transparency and consistency to the decision-making process.

The need for this policy was highlighted by previous Court decisions on amusement permit applications. These demonstrated the need for the Council to make its position clear on the issues to be considered when deciding to grant or refuse an amusement permit application under the 1985 Order. Some of these issues, such as location, structure, character and impact on neighbours and the surrounding area overlap with planning considerations. While the Council should be slow to differ from the views of the planning



authority, it is entitled to do so. In coming to its own decision, the Council is not bound to accept in its entirety the decision of the planning authority.

This policy is framed to be broadly consistent with regional planning guidance on amusement arcades and, at the same time, it is tailored to take into account local considerations particular to Belfast, including the location of existing amusement arcades in the City.

Whilst this policy strives to introduce greater certainty into decision-making on amusement permit applications, its contents do not prejudice the statutory power of the Council, under Article 111 of the 1985 Order, to consider any ground it deems reasonable to refuse to grant an amusement permit. The Council will therefore take into account a change in circumstances that may influence the Amusement Permit Policy and any criteria set out within it.

Although the policy is primarily intended to serve as a guide for assessing applications for amusement permits by the Council's Licensing Committee, given its interrelationship with planning considerations the policy will also be a material consideration to related applications for planning permission by the Council's Town Planning Committee. This is because applicants are usually required (except in the case of renewing amusement permits) to first obtain planning permission for the proposed amusement arcade before applying for an amusement permit.

At present, the Council is consulted on planning applications and DOE (NI) Planning makes the final decision on all planning applications, including those for amusement arcades. However, this arrangement is set to change and the Council will become the statutory planning authority for planning applications of this type in 2015. Until this transfer of power takes place, this amusement permit policy will be a material consideration for DOE (NI) Planning in determining planning applications for amusement arcades in Belfast.

This policy outlines five criteria that the Council will typically consider when assessing the suitability of a location for a proposed amusement arcade. As these criteria largely overlap with planning considerations, reference to them by DOE (NI) Planning is intended to reduce the likelihood of conflicts arising on issues that are common to both planning applications and respective permit applications.

Notwithstanding those considerations or criteria expressly outlined in this policy, the Council will take into account any matter which it deems relevant. The Council may also depart from the policy where it appears appropriate or necessary, although it is envisaged that this will only happen in exceptional circumstances.

In exercising its duties and responsibilities under this policy, the Council has been, and will continue to be, mindful of its obligations under the Human Rights Act 1998. The Council will endeavour to ensure that all action taken on foot of this policy is lawful, reasonable and proportionate.

It is anticipated that the policy will be reviewed every three years so that it can remain abreast of the dynamics of the gambling industry and any changes in legislation.



Objectives of the Policy

The key objectives of this policy can be largely linked to the Council's overarching strategic goal of improving the quality of life for present and future generations in Belfast by making it a better place in which to live, work, visit and invest. Against this background and in light of the research carried out, the interrelated key policy objectives are to:

1. promote the retail vibrancy and regeneration of Belfast;
2. enhance the tourism and cultural appeal of Belfast by protecting its image and built heritage;
3. support and safeguard residential communities in Belfast;
4. protect children and vulnerable persons from being harmed or exploited by gambling;
5. respect the need to prevent gambling from being a source of crime and disorder.

The first two policy objectives are in line with our key strategic objectives to support the local economy, including through the development and promotion of tourism. The third objective ties in with the 'support people, communities and neighbourhoods' aspect of our Investment Programme. The final two objectives are consistent with the core objectives of the Gambling Act 2005, which at present only applies to Great Britain but is currently being considered by the Department of Social Development (NI) in the context of the review of gambling legislation in Northern Ireland. .

Assessing amusement permit applications

To meet these policy objectives when determining amusement permit applications the Council will **assess each application on its own merits** and will:

1. have regard to the requirements set out in the 1985 Order; and will
2. assess the suitability of the location for a proposed amusement arcade, which will typically be based on a number of assessment criteria set out in this policy. These reflect, inter alia, the key objectives of the policy and in light of all research findings, together with a comparative analysis with Great Britain (GB) and the Republic of Ireland (ROI).

The Council will consider both these components of policy when deciding on **new** amusement permit applications. When determining an application for **renewal** of an amusement permit, the primary focus will be on the requirements set out in the 1985 Order, and this policy will only be applied in very exceptional circumstances.

Also, prior to granting or renewing any amusement permit the Council will have regard to comments received from any relevant statutory agency in relation to fire or other safety matters.



Legal requirements under the 1985 Order

In accordance with the 1985 Order, the Council will have regard to the following statutory requirements:

- 1. The character, reputation and financial standing of the applicant;**
- 2. The nature of the premises and activity proposed;**
- 3. Opinion of the Police; and**
- 4. Submissions from the general public.**

Each of these requirements is outlined below.

1. The character, reputation and financial standing of the applicant

In considering the fitness of an applicant to hold an amusement permit, the Council will take into account:

- the character and reputation of the applicant, as corroborated by references from impartial and reliable sources, including the Police; and*
- the financial standing of the applicant, as verified by independent credit check organisations and financial references.*

Justification and clarification

Taking on board the prevailing statutory desire by government to make gambling fair and crime-free, this policy aims to ensure that players are protected from illegal or unscrupulous operators.

Under the 1985 Order, the Council is obliged to consider the fitness of a person who is, or proposes to be, the occupier of the premises. Accordingly, the Council will consider the character, reputation and financial standing of the applicant and any person appointed to manage the business. The applicant can be an individual, a company or a partnership. In the case of the latter two, the fitness of the corporate organisation is relevant, together with the character of the directors and people with executive control.

As well as taking into account the considered views of the Police (see No.3 below), the Council will require the reputation of the applicant to be endorsed by references from sources such as bank managers, accountants and elected representatives. In order to testify to their financial standing, applicants will be asked to provide a credit report from an independent credit rating agency, together with financial references.

2. The nature of the premises proposed

The Council will aim to ensure that the nature of the premises proposed is appropriate for the location in question. This will involve careful consideration of the following matters: how premises are illuminated; the form of advertising and window display; and how notices are displayed on the premises.

Guidance in respect of the above 3 considerations can be found in Appendix A to this policy.

Justification and clarification

As far as amusement arcades and gaming machines are concerned, legislation exists to regulate rather than promote this form of gambling. Accordingly, the Council are keen to ensure that the premises do not openly encourage gambling.



3. Opinion of the Police

The Council will attach significant weight to the opinion of the Police when assessing an application, in relation to their views on the character and reputation of the applicant, as well as the location of the premises.

Justification and clarification

Under the 1985 Order, the Council must consult with the Police on amusement permit applications. It is important to ascertain the views of the Police, not only in respect of the character of the applicant but also the suitability of the area for an amusement arcade. For example, it may be relevant to the assessment of the application if the Police indicate that the vicinity of the proposed amusement centre is associated with abnormal levels of antisocial behaviour, or has been the subject of police intervention in the past. To this end, the Council will request that the Police complete a short questionnaire on the applicant and premises, a sample copy of which is contained in Appendix B.

4. Submissions from the general public

The Council will take into account the number and nature of submissions received from the general public when determining an amusement permit application, particularly those from persons or representatives of persons in neighbouring properties.

Justification and clarification

Within seven days of making an amusement permit application the applicant must place amusement permit advertisements in three out of four newspapers named by the Council. This public advertisement allows objections and submissions to be made by any person. All applications for amusement permits are referred to the Council's Licensing Committee who will take into account all submissions, whether they are made in opposition to an amusement permit, in support of a permit, or submitted as observations only.

Bearing in mind the key objectives of this policy, particularly those relating to support for retailing and residential communities, the Council will carefully consider submissions received from neighbouring properties and will consider them whether they are made by residents, businesses or any other interested party.

Belfast City Council's criteria for assessing the suitability of a location

The Council will objectively assess each application on its own merits.

Five criteria will typically be used when assessing the suitability of a location for a proposed amusement arcade:

- 1. Impact on the retail vitality and viability of Belfast City;**
- 2. Cumulative build-up of amusement arcades in a particular location;**
- 3. Impact on the image and profile of Belfast;**
- 4. Proximity to residential use; and**
- 5. Proximity to schools, youth centres and residential institutions for vulnerable people.**

Clarifications:

Before we look at these in detail, we must first make a number of clarifications on the use of these assessment criteria:



- While it is acknowledged that the existing use of the proposed premises will be a material consideration in the assessment of an amusement permit application, we may not accord substantial weight to the fact that the property (unless it was previously an amusement arcade) is vacant or used for non-shopping purposes, for example, a fast-food outlet or other licensed business. In other words, while every application will be carefully considered the Council will not allow the non-shopping use of a property or the fact that it is vacant to overshadow all other considerations to the detriment of reaching a balanced decision.
- An amusement arcade accommodates a particular type of gambling activity and should not be generalised as another form of non-shopping use or licensed activity. It is a sui generis development (of its own kind) that has its own matters to address under the 1985 Order.

Each of the 5 criteria is now explained.

1. Impact on the retail vitality and viability of Belfast City

While an application for an amusement permit in Belfast City Centre will be assessed on its merits, it will only be granted in the retail core of Belfast City Centre if it is:

- *A renewal of an existing amusement permit; or*
- *Part of a major, retail-led mixed use development; or*
- *An upper storey development.*

In addition, the Council will not grant an amusement permit in any part of the Belfast City Council area where an amusement arcade would break up an otherwise continuous shopping frontage.

Justification and clarification

In line with the objective to promote the retail vibrancy and regeneration of Belfast, the Council is keen to promote pedestrian flows in Belfast's busiest shopping streets by supporting retailers and retail development.

In stark contrast to shop units, amusement arcades are commercial leisure venues which do not have a general appeal for visitors and only have a small customer base. Only 6 per cent of people surveyed in NI in 2010 stated that they used fruit or slot machines. Viewed in this context, the opening of amusement arcades in the retail core of Belfast can be considered incompatible with the Council's aim to promote shopping in the main shopping streets of Belfast City Centre. The extent of the retail core within Belfast City Centre is shown in Appendix C.

Encouraging retailing in the retail core is in accordance with retail planning policy outlined in the DOE's Planning Policy Statement 5 on Retailing and Town Centres (PPS 5, paragraphs 11, 23 and 25).

The Council's aim of maintaining a continuous shopping frontage in all parts of Belfast is in keeping with DOE (NI) Planning's 'Development Control Advice Note 1' (DCAN 1). An application for an amusement arcade is deemed to break up a continuous shopping frontage where it proposes to replace a shop unit that is bordered by an adjacent shop unit either side of it. This may also apply to situations when one or more of the shops are vacant at the time. For the purposes of this policy a shop unit can be defined as one belonging to Class A1 of the Planning (Use Classes) Order (Northern Ireland) 2004. A copy of this use class is contained in Appendix D.

2. Cumulative build-up of amusement arcades in a particular location

The Council will limit the number of amusement permits it grants to one per shopping or commercial frontage and one per shopping centre. Where this number of permits has already been granted, or exceeded, no more amusement permits will be considered.



Under this criterion, 2 or more amusement arcades in adjacent ground-floor units will not be allowed (except for those already existing), including the ground-floor extension or merger of an existing establishment into an adjoining unit.

Justification and clarification

As the Council want to promote retailing, it is anxious to avoid a cumulative build-up or clustering of amusement arcades in a particular location. This approach is also supported by the research finding that there are twice as many machines per person in Belfast than in GB as a whole.

Unlike betting offices and bingo clubs, where licensing is a matter for the courts in Northern Ireland, there is no legal requirement by the applicant to demonstrate that a demand exists for an amusement arcade in a particular area. However, DOE (NI) Planning does consider the cumulative impact of these forms of developments. (DCAN 1) refers to the need to '*take into account the effect of larger numbers on the character of a neighbourhood*'. Likewise, Planning Policy Statement 5 on Retailing and Town Centres (PPS 5) highlights the requirement to avoid a '*clustering*' of non-retail uses, a term which is inclusive of amusement arcades, in Retail Cores and District Centres.

For the purposes of this amusement permit policy, a shopping or commercial frontage can be defined as a group of mainly ground-floor businesses that shares a continuous frontage and which is usually separated from other frontages by a different road or street name. A shopping centre refers to a group of retail and non-retail uses that is usually anchored by a large store. Beyond Belfast City Centre, shopping centres are referred to as District Centres and are located off Arterial Routes, which are the major transport thoroughfares into the City Centre.

3. Impact on the image and profile of Belfast

Amusement permits will not be granted at locations that are regarded as tourism assets, and at Gateway locations in Belfast City Centre.

Justification and clarification

In keeping with one of the key objectives of this policy, namely to enhance the tourism and cultural appeal of Belfast by protecting its image and built heritage, the Council will not grant amusement permits at locations regarded as tourism assets and at key entrance junctions (Gateways) into Belfast City Centre.

The Council will protect those areas, buildings and their settings (if appropriate) that are inherently linked to the image and tourist profile of the City. As far as this policy is concerned, the setting of a tourist asset relates to the neighbouring property either side of its main entrance, whether or not this neighbouring property is adjacent to it, or separated from it by a road or street.

A tourism asset is any feature associated with the built or natural environment that is of intrinsic interest to tourists. Most of the tourism assets in Belfast are listed buildings. These often feature in the historical database of the Northern Ireland Environment Agency and as tourist attractions in Visitor Guides for Belfast. If you need clarification on what is considered a tourist asset you can contact us.

Under this criterion, the Council will also protect the Gateway locations at the edge of Belfast City Centre which are considered suitable for landmark development capable of raising the profile of Belfast. These Gateway locations are key entrance points into the City Centre, where visitors form their first overall impression of the city centre. Viewed in this context, it is considered that granting amusement permits for new premises at ground-floor level is inappropriate for these locations. If you need clarification on what is considered a Gateway location you can contact us.



4. Proximity to residential use

Amusement permits will not be granted in areas that are predominantly residential in character, including local centres located within these areas. They will also not be granted in non-residential property that is immediately adjacent to residential property.

Justification and clarification

Bearing in mind that one of the Council's corporate objectives is to 'support people, communities and neighbourhoods' and that this is also a key objective of this policy, the Council will seek to prevent amusement arcades opening in predominantly residential areas.

Residential areas commonly have a local centre. PPS 5 describes a local centre as:

'Small groupings of shops, typically comprising a general grocery store, a sub-post office, occasionally a pharmacy and other small shops of a local nature.'

Clearly, a local centre in a predominantly residential area should provide local shops and services that cater for the daily needs of the wider community, as opposed to accommodating an amusement arcade which provides a non-essential, gambling-based leisure activity for a small number of people.

This criterion is also consistent with DOE (NI) planning policy guidance. DCAN 1, states that amusement arcades *'are not normally acceptable near residential property'*.

Areas that are predominantly residential in character obviously exclude extensive industrial or business areas which are clearly distinct from housing. Predominantly residential areas also exclude shopping and commercial areas located along Belfast's Arterial Routes.

Arterial routes are the major access roads and public transport corridors into the City Centre. They typically accommodate the greatest mix of uses outside of the City Centre, including shopping, commercial, social, leisure, community and other uses. There are 18 of these arterial routes in Belfast.

5. Proximity to schools, youth centres and residential institutions for vulnerable people

The Council will not grant amusement permits in locations near schools, youth centres and residential institutions for vulnerable people, including children's care homes and hostels for the homeless.

Justification and clarification

The protection of children and vulnerable people from gambling is a key objective of this policy. Vulnerable people are those persons who gamble more than they want to, persons who gamble beyond their means and persons who may not be able to make informed or balanced decisions about gambling perhaps due to a mental impairment, alcohol or drugs.

This component of the policy is in keeping with the prevailing gambling legislation in Great Britain, where Councils have embodied it as a core objective of their licensing policies, and is in line with similar legislative proposals being considered by the Department for Social Development (Northern Ireland) and the Department of Justice & Law Reform in the Republic of Ireland.

While the Council acknowledges that amusement arcades restrict admittance to underage persons and that the 1985 Order does not specifically refer to the need to consider the effects on persons attending schools or youth clubs, the Council believes that a precautionary approach is required for applications made near locations where children, young persons and vulnerable



people congregate. Accordingly, the Council will not permit amusement arcades within 200metres of a school, youth centre or a residential institution. This distance has regard to regional planning policy guidance, which recognises it as '*a location within easy walking distance*'.

Conclusion

Overall, this policy is intended to strike a balance between safeguarding the concerns of the wider public on the one hand and respecting an applicant's desire to obtain an amusement permit on the other. From an operational perspective, it is hoped that the policy will help to clarify the Council's position on amusement permit applications and allow for greater coherence and consistency in decision-making.

The Council has broad discretion in the range of matters it may consider in the determination of applications. This policy establishes, for all interested parties, the matters which are likely to be taken into consideration. This does not prevent the Council from departing from this policy where it is appropriate to do so.



Appendix A

Guidance for premises (as per 1985 Order & amendments thereof)

In terms of the actual premises used wholly or mainly for the provision of amusements by gaming machines, Belfast City Council has powers, under Article 111, paragraph 6b of the 1985 Order, to specify:

- how premises are illuminated;
- the form of advertising and window display; and
- how notices are displayed on the premises.

Addressing each of the above matters in turn, the following points should be noted by applicants:

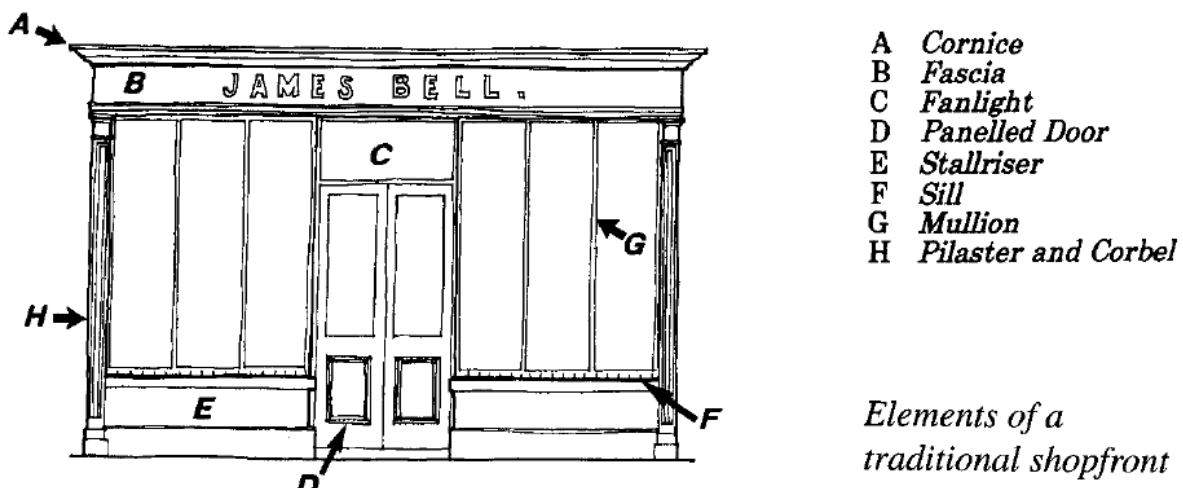
- **Illumination** – as a general rule illumination should be kept to a minimum and no floodlighting of premises will be permitted, save for trough/spot lighting over the fascia.
- **Form of advertising and window displays** – the name of the business should be clearly advertised in the window. Legislation in Northern Ireland restricts access to higher prize machines by people under eighteen. Notification of this restriction should be clearly displayed on the exterior of the premises and ideally a proof-of-age scheme should be implemented by the operator. The windows should be designed so as to shield the interior (and machines) from public view. This could involve the use of fixed screening inside the windows, opaque fenestration or a combination of both. Projecting signs that advertise the presence of the establishment are not considered suitable for amusement arcades.
- **Notices on premises** - advertising in amusement arcades should be legal, socially responsible and not construed to exploit or specifically target the young and other vulnerable persons through style, presentation or content. Interior notices indicating that access is prohibited to persons aged under eighteen should be prominently



displayed. Notices containing helpline numbers for organisations such as GamCare, Gamblers Anonymous, Gambleaware, etc. should also be displayed within the premises. Applicants may also wish to consider providing information leaflets with helpline numbers near gaming machines.

Guidance on the content of Notices is available in the rule book known as the Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (the Code). The Committee of Advertising Practice (CAP) is the self-regulatory body that creates and enforces this Code. The latest version of the CAP CODE is available online at <http://www. www.cap.org.uk/Advertising-Codes/Non-broadcast-HTML.aspx>

The requirement to regulate illumination, advertising and window displays on an amusement arcade has to be balanced against a wider planning desire to avoid the creation of an unsightly facade that could undermine the visual amenity of the streetscape. Therefore, in order to promote their integration, some policies in Britain cite the need for amusement arcades to respect elements of the traditional shop-front design (see illustration below).



Reference to the traditional shop-front design is intended to alert applicants to the key features of a retail façade. It is submitted as information only and is not intended to be read as a rigid template for the frontage design of premises.



Appendix B Police Questionnaire

The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (as amended)

In accordance with the above legislation, relating to Amusement Permits, the Police Service of Northern Ireland (PSNI) is duly requested to give its considered opinion in respect of the fitness of the applicant to hold an amusement permit and the location of the application premises.

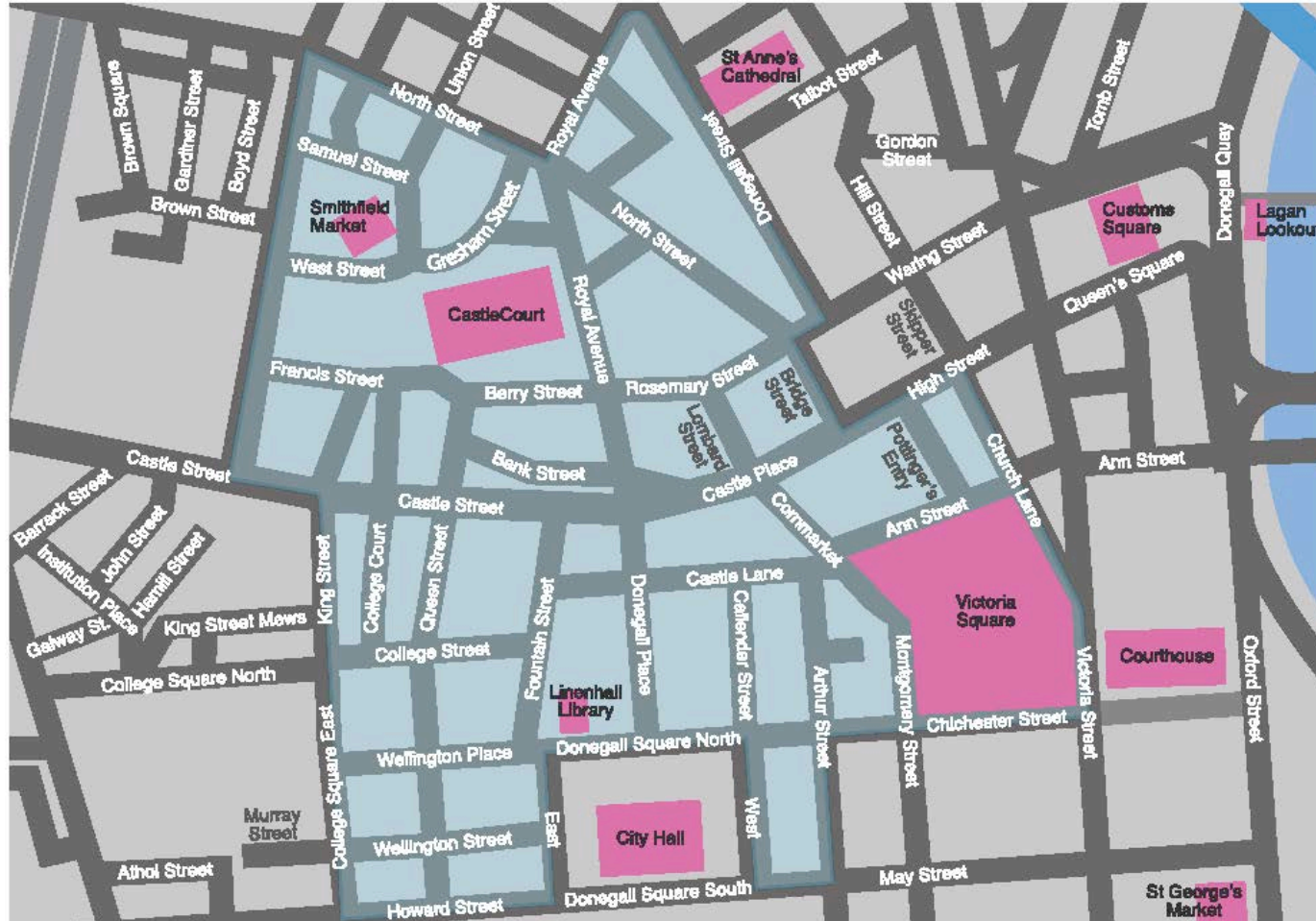
Applicant details:

Premises' details:

Application for Amusement Permit (including renewal of Permits)				
Question	Y	N	Don't Know	If 'Y' please provide details including dates
Has the applicant ever been convicted of a criminal offence?				
Has the Police ever received complaints about the applicant or premises?				
Has the Police ever been called to intervene in disturbances in the vicinity of the premises?				
Has the Police ever objected to an amusement permit application for these premises in the past, or to an application made by the same applicant elsewhere?				
Overall, does the Police have any objections to this applicant being granted an amusement permit?				
Overall, in the opinion of the Police, is the location of the premises considered suitable for an amusement arcade? For example its suitability in terms of its proximity to residential institutions that are used for bail or probation purposes.				If 'N' please give reasons



Appendix C: Belfast City Centre Retail Core





Appendix D: Definition of a shop
- extract from The Planning (Use Classes) Order (Northern Ireland) 2004

SCHEDULE

PART A

SHOPPING AND FINANCIAL & PROFESSIONAL SERVICES

Class A1: Shops

Use for all or any of the following purposes –

- (a) for the retail sale of goods other than hot food;
- (b) as a post office;
- (c) for the sale of tickets or as a travel agency;
- (d) for hairdressing;
- (e) for the display of goods for retail sale;
- (f) for the hiring out of domestic or personal goods or articles; or
- (g) for the reception of goods including clothes or fabrics to be washed, cleaned or repaired either on or off the premises

where the sale, display or service is to visiting members of the public.

Amusement Permit Policy

The policy was ratified by Belfast City Council on 1 May 2013.

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Health & Environmental Services Department
Belfast City Council
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Belfast
BT1 3LP

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Additional copies available on request or from our webpage.

Copies are also available in alternative formats on request from our Building Control Service.

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