

Public Document Pack

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



**Belfast
City Council**

15th September, 2016

MEETING OF LICENSING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room - City Hall on Wednesday, 21st September, 2016 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

AGENDA:

1. Routine Matters

- (a) Apologies
- (b) Minutes
- (c) Declarations of Interest

2. Delegated Matters

- (a) Licences/Permits Issued Under Delegated Authority (Pages 1 - 8)
- (b) Applications for the Grant/Renewal of Entertainments Licences with Associated Convictions (Pages 9 - 32)
- (c) Application for Extended Hours – The Marcus Ward, 1 Bankmore Square (Pages 33 - 50)
- (d) Application for the Grant of an Amusement Permit - Players, 22-23 Shaftesbury Square (Pages 51 - 86)

3. **Non-Delegated Matters**

- (a) Update on the Licensing of Pavement Cafes Act (Northern Ireland) 2014
(Pages 87 - 90)
- (b) Licensing of Entertainment Venues/Requests to Operate Beyond 11.00 p.m.
(Pages 91 - 100)



Subject:	Licences/Permits Issued Under Delegated Authority
Date:	21st September, 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	Under the Scheme of Delegation, the Director of Planning and Place is responsible for exercising all powers in relation to the issue, but not refusal, of permits and licences, excluding provisions relating to the issue of Entertainments Licences where adverse representations have been made. Those applications which were dealt with under the Scheme are listed below.												
2.0	Recommendation												
2.1	The Committee is requested to note the applications which have been issued under the Scheme of Delegation.												
3.0	Main report												
	<u>Key Issues</u>												
3.1	Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, the following Entertainment Licences were issued since your last meeting:												
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 35%;">Premises and Location</th> <th style="width: 15%;">Type of Application</th> <th style="width: 30%;">Hours Licensed</th> <th style="width: 20%;">Applicant</th> </tr> </thead> <tbody> <tr> <td>Empire Bar, 42 Botanic Avenue, Belfast, BT7 1JQ</td> <td style="text-align: center;">Renewal</td> <td style="text-align: center;">Sun: 12.30 - 23.00 Mon: 11.30 - 23.00 Fri-Sat: 11.30 - 23.00</td> <td style="text-align: center;">Wine Inns Limited</td> </tr> <tr> <td>Parlour Bar, 2-4 Elmwood Avenue, Belfast, BT9 6AY</td> <td style="text-align: center;">Renewal</td> <td style="text-align: center;">Sun - Mon: 14.00 - 23.00 Fri - Sat: 14.00 - 23.00</td> <td style="text-align: center;">Wine Inns Limited</td> </tr> </tbody> </table>	Premises and Location	Type of Application	Hours Licensed	Applicant	Empire Bar, 42 Botanic Avenue, Belfast, BT7 1JQ	Renewal	Sun: 12.30 - 23.00 Mon: 11.30 - 23.00 Fri-Sat: 11.30 - 23.00	Wine Inns Limited	Parlour Bar, 2-4 Elmwood Avenue, Belfast, BT9 6AY	Renewal	Sun - Mon: 14.00 - 23.00 Fri - Sat: 14.00 - 23.00	Wine Inns Limited
Premises and Location	Type of Application	Hours Licensed	Applicant										
Empire Bar, 42 Botanic Avenue, Belfast, BT7 1JQ	Renewal	Sun: 12.30 - 23.00 Mon: 11.30 - 23.00 Fri-Sat: 11.30 - 23.00	Wine Inns Limited										
Parlour Bar, 2-4 Elmwood Avenue, Belfast, BT9 6AY	Renewal	Sun - Mon: 14.00 - 23.00 Fri - Sat: 14.00 - 23.00	Wine Inns Limited										

Premises and Location	Type of Application	Hours Licensed	Applicant
Shaftesbury Recreation Centre, 97 Balfour Avenue, Belfast, BT7 2EW	Renewal	Sun - Sat: 08.00 - 01.00	Mr Gerard Rice
Strand Arts Centre, 152-156 Holywood Road, Belfast, BT4 1NY	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Ms Linda Smyth
Sunflower Bar, 65 Union Street, Belfast, BT1 2JG	Renewal	Sun: 12.30 - 22.00 Mon - Thur: 11.30 - 23.30 Fri - Sat: 11.30 - 01.00	Mr Pedro Donald
St Marks Church Heyn Hall, 2 Sydenham Avenue, Belfast, BT4 3FG	Renewal	Mon - Fri: 08.00 - 01.00 Sat: 08.00 - 00.00	Mrs Madeline Welch
Cast & Crew Restaurant, 9 Queens Road, Belfast, BT3 9DU	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Niall McKenna
Clonduff Community Centre, Clonduff Drive, Belfast, BT6 9NT	Renewal	Sun - Sat: 08.00 - 01.00	BCC
Whiterock Community Centre, Whiterock Road, Belfast, BT12 1FW	Renewal	Sun - Sat: 08.00 - 01.00	BCC
Downshire Community Centre, Downshire Hall, 340-342 Cregagh Road, Belfast, BT6 9EX	Renewal	Sun - Sat: 08.00 - 01.00	BCC
Woodvale Park Bowling Pavilion, Woodvale Road, Belfast	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	BCC
Shamrock Sports & Social Club, 5A Flax Street, Belfast, BT14 7LG	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr Patrick McAuley
Botanic Inn, 23-27 Malone Road, Belfast, BT9 6RU	Renewal & Transfer	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Felix Mooney
Wellington Park Hotel, 19-21 Malone Road, Belfast, BT9 6RU	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 01.00	Mr Felix Mooney
Europa Hotel, 11 Great Victoria Street, Belfast, BT2 7AP	Renewal	Sun - Sat: 08.00 - 03.00	Mr J E Carson
Madisons, 59-65 Botanic Avenue, Belfast, BT7 1JJ	Renewal & Transfer	Sun: 11.30 - 03.00 Mon - Thur: 11.30 - 01.00 Fri - Sat: 11.30 - 03.00	Mr Michael Stewart
Orient Bar, 221-223 Springfield Road, Belfast, BT12 7DD	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Ms Sinead Keenan
Balmoral Hall, The King's Hall Complex, Lisburn Road, Belfast, BT9 6GW	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Ms Theresa Morrissey
Stix and Stones, 44-46 Upper Queens Street, Belfast, BT1 6FD	Grant	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mrs Jolene Hanratty

3.2 Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, the following Amusement Permits were renewed since your last meeting.

Premises and Location	Type of Application	Hours Licensed	Applicant
Oasis Gaming Centre, 61 Boucher Road, Belfast, BT12 6HR	Renewal	Sun: 11.00 – 00.00 Mon - Sat: 09.00 – 00.00	Mr Gerald Steinberg
Players, Unit 5-6, 133-137 Lisburn Road, Belfast, BT9 7AG	Renewal	Sun - Sat: 09.00 – 03.00	KB Lisburn Limited
Players, 22, Shaftesbury Square, Belfast, BT2 7BD.	Renewal	Sun - Sat: 09.00 – 03.00	KB Shaft Limited
Funtime, 157a Antrim Road, Belfast, BT15 2GW	Renewal	Sun: 12:00 – 01.00 Mon - Sat: 10.00 – 01.00	Mr Patrick Quinn

3.3 Under the terms of the Street Trading Act (Northern Ireland) 2001, the following Street Trading Licences were issued since your last meeting.

Premises and Location	Type of Application	Commodity	Hours Licensed	Applicant
Donegall Quay	Stationary	Gent's Hairdressing business	Mon - Sat: 0900 to 1800	Miss Emma Walsh
Suffolk, Ladybrook, Finaghy and Taughmonagh	Mobile	Ice Cream Van	Mon - Sun: 1300 to 2000	Mr Paul Chivers
Donegall Street opposite Kremlin	Temporary	Hot food and non-alcoholic beverages	Pride Event 6 th August 2016 from 0900 to 2100	Mr Sydney McCallum
Custom House Square	Temporary	Hot food, confectionery and non-alcoholic beverages	Pride Event 6 th August 2016 from 0900 to 1800	Mrs Denise Baxter
Regent Street	Temporary	Hot food and non-alcoholic beverages	AVB Beer Festival 1 st – 3 rd August 2016 From 1200 to 0000	Mr Darren Nugent
Shaws Bridge carpark	Stationary	Ice cream, confectionery and non-alcoholic beverages	Mon - Sun: 1100 to 2000	Mr Kenneth Chivers
Royal Avenue at junction with North Street	Temporary	Ice cream, confectionery and non-alcoholic beverages	12 th July 0800 to 1830	Mr Stephen Baxter

Premises and Location	Type of Application	Commodity	Hours Licensed	Applicant
Royal Avenue at junction with North Street	Temporary	Hot food and non-alcoholic beverages	12 th July 0800 to 1830	Mr Stephen Baxter
Dublin Road opposite public toilets near Movie House	Temporary	Ice cream, confectionery and non-alcoholic beverages	12 th July 0800 to 1800	Mr Stephen Baxter
Dublin Road opposite public toilets near Movie House	Temporary	Donuts, candyfloss and non-alcoholic beverages	12 th July 0800 to 1800	Mr Stephen Baxter
Dublin Road outside Movie House	Temporary	Flags, hats, toys, band poles, novelties.	12 th July 0800 to 1800	Miss Muriel Gilliland
Dublin Road at junction with Marcus Ward Street	Temporary	Hot food and non-alcoholic beverages	12 th July 0800 to 1800	Miss Kathy Finn
Dublin Road at junction with Pakenham Street	Temporary	Hot food and non-alcoholic beverages	12 th July 0800 to 1800	Miss Kathy Finn
Dublin Road outside Ulster bank opposite Fulton Street	Temporary	Hot food and non-alcoholic beverages	12 th July 0800 to 1800	Miss Kathy Finn
Shaftesbury Square at Equality House	Temporary	Flags, scarves, hats, badges and cd's	12 th July 0700 to 1900	Mr James Dunseath
Dublin Road at junction with Salisbury Street near Oxfam shop	Temporary	Hot food and non-alcoholic beverages	12 th July 0700 to 1900	Mr Hakan Sen
Dublin Road outside Ulster bank opposite Fulton Street	Temporary	Ice cream, confectionery and non-alcoholic beverages	12 th July 0800 to 1800	Mr George Pirie
Shaftesbury Square beside Halifax building	Temporary	Hot food and non-alcoholic beverages	12 th July 0800 to 1800	Mr George Pirie
Lisburn Road at junction with Bradbury Place/ Sandy Row outside Spar shop	Temporary	Hot food and non-alcoholic beverages	12 th July 0700 to 2000	Miss Marion Dougan

Premises and Location	Type of Application	Commodity	Hours Licensed	Applicant
Donegall Road near junction with Sandy Row	Temporary	Hot food and non-alcoholic beverages	12 th July 0700 to 2000	Miss Marion Dougan
Malone Place at junction with Sandy Row and Lisburn Road	Temporary	Flags, hats, drinks, scarves and confectionery	12 th July 0700 to 2000	Mrs Margaret Gibson
Lisburn Road beside Bradbury Clinic opposite Fountainville Ave	Temporary	Flags, hats, toys, band poles, novelties.	12 th July 0700 to 2000	Miss Muriel Gilliland
Lisburn Road outside Doorsteps, 54 Lisburn Road	Temporary	Hot food and non-alcoholic beverages	12 th July 0730 to 1930	Mr Conor Hughes
Lisburn Road outside 98-102 Lisburn Road	Temporary	Flags, drums, band poles, toys hats and novelties	12 th July 0700 to 2000	Mr John McLoughlin
Lisburn Road at junction with Jubilee Road	Temporary	Ice cream, confectionery and non-alcoholic beverages	12 th July 0900 to 2100	Mr John Gibson
Lisburn Road outside 133 Lisburn Road	Temporary	Ice cream, confectionery and non-alcoholic beverages.	12 th July 0700 to 2100	Mr James Larmour
Lisburn Road outside 133 Lisburn Road	Temporary	Hot food and non-alcoholic beverages	12 th July 1000 to 2200	Mr Dean Presho
Lisburn Road at junction with Jubilee Road	Temporary	Ice cream, confectionery and non-alcoholic beverages	12 th July 0900 to 2100	Mr John Gibson
Lisburn Road outside 133 Lisburn Road	Temporary	Ice cream, confectionery and non-alcoholic beverages.	12 th July 0700 to 2100	Mr James Larmour
Lisburn Road outside 133 Lisburn Road	Temporary	Hot food and non-alcoholic beverages	12 th July 1000 to 2200	Mr Dean Presho
Lisburn Road in lay-by near junction with Tate's avenue	Temporary	Ice cream, confectionery and non-alcoholic beverages	12 th July 0800 to 1800	Mr George Pirie

Premises and Location	Type of Application	Commodity	Hours Licensed	Applicant
Lisburn Road near junction with Edinburgh Street outside Windsor Social club	Temporary	Hats, flags, toys, band poles and novelties.	12 th July 0800 to 1800	Mr Raymond Coulter
Lisburn Road outside 237 Lisburn Road	Temporary	Donuts and non-alcoholic beverages	12 th July 0700 to 1900	Mr Robert Sharpe
Lisburn at junction with Lower Windsor Ave	Temporary	Hot food and non-alcoholic beverages	12 th July 0800 to 1800	Mrs Lorene Johnston
Lisburn Road at junction with Derryvolgie Avenue	Temporary	Ice cream, confectionery and non-alcoholic beverages	12 th July 0900 to 2100	Mr John Gibson
Lisburn Road at junction with Derryvolgie Avenue	Temporary	Toys, drums, flags, hats and novelties.	12 th July 0800 to 1800	Mr Nathan Johnston
Lisburn Road outside Doorsteps, 455 Lisburn Road	Temporary	Hot food and non-alcoholic beverages	12 th July 0700 to 1930	Mr Conor Hughes
Lisburn Road outside Warnocks, 793 Lisburn Road	Temporary	Hot food and non-alcoholic beverages	12 th July 0700 to 1800	Mr Robert Crooks
Lisburn Road near bridge over Stockman's Lane	Temporary	Ice cream, confectionery and non-alcoholic beverages	12 th July 0900 to 2100	Mr John Gibson
Balmoral Avenue near junction with Lisburn Road	Temporary	Toys, drums, flags, hats and novelties.	12 th July 0700 to 1800	Mr Robert Crooks
Balmoral Avenue near junction with Malone Park Lane	Temporary	Ice cream, confectionery and non-alcoholic beverages	12 th July 0800 to 1800	Mr Wayne Adair
Balmoral Avenue near junction with Malone Road	Temporary	Ice cream, confectionery and non-alcoholic beverages	12 th July 0900 to 2100	Mr John Gibson

Premises and Location	Type of Application	Commodity	Hours Licensed	Applicant
Shaw's Bridge roundabout on grass verge in front of House of Sport	Temporary	Crepes and non-alcoholic beverages.	12 th July 0830 to 2030	Mrs Elaine Morrison
Shaw's Bridge roundabout on grass verge in front of House of Sport	Temporary	Cold food and non-alcoholic beverages	12 th July 0800 to 1800	Mr Stephen Baxter
Shaw's Bridge roundabout on grass verge in front of House of Sport	Temporary	Donuts and non-alcoholic beverages	12 th July 0800 to 1800	Mr Desmond Hill
Shaw's Bridge roundabout on grass verge in front of House of Sport	Temporary	Toys, flags, drums, drumsticks, hats and band poles.	12 th July 0700 to 1900	Mr James Bell
Shaw's Bridge roundabout on grass verge in front of House of Sport	Temporary	Hot food and non-alcoholic beverages	12 th July 0700 to 1900	Mr David Deacon
Shaw's Bridge roundabout on grass verge in front of House of Sport	Temporary	Hot food and non-alcoholic beverages	12 th July 0830 to 1730	Mr David Deacon
Dublin Road, Shaftsbury Square, Bradbury Place, Lisburn Road, Balmoral Avenue and Malone Road	Temporary	Flags, hats, scarves, toys and poles.	12 th July 0800 to 1800	Mr Marc Thompson
Dublin Road, Shaftsbury Square, Bradbury Place, Lisburn Road, Balmoral Avenue and Malone Road	Temporary	Flags, hats, scarves, toys and poles	12 th July 0700 to 1800	Mr Robert Crooks
Dublin Road, Shaftsbury Square, Bradbury Place, Lisburn Road, Balmoral Avenue and Malone Road	Temporary	Flags, hats, scarves, toys and poles	12 th July 0800 to 1800	Mr Nathan Johnston

3.4	<u>Financial & Resource Implications</u> None
3.5	<u>Equality or Good Relations Implications</u> There are no equality and good relations issues.
4.0	Documents Attached
4.1	None



Subject:	Applications for the Grant/Renewal of Entertainments Licences with Associated Convictions
Date:	21st September, 2016
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 2435

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	To consider applications for the grant/renewal of Entertainments Licences where the applicant has been convicted of an offence under the Local Government Miscellaneous Provisions (NI) Order 1985 (the Order) within the previous five years.
2.0	Recommendations
2.1	<p>Taking into account the information presented, you are required to consider the applications and to:-</p> <ol style="list-style-type: none"> 1. Approve the applications, or 2. Should you be of a mind to refuse any of the applications, or approve any applications with additional special conditions, an opportunity of appearing before and of being heard by the Committee must be given to the applicants.
3.0	Main report
	<u>Key Issues</u>
3.1	Members are reminded that the normal process for dealing with Entertainments Licence applications which are not the subject of objections is that the licence will be granted as provided for in the Council's Scheme of Delegation.
3.2	However, in light of the fact that an applicant has been found guilty of committing an offence within five years of the application for a licence being submitted to the Council, you are required to consider the following applications.

Premises and Location	Applicant	Application Type	Offence Details	Date of Conviction and Penalty
The Annex Bar 480-482 Shore Road, Belfast, BT15 4HD	Thomas Greer Loughview Services Limited	Renewal	October 2011 Locked Fire Exit	24th April 2012 £800 and £72 Court costs
Sliabh Dubh 79 Whiterock Road, Belfast, BT12 7FW	Tony Clarke	Renewal	July 2015 <u>Caulfield's Bar</u> Final Exit locked shut and an obstructed means of escape	8th March 2016 <u>Caulfield's Bar</u> £200 and £69 Court costs
Chester Park Inn 466-468 Antrim Road, Belfast, BT15 5GE	Eamon Diamond Chester Park Inns Limited	Renewal	August 2015 Entertainment without a Licence in an outdoor area	22nd March 2016 Conditional Discharge
The Corner House 167-177 Oldpark Road, Belfast, BT14	Michael Markey	Grant	February 2016 Entertainment without a Licence	13th September 2016 Conditional Discharge

3.3

Notwithstanding the possibility of refusing an Entertainments Licence on any other grounds, the Council may refuse an application on the grounds that the applicant has been convicted of an offence under the Order.

Application history

3.4

Previous applications for the aforementioned premises were considered by the Committee as follows:

The Annex Bar

3.5

The applicant was convicted of an offence under the Order at Belfast Magistrates Court on the 24th April 2012, after a during performance inspection found a locked final exit.

3.6

Members may recall that previous applications have been brought before the Licensing Committee on the 19th September 2012, 20th November 2013, 17th September 2014 and 21st October 2015 and, after consideration, you agreed to grant the licence on each occasion. Members are advised that this is the last year the application will have to be considered by the Committee.

Sliabh Dubh

3.7 This application is being placed before the Committee because the applicant, Mr Tony Clarke, was convicted of offences under the Order at Belfast Magistrates Court on the 8th March 2016 regarding Caulfield's Bar, another premises for which he is the licensee. The offences took place on the 4th July 2015 and included a final exit being locked shut and a designated means of escape from the premises being impeded. Members will recall that you considered the renewal application for Caulfield's Bar at your meeting on the 18th May, this year and, after taking account of the conviction, you agreed to renew the licence.

3.8 Members will recall also that you recently considered the renewal application for The Suffolk Inn, which is another of Mr Clarke's premises, at your August meeting and, after taking account of the conviction, you agreed to renew the licence.

Chester Park Inn

3.9 The licensee was convicted of holding outdoor entertainment without the appropriate Entertainments Licence being in place.

The Corner House

3.10 Whilst this is an application for the grant of a licence, there was previously an Entertainments Licence for the premises which expired on 30th April, 2015. Despite our requests to provide the required documentation in order to complete the application and renew the Licence, Mr. Markey failed to do so. His previous licence was therefore deemed to be refused and he was advised that he was no longer permitted to have entertainment on the premises.

Representations

3.11 Public notice of the applications have been placed and no written representations have been lodged as a result of the advertisements.

PSNI

3.12 The PSNI has been consulted and has confirmed that it has have no objections to the applications.

Health, Safety and Welfare Inspections

3.13 Following the offences, officers of the Service met with the licensees of each of the premises to review their management procedures and ensure that appropriate measures are in place to prevent a recurrence of the previous problems. Officers also discussed the arrangements in place for the safety of the public, performers and staff at all times and, in particular, if an emergency situation should occur.

3.14 Each of the premises have also been subject to further inspections by officers of the Service and on each occasion we found that management procedures were being implemented effectively.

3.15 Copies of the application forms for each of the premises are attached.

<p>3.16</p> <p>3.17</p> <p>3.18</p>	<p><u>NIFRS</u></p> <p>The Northern Ireland Fire Rescue Service has been consulted in relation to each of the applications and confirmed that it has no objections.</p> <p><u>Financial and Resource Implications</u></p> <p>Officers carry out during performance inspections on premises providing entertainment which is catered for within existing budgets.</p> <p><u>Equality and Good Relations Implications</u></p> <p>There are no equality or good relations issues associated with this report.</p>
<p>4.0</p>	<p>Documents Attached</p>
	<p>Application Forms</p>

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

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Subject:	Application for Extended Hours – The Marcus Ward, 1 Bankmore Square
Date:	21st September, 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 or Summary of main Issues						
1.1	<p>To consider an application from Mr Lawrence Bannon of Tobar Inns Limited for permission to provide entertainment to 3.00 am at The Marcus Ward.</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>The Marcus Ward 1 Bankmore Square Belfast, BT7 1DH</td> <td>WK/201601335</td> <td>Mr Lawrence Bannon Tobar Inns Ltd 1 Bankmore Square Belfast, BT7 1DH</td> </tr> </tbody> </table>	Premises and Location	Ref. No.	Applicant	The Marcus Ward 1 Bankmore Square Belfast, BT7 1DH	WK/201601335	Mr Lawrence Bannon Tobar Inns Ltd 1 Bankmore Square Belfast, BT7 1DH
Premises and Location	Ref. No.	Applicant					
The Marcus Ward 1 Bankmore Square Belfast, BT7 1DH	WK/201601335	Mr Lawrence Bannon Tobar Inns Ltd 1 Bankmore Square Belfast, BT7 1DH					
1.2	Mr Bannon is also the licensee for Villa, 2-16 Dunbar Street, Belfast, BT1 2LH.						
1.3	A copy of the application form is attached at Appendix 1.						
1.4	A location map is attached at Appendix 2.						
2.0	Recommendations						
2.1	<p>Taking into account the information presented and any representations made in respect of the application you are required to make a decision to either:</p> <ol style="list-style-type: none"> 1. Approve the application to provide entertainment to 3.00 am, or 2. Approve the application to provide entertainment to 3.00 am with special conditions, or 3. Refuse the application to provide entertainment to 3.00 am. 						

2.2	If the application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court. In the case that the applicant subsequently decides to appeal, entertainment may not be provided to the later hour until any such appeal is determined.
3.0	Main Report
	<p><u>Key Issues</u></p> <p>3.1 Members are advised that this premises was previously known as Stiff Kitten and it held an Entertainments Licence until 31st March 2014 before ceasing trading. Previously entertainment was permitted on Monday to Saturday from 11.30 am to 3.00 am and on Sunday from 12.30 pm to 3.00 am.</p> <p>3.2 The areas where entertainment is provided are as follows:</p> <ul style="list-style-type: none"> • Public Bar, with a maximum capacity of 520 persons • Dance Club, with a maximum capacity of 360 persons <p>3.3 The applicant has applied to provide entertainment on the following days and hours:</p> <ul style="list-style-type: none"> • Monday to Saturday: 11.30 am to 3.00 am the following morning, and • Sunday: 12.30 pm to 3.00 am the following morning. <p>3.4 Members are reminded that applications to provide entertainment later than 1.00 am are subject to consideration by Committee.</p> <p>3.5 The applicant has advised that the premise will operate as a public bar and nightclub with indoor entertainment being provided in the form of DJs and live bands.</p> <p>3.6 Layout plans of the premises are attached at Appendix 3.</p> <p><u>Representations</u></p> <p>3.7 Public notice of the application was placed and an objection was received by email within the 28-day period from the property management company acting on behalf of the residents and shareholders of Park Avenue Apartments, Bankmore Street. The nature of the objection related to concerns when entertainment was provided in the venue, previously known as Stiff Kitten, such as:</p> <ol style="list-style-type: none"> 1. noise pollution, especially at closing time. 2. antisocial behaviour, especially at closing time 3. abusive and violent behaviour directed toward apartment residents and visitors 4. revellers urinating and vomiting at private entrance lobbies to apartments. <p>3.8 A copy of the email of objection is attached at Appendix 4.</p> <p>3.9 Following receipt of the objection, the Service offered to facilitate a liaison meeting between all parties involved in order to discuss the issues and attempt to resolve the matter. However, the residents and management company acting on their behalf did not avail of the offer for a meeting.</p>

3.10	The applicant then requested the Service to forward correspondence to the management company and the residents to advise them of the measures which they would be willing to implement to alleviate their concerns.
3.11	In response to one of the resident's further concerns, regarding the smoking area and patron dispersal, the applicant has produced a management policy outlining how he intends to address these for the premises. The applicant has agreed also to have his acoustic consultant present on the first night that they open and, as and when required, to ensure the sound system and resultant noise levels are appropriate.
3.12	As a result of this correspondence, the objection has now been withdrawn and is attached at Appendix 5.
	<u>Licence</u>
3.13	<p>The applicant has carried out refurbishment works to the premises which have been completed to the satisfaction of the Service. Following the resolution of the objectors concerns and withdrawal of the objection an Entertainments Licence was issued under the Council's Scheme of Delegation with the standard hours of operation, as follows:</p> <ul style="list-style-type: none"> • Monday to Sunday: 11.30 am to 1.00 am the following morning.
3.14	However, the applicant has applied to operate the premises under the hours of the previous Entertainments Licence to 3.00 am, hence the matter has been brought before Committee for consideration.
	<u>PSNI</u>
3.15	The PSNI has been consulted and has confirmed that it has no objection to the application to 3.00 am. A copy of its correspondence is attached at Appendix 6.
	<u>Health, Safety and Welfare Inspections</u>
3.16	Officers have held meetings with the applicant as part of the application process and to resolve the objector's initial concerns. A number of inspections and meetings have also been held as a result of the Building Regulations application for the refurbishment works.
3.17	Officers are satisfied that all operational and management procedures are in place. The premises will continue to be inspected as part of our During Performance Inspection regime and will be subject to further monitoring to ensure the applicant adheres to the measures he has agreed to undertake.
	<u>NIFRS</u>
3.18	The Northern Ireland Fire and Rescue Service has been consulted and has confirmed that it has no objections to the application.
	<u>Noise Issues</u>
3.19	The Environmental Protection Unit (EPU) has been consulted in relation to the application and has raised no concerns in relation to it.
3.20	Members are reminded that the Clean Neighbourhood And Environment Act 2011 gives councils additional powers in relation to the control of entertainment noise after 11.00 pm.

<p>3.21</p> <p>3.22</p> <p>3.23</p>	<p><u>Applicant / Licensee</u></p> <p>The applicant and/or their representatives will be available at your meeting to answer any queries you may have in relation to the application.</p> <p><u>Financial and Resource Implications</u></p> <p>Officers carry out during performance inspections on premises providing entertainment but this is catered for within existing budgets.</p> <p><u>Equality or Good Relations Implications</u></p> <p>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 – Layout plans</p> <p>Appendix 4 – Email of Objection</p> <p>Appendix 5 – Email withdrawing objection</p> <p>Appendix 6 – PSNI comments</p>

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

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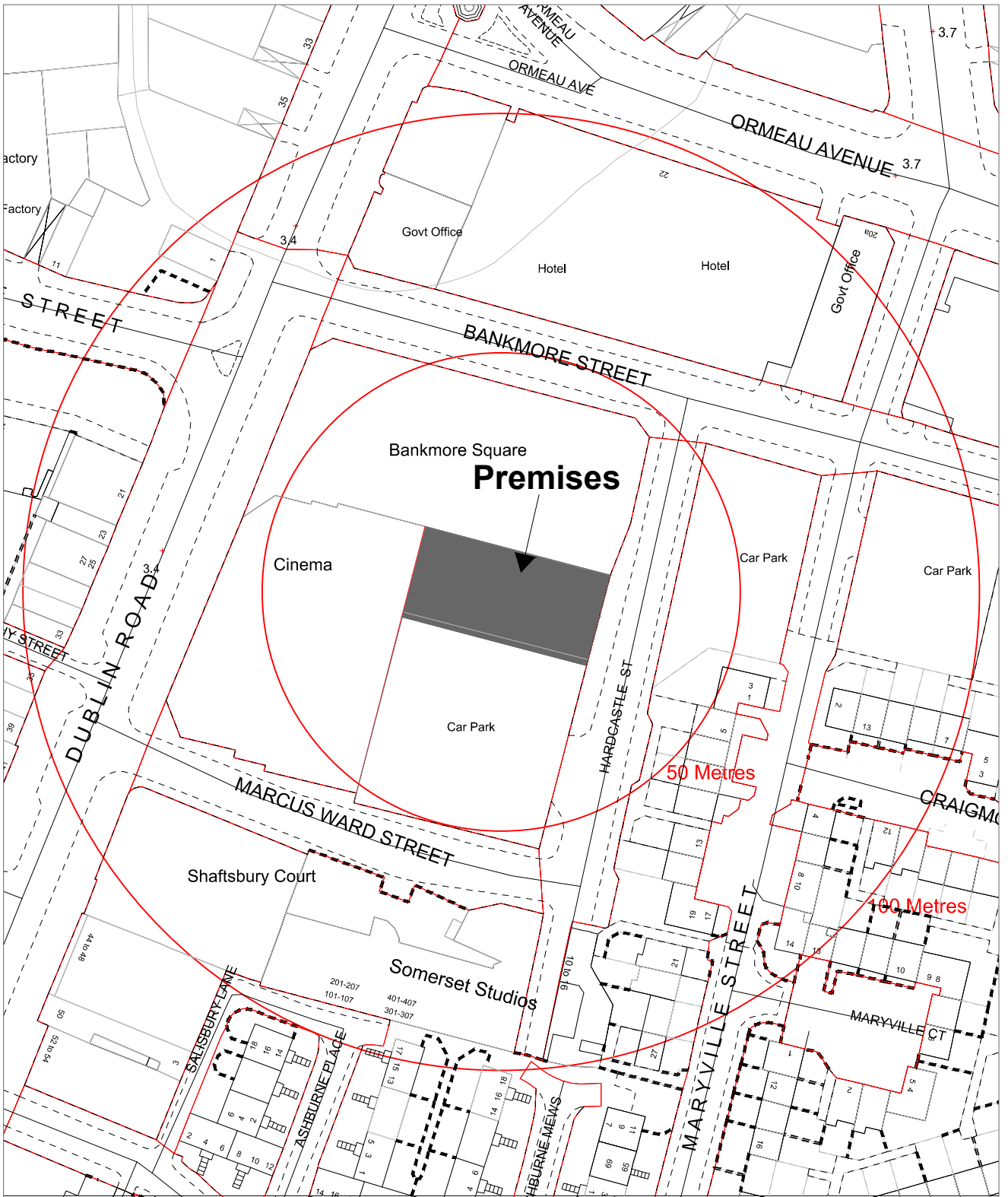
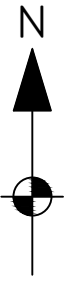
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Building Control Service

Belfast Mapping Data v3.0
Prepared by I.S.B.
Based upon the Ordnance Survey
Of Northern Ireland map with the
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Appendix 2



DRAWN BY MT
DATE 02/08/2016

Page 41
The Marcus Ward
1 Bankmore Square

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By virtue of paragraph(s) 3 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

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Patrick Cunningham
Health & Environmental Services Department,
Building Control,
Belfast City Council,
5th Floor,
9 Lanyon Place,
Belfast,
BT1 3LP

Keeping People Safe



1st September 2016

Dear Sir

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NI) ORDER 1985: LICENSING OF PLACES OF ENTERTAINMENT

Ref: Application for the Grant of a 7-Day Annual Entertainments Licence

Premises: The Marcus Ward & Foundry, Bankmore Square, Belfast

I wish to confirm that the Police are offering no objections to this application at this time.

Forwarded for your attention.

Yours faithfully

A handwritten signature in black ink, appearing to read 'S O'Hare', written in a cursive style.

Seamus O'Hare
Licensing Officer, Musgrave Station, Belfast

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Subject:	Application for the Grant of an Amusement Permit - Players, 22-23 Shaftesbury Square
Date:	21st September, 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>The Committee is reminded that, at your meeting on 15th June, it considered an application for the grant of an Amusement Permit under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 ('the 1985 Order').</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 33%;">Premises and Location</td> <td style="width: 33%;">Ref. No.</td> <td style="width: 33%;">Applicant</td> </tr> <tr> <td>Players Ground Floor 22-23 Shaftesbury Square Belfast BT2 7DB</td> <td>WK/20160593</td> <td>Ms Kerry Boyle KB Shaft Ltd.</td> </tr> </table>	Premises and Location	Ref. No.	Applicant	Players Ground Floor 22-23 Shaftesbury Square Belfast BT2 7DB	WK/20160593	Ms Kerry Boyle KB Shaft Ltd.
Premises and Location	Ref. No.	Applicant					
Players Ground Floor 22-23 Shaftesbury Square Belfast BT2 7DB	WK/20160593	Ms Kerry Boyle KB Shaft Ltd.					
1.2	After consideration, the Committee, in its capacity as Licensing Authority, agreed that it was minded to refuse the application on the grounds that it fails to comply with the Council's Amusement Permit Policy.						
1.3	However, the Committee also noted that, in accordance with the Order, the applicant would be afforded the opportunity to make representation to the Committee regarding its decision at a future meeting.						
1.4	A copy of the minutes from the meeting on 15th June 2016 is attached at Appendix 1.						
2.0	Recommendations						

2.1	<p>The Committee is required to decide, on hearing from the applicant, whether to:</p> <ul style="list-style-type: none"> • Approve the application for the grant an Amusement Permit, or • Refuse the application for the grant of an Amusement Permit.
2.2	<p>If, subsequent to hearing the applicant, you refuse the application, or decide to grant the application subject to discretionary conditions, the applicant may appeal that decision to the County Court.</p>
3.0	Main report
	<p><u>Key Issues</u></p>
3.1	<p>The current policy, dictated by the governing Order, is that the Committee, in considering the application, 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><u>Amusement Permit Policy</u></p>
3.2	<p>Members are reminded that the Council’s Amusement Permit Policy 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.</p>
3.3	<p>In considering this application at your meeting in June two of the five criteria set out in the Policy, which should be considered when assessing the suitability of a location for an amusement arcade, were not met. These are detailed below:</p>
	<p>Cumulative build-up of amusement arcades in a particular location:</p>
3.4	<p>In addition to the existing Players arcade at No. 22 Shaftesbury Square, which forms part of this application, there is another amusement arcade operator on this commercial frontage, namely Oasis Gaming. It operates from a number of units located at 14 Shaftesbury Square and 1-7 Donegall Road. This amounts to the largest concentration of Amusement Centres found within a commercial block in Belfast.</p>
3.5	<p>In the desire to promote retailing and regeneration in the City Centre, as per the first key objective of the Amusement Permit Policy, the Council is keen to avoid a clustering of Amusement Centres at a given location. Accordingly, it restricts new openings to one per commercial frontage and one per shopping centre. It also restricts the ground floor extension of an existing establishment into an adjoining unit.</p>
3.6	<p>While the Council recognises that this commercial block currently has two vacant units (including the application site at No.23) the Council also acknowledges that it is a Gateway location with landmark development potential (see next criterion), an element of which could involve retailing.</p>
3.7	<p>Mindful of the above, therefore, this application to extend an existing Amusement Centre into a vacant shop unit runs counter to the cumulative build-up criterion. <i>Does not comply with this criterion.</i></p>
	<p>Impact on the image and profile of Belfast:</p>
3.8	<p>As noted above, the application premises are located at a key entrance junction (Gateway) to the City Centre, as identified in the BMAP 2015. This is one of 11 Gateway locations at the</p>

edge of Belfast City Centre which, as recognised in the Development Plan, presents the visitor with an initial impression that can influence their overall perception of the City. Accordingly, BMAP considers these locations suitable for landmark development capable of raising the profile of Belfast. Indeed, one of the four elements of BMAP's tourism strategy reads as follows:

“enhancing the urban environment generally and, in particular, “first impression” points at major gateways, and in city and town centres.”

3.9 Within this context, and in recognition of the Amusement Permit Policy's objective to enhance the appeal of Belfast by protecting its image, the Council considers the granting of Amusement Permits at ground floor level as inappropriate for this and other Gateway locations.
Does not comply with this criterion.

3.10 In considering any application it is the case that Members may take into account any matter which is deemed relevant. Members may also depart from the Policy where it is appropriate to do so, although it is envisaged that this should only happen in exceptional circumstances.

Planning Permission

3.11 Members may recall 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.

3.12 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. A copy of that decision is attached to this report at Appendix 4.

Applicant

3.13 The applicant has been informed of the Committee's decision and has submitted further information in support of their application.

3.14 The applicant has submitted a supporting statement with additional information outlining the reasons why the application should be granted. These are summarised below.

- It is clear from the papers and records of the process that the grounds for refusing the application due to the cumulative build-up of amusement arcades in a particular location and the impact on the image and profile of Belfast have been fully considered and implemented by the relevant bodies.
- Referring to the Planning Case Officer's Report the applicant argues that, when the application was considered by the Belfast Planning Office, it considered and consulted all the available policy and material documents.
- The planning application was dealt with in a full and comprehensive way and that all relevant factors were taken into consideration by the Planning Authorities.
- The application meets all the requirements of the Planning Authority and fulfils the conditions contained within the Council's Amusement Permit Policy,
- The final conclusion drawn by the Planning Case Officer before granting planning approval would appear to suggest that the Planning Service would prefer that the maximum concentration of Arcades would be reached by way of this approval rather than by the granting of additional permits thus increasing the number of outlets.
- The applicant also argues that the application proposal is not in a retail frontage, listing a number of other businesses and outlets operating along the same frontage.

3.15	The applicant has also included a proposed floor plan and elevations to show how the extension of the business would look like alongside the existing retail frontage.
3.16	A copy of the applicant's submission is attached at Appendix 2.
3.17	The applicant and their representatives will be available to discuss any matters relating to the grant of the permit at your meeting.
<u>Comments on the Applicant's Submission</u>	
3.18	Whilst the Council should be slow to depart from the decision of the Planning Authority, the Ava Leisure case clearly establishes that the Council is entitled to look at planning considerations and can depart from the decision of the Planning Authority.
3.19	Relevant to considering whether to depart from the decision of the then Planning Authority may be the fact that the Council has assessed the application against its Permit Policy which was adopted in 2013, in addition to the Planning Authority's documents, which include DCAN 1 (1983), which must be considered dated as it is now over 30 years old. Importantly, the Council's Permit Policy has regard to both planning and non-planning considerations and its detailed preparation was extensively researched and consulted upon.
3.20	The applicant selects various extracts of the planner's report in an effort to demonstrate that all relevant issues were addressed by the Planning Authority. However, the same report demonstrates that concerns for the vitality and image of the City Centre were also considered important by planners – see Appendix 3.
3.21	This commercial frontage consists of a mix of uses and it is the case that retail units no longer form part of it. However, as noted in the planner's report, the build-up of gambling establishments may also affect other businesses, such as restaurants, which add to the vitality and viability of this part of the City Centre.
3.22	The planner's report would appear to suggest that, because the application was for an extension, the planning authority saw fit to allow it this time but urged caution thereafter. However, viewed in conjunction with the Gateway status of this location, which is suitable for landmark development, the application is contrary to the Amusement Permit Policy which aims to avoid increasing the proliferation of amusement centres in this area via the development of the adjoining vacant shop unit.
3.23	Members are advised that a number of planning applications have been granted in the last 12-15 months for this area including an application for 8 storey purpose built student accommodation at 78-86 Dublin Road and a 5 storey extension to the Benedict's Hotel complex on the corner of Bradbury Place and Donegall Road.
<u>Financial and Resource Implications</u>	
3.24	There are no financial or resource implications associated with this report.
<u>Equality or Good Relations Implications</u>	
3.25	There are no equality or good relations issues associated with this report.
4.0	Documents Attached

- | | |
|--|---|
| | <ul style="list-style-type: none">• Appendix 1 – Copy of the minutes from your meeting on the 15th June 2016• Appendix 2 – Applicant’s submission• Appendix 3 – Extract of Planner’s report• Appendix 4 – <i>Re Ava Leisure’s Application</i> [1999] NI 2003 |
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264Licensing Committee,
Wednesday, 15th June, 2016**Application for the Grant of an Amusement Permit –
Players, 22-23 Shaftesbury Square**

The Committee considered the following report:

“1.0 Purpose of Report/Summary of Main Issues

- 1.1 To consider an application from Ms. Kerry Boyle of KB Shaft Limited, for the grant of an Amusement Permit under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 ('the 1985 Order').

Premises and Location	Ref. No.	Applicant
Players	WK/20160593	Ms. Kerry Boyle
Ground Floor		KB Shaft
22-23 Shaftesbury Square		Limited
Belfast		
BT2 7DB		

- 1.2 The Director of KB Shaft Limited is Ms. Kerry Boyle.
- 1.3 A copy of the application form has been circulated to the Committee.
- 1.4 A location map has also been circulated.

2.0 Recommendations

- 2.1 The 1985 Order states that the Committee, in considering the application for the Grant of an Amusement Permit, shall have regard to:
1. the fitness of the applicant to hold a Permit having regard to his character, reputation and financial standing,
 2. 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,
 3. representation, if any, from the sub-divisional commander of the Police Service of Northern Ireland in whose sub-division the premises are situated, and
 4. representation, if any, as a result of the public notices of advertisement.

- 2.2 You must refuse the application unless satisfied that:**
- 1. the applicant is a fit person to hold an Amusement Permit; and**
 - 2. 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.**
- 2.3 Thereafter:-**
- 1. You may refuse the application after hearing any representations from third parties, or**
 - 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**
- 2.4 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 –**
- 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**
 - 3. You may also grant the application subject to discretionary conditions outlined in the 1985 Order relating to the illumination of the premises, advertising of, and window displays on the premises and the display of information notices.**
- 2.5 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.**
- 2.6 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.

3.0 Main report

Key Issues

- 3.1** 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.
- 3.2** Members may be aware that an arcade has operated at 22 Shaftesbury Square since 1994 under previous ownership, formerly known as Winners, but was recently granted to KB Shaft Limited at your meeting on 19th August 2015.
- 3.3** As there is no mechanism within the 1985 Order to cater for the extension to an existing premise, as is happening in this case, an application must be made for the grant of an Amusement Permit for the ground floor of 22-23 Shaftesbury Square.
- 3.4** The current Amusement Permit for 22 Shaftesbury Square is due to expire on 31st July, 2016.

Applicant

- 3.5** The applicant has requested to operate the proposed premises under the same hours as the existing Amusement Permit for 22 Shaftesbury Square from 9.00 am to 3.00 am, Monday to Sunday.
- 3.6** The permit is for a total of 94 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. This is an increase of 64 machines as the current Amusement Permit is for a total of 30 gaming machines. However, the applicant has confirmed that they are willing to reduce the number of machines, if required.
- 3.7** Ms Boyle and/or her representatives will be available to discuss any matters relating to the grant of the permit at your meeting.

Health, Safety, Welfare and Technical requirements

- 3.8 Officers from the Service have met with the applicant to discuss the application and status of the premise. The applicant has confirmed that a Building Regulations application will be made to the Service for the building work that will be required to create the new arcade layout.

Planning Matters

- 3.9 A planning application was made to the Planning Service on the 3rd April 2014 for a change of use of the ground floor of No. 23 to an Amusement Arcade including an extension and frontage alterations to allow for the amalgamation with No. 22 Shaftesbury Square. This was granted on the 5th January 2015.
- 3.10 A copy of the planning permission has been forwarded to Members.
- 3.11 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.
- 3.12 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

- 3.13 Members will be aware that the Council's Amusement Permit Policy was ratified at Council on 1st 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.
- 3.14 The 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.

3.15 The Policy consists of two components which are considered below:

1. Legal requirements under the 1985 Order

3.16 Members must have regard to the legal requirements under the 1985 Order relating to:

(a) The character, reputation and financial standing of the applicant:

3.17 References and additional supporting information for those associated with the application have been circulated to Members.

(b) The nature of the premises and activity proposed:

3.18 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:

3.19 The Police comments have been sought and reference is made in paragraph 3.9 of the report and have been forwarded to Members.

3.18 (d) Submissions from the general public:

3.20 No objections have been received as a result of the public notices placed in three local newspapers.

2. Assessment criteria for suitability of a location

3.21 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.

3.22 Before considering each of these criterion it should be noted at the outset that this is a grant application because of a proposed

extension to the existing arcade to incorporate the adjacent vacant unit

(a) Retail vibrancy and viability of Belfast:

- 3.23 The application site at 22-23 Shaftesbury Square is located outside the Retail Core of Belfast City Centre but within the limit of the City Centre, as defined in the Belfast Metropolitan Area Plan 2015 (BMAP). It is bordered on one side by the South Belfast Northern Ireland Supporters Club, and on the other, by a vacant retail unit (formerly Age Concern), which forms part of the 'Lesley House' commercial building. Because the premises are not bordered on both sides by a retail unit it cannot be concluded that the application would break up a continuous shopping frontage.

Complies with this criterion.

(b) Cumulative build-up of amusement arcades in a particular location:

- 3.24 In addition to the existing Players arcade at No. 22 Shaftesbury Square, which forms part of this application, there is another amusement arcade operator on this commercial frontage, namely Oasis Gaming. It operates from a number of units located at 14 Shaftesbury Square and 1-7 Donegall Road. This amounts to the largest concentration of Amusement Centres found within a commercial block in Belfast.
- 3.25 In the desire to promote retailing in the City Centre, as per the first key objective of the Amusement Permit Policy, the Council is keen to avoid a clustering of Amusement Centres at a given location. Accordingly, it restricts new openings to one per commercial frontage and one per shopping centre. It also restricts the ground floor extension of an existing establishment into an adjoining unit.
- 3.26 While the Council recognises that this commercial block currently has a high rate of vacancy (including the application site at No.23) the Council also acknowledges that it is a Gateway location with landmark development potential (see next criterion), an element of which could involve retailing.
- 3.27 Mindful of the above, therefore, this application to extend an existing Amusement Centre into another shop unit runs counter to the cumulative build-up criterion.

Does not comply with this criterion.

(c) Impact on the image and profile of Belfast:

- 3.28 As noted above, the application premises are located at a key entrance junction (Gateway) to the City Centre, as identified in the BMAP 2015. This is one of 11 Gateway locations at the edge of Belfast City Centre which, as recognised in the Development Plan, presents the visitor with an initial impression that can influence their overall perception of the City. Accordingly, BMAP considers these locations suitable for landmark development capable of raising the profile of Belfast. Indeed, one of the four elements of BMAP's tourism strategy reads as follows:

“enhancing the urban environment generally and, in particular, ‘first impression’ points at major gateways, and in city and town centres.”

- 3.29 Within this context, and in recognition of the Amusement Permit Policy's objective to enhance the appeal of Belfast by protecting its image, the Council considers the granting of Amusement Permits at ground floor level as inappropriate for this and other Gateway locations.

Does not comply with this criterion.

(d) Proximity to residential use:

(i) - predominantly residential in character

- 3.30 The application premises are located at ground floor level at Shaftesbury Square where a mix of commercial uses exists. They are therefore located within a part of the City Centre which is predominantly commercial as opposed to residential in character.

(ii) – non-residential property that is immediately adjacent to residential property

- 3.31 The residential properties located nearest to the application site are St. George's Gardens, which are located approximately 20.5m to the rear of the application site and separated from it by Stroud Street. Residential property is not therefore located immediately adjacent to the application premises.

Complies with this criterion.

(e) Proximity to schools, youth centres, and residential institutions for vulnerable people:

- 3.32** There are no schools, youth centres, or residential institutions for vulnerable people within 200m of the application premises.

Complies with this criterion.

- 3.33** A copy of the Council's Amusement Permit Policy has been circulated to the Committee.

Conclusion

- 3.34** The application does not comply with all assessment criteria for the suitability of the location as laid down in Belfast City Council's Amusement Permit Policy. Planning Service was made aware of this when determining the planning application but it still chose to approve it, citing planning policy and guidance, particularly DCAN 1.

- 3.35** The Amusement Permit Policy does permit the Committee to depart from the Policy where it appears appropriate or necessary, although it goes on to state that it is envisaged that would only happen in exceptional circumstances.

- 3.36** **Financial and Resource Implications**

There are no financial or resource implications associated with this report.

- 3.37** **Equality or Good Relations Implications**

There are no equality or good relations issues associated with this report."

The Committee was advised that Ms. K. Boyle, the applicant, together with Ms. R. Hughes and Mr. F. O'Reilly, her legal representatives, and Mr. I. Foster, Planning Consultant, were in attendance and they were welcomed by the Chairperson.

Mr. O' Reilly informed the Members that the applicant operated two amusement arcades in the City, on the Lisburn Road and in Shaftesbury Square. He then addressed the issues surrounding the failure of Ms. Boyle's application to comply with two of the five criteria set out within the Council's Amusement Permit Policy, in terms of the impact which the arcade would have upon the image and profile of Belfast and in relation to the cumulative build-up of arcades around that particular location.

He pointed out that, on approaching Shaftesbury Square, there was currently an amusement arcade on the corner of the Donegall Road and Shaftesbury Square, which was managed by another operator. The applicant's premises were situated a short distance away, beside a retail unit, which had been vacant for a considerable length of time, into which she wished to extend her business. Ms. Boyle's architect had formulated plans which would allow for the amalgamation of the two premises, which would have a single frontage and entrance. The applicant was proposing to increase the number of gaming machines from thirty to sixty, rather than ninety-four as had been stated on her application, and to create a 'comfort area', without machines, for the benefit of customers.

He reminded the Committee that, in August, 2015, it had granted an Amusement Permit for Ms. Boyle's current arcade in Shaftesbury Square, despite the fact that the same issues had existed around, for example, image and profile and its gateway location as applied to this application. The refusal of her current application by the Committee would, he argued, have no impact in terms of improving the topography of the area and the view which visitors entering the City through Shaftesbury Square would encounter.

Mr. O'Reilly reminded the Committee further that the Planning Service had, in January, 2015, approved an application for the change of use of the vacant unit to allow for its incorporation into his client's arcade, despite being advised by the Council that it failed to comply with the same two criteria as the application which was now before the Committee. He made the point that the Planning Service, in granting the application, had taken the view that it was preferable for the premises to be utilised as an extension of the adjoining amusement arcade, rather than remain vacant. He concluded by urging the Committee to take into account the fact that the number of arcades in Shaftesbury Square would not be increased by approving his client's application and that it would only enhance the area by a bringing a vacant unit back into use.

In response to a number of questions from the Members, Ms. Boyle confirmed that the provision of a 'comfort area' was designed to enhance the experience of customers and highlighted another premises in Castle Street which provided such a facility. She explained that, due to the lack of available space, she was unable to provide such an area within her current arcade, however, as highlighted within her architect's plans, approximately half of the proposed extension would be utilised for that purpose. She accepted that her application form had indicated that there would be ninety-four gaming machines within the amalgamated arcade but pointed out that that figure had been calculated by the architect, based upon using all of the available floor space, and had not taken into consideration her proposal to include a 'comfort area'.

The members of the deputation were thanked by the Chairperson and they returned to the public area.

It was reported that Dr. T. Quinn, Braniff Associates, who had assisted the Council in the formulation of its Amusement Permit Policy, was in attendance, should the Committee wish to seek clarification on any issues surrounding the Policy and its application.

The Committee agreed that it would be beneficial to obtain the views of Dr. Quinn and he was welcomed by the Chairperson.

Dr. Quinn explained that the cumulative build-up criterion had been included within the Council's Amusement Permit Policy with a view to controlling arcade numbers within any given location and encouraging other forms of retail development. He pointed out that Shaftesbury Square was situated within the City Centre, albeit that it was outside the retail core, and that it was one of eleven recognised gateways leading into the City. Whilst there were currently a considerable number of vacant properties in that locality, it had been earmarked for landmark development and he suggested that the Committee, in considering the application, should, in terms of its image and profile, take into account not only the current state of the location but also its future potential.

Dr. Quinn then addressed a number of issues which had been raised by the Committee.

In terms of potentially encouraging dereliction within Shaftesbury Square by refusing the application on the basis of the Amusement Permit Policy, he explained that the Council, when formulating the Policy, had sought to align it closely with the Belfast Metropolitan Area Plan, which had identified Shaftesbury Square as being a first impression point for visitors entering the City. The Policy had, with that in mind, sought to limit the number of amusement arcades to one per commercial frontage and per shopping centre and to prohibit the merger of an existing establishment into an adjoining unit, as was the case with this application. He stressed that, should the Committee be minded to grant the application on the basis that it could, as a Member had suggested, assist in revitalising the area in the short-term, it would be departing from the Policy, which should occur only in exceptional circumstances. He added that that could create a precedent which other arcade operators across the City could potentially utilise in the future for their benefit.

The Building Control Manager explained that the Council had, in 2014, as part of the consultation process, informed the Planning Service that the application to extend the amusement arcade into number 23 Shaftesbury Square contravened two of the criteria set out within its Amusement Permit Policy and had requested it to take that into consideration. However, the Planning Service had chosen not to do so and had granted the application for other reasons. The matter had then been placed before the Town Planning Committee and, subsequently, the Council and the Council had agreed to reject the opinion of the Planning Service to approve the application.

In response to a point from a Member regarding the impact of a decision to approve the application, the Divisional Solicitor confirmed that the Amusement Permit Policy permitted a departure from the Policy in exceptional circumstances. However, the Committee should be clear as to the exact nature of those circumstances which, regarding this application, she suggested might revolve around the fact that there were no issues with the applicant, she was licensed to operate in the adjoining premises and that she wished to expand into a vacant unit. It was, ultimately, up to the Committee to decide if those circumstances could be deemed to be exceptional and whether they would create a precedent.

She drew the Members' attention to a Court of Appeal decision in 1999 in respect of the Council's decision to refuse an application by Ava Leisure Limited for the grant of an Amusement Permit to operate an arcade in Ann Street, which had ruled that the Council could depart from the views of the planning authority but should be slow to do so. She explained that that application was broadly similar to Ms. Boyle's, in that Ava Leisure Limited had obtained planning permission to operate an amusement arcade in a vacant unit in Ann Street which, at that time, had been a rundown area of the City. The Court of Appeal had, in its decision, made reference to the fact that Ann Street was a gateway to the City and had considered whether the presence of an amusement arcade therein would have an impact upon the public entering the City by that route.

The Divisional Solicitor referred also to the point which had been raised by the applicant's legal representative around the Amusement Permit which Ms. Boyle had, in 2015, been granted for her existing arcade in Shaftesbury Square. She highlighted the fact that the Committee had, in that instance, exercised its discretion, as that application had, technically, contravened the Amusement Permit Policy, however, since the premises had already been in existence, officers had recommended that the Committee grant the application in those circumstances.

After consideration, it was

Moved by Councillor Heading,
Seconded by Councillor Brown and

Resolved - That the Committee, in its capacity as Licensing Authority, agrees that it is minded to refuse an application for the grant of an Amusement Permit in respect of Players, 22-23 Shaftesbury Square, on the grounds that it fails to comply with two of the five criteria set out within the Council's Amusement Permit Policy in terms of (i) the cumulative build-up of amusement arcades in a particular location and (ii) the impact of the arcade upon the image and profile of Belfast.

Subsequent to the decision having been taken, Mr. O'Reilly requested that the Committee offer him the opportunity to raise an issue around the way in which the representations surrounding the application had been managed.

The Chairperson, upon the recommendation of the Divisional Solicitor, agreed to exercise his discretion in this instance and to accede to Mr. O'Reilly's request.

Mr. O'Reilly explained that he had been afforded by the Chairperson only five minutes in which to put forward his client's case, whilst Dr. Quinn had taken fifteen minutes to deliver his submission. That, he argued, had implications in relation to the administration of natural justice and he confirmed that a transcript of the recording of the meeting would be produced in the County Court when the Committee's decision was being appealed.

In response, the Divisional Solicitor confirmed that the deputation had been informed that they would be allocated in total five minutes in which to address the Committee and that they would be afforded an opportunity thereafter to answer any questions which Members might wish to raise. She added that Dr. Quinn's initial

presentation had been brief and that it had not exceeded five minutes. However, he had, subsequently, provided clarification on a number of points which had been raised by the Committee.

Mr. O'Reilly then added that he took exception to the Divisional Solicitor pointing out to him the relevance of the Ava Leisure Limited Court of Appeal decision, given that he had been involved in that case and that it had been heard a considerable length of time before she had qualified to practice as a solicitor.

The deputation then retired from the meeting, following which several Members condemned the comment which had been directed at the Divisional Solicitor by Mr. O'Reilly in relation to the Court of Appeal decision.

The Committee noted that, in accordance with the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, the applicant would be afforded the opportunity to make representation to the Committee regarding its decision at a future meeting.

Chairperson

By virtue of paragraph(s) 3 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

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Appendix 3

Extract from planner's report for planning application Z/2014/0448/F

Change of use of ground floor of No. 23 to amusement arcade including extension and frontage alterations to allow for amalgamation with No. 22 (Amended description and plans).

*However, a line should be drawn to ensure that any area, no matter how suitable it is for a single type of land use, does not suffer from a proliferation of a use that may affect future investment in the area as vitality may be affected. In this case, the entire north corner of Donegall Road and Shaftesbury Square is dominated by a use that is associated with gambling; units 1-7 Donegall Road and 14 Shaftesbury Square is taken up by one single amusement arcade while adjoining this at number 15 Shaftesbury Square is a book maker's office. The application site is less than 20m distance up the street from this. It is acknowledged that the proposal is for an extension to an existing amusement arcade and not an additional business. **However, there is a risk that the cumulative build-up of premises used as gambling establishments will dominate the west side of Shaftesbury Square /corner of Donegall Road. This may create an undesirable precedent in this area for gambling establishments which may result in other businesses such as restaurants relocating which will further affect the vitality and viability of this part of the city centre.***

This is also particularly important as the application site is located within one of many Gateways to the City Centre. Draft BMAP 2015 states that these "entrance points to the City Centre often present the visitor with an initial impression that can influence their overall perception of the City".

Source: page 12 of Planner's Report, planning application Z/2014/0448/F

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Northern Ireland Unreported Judgments

In Re Ava Leisure Limited (Application for Judicial Review)

COURT OF APPEAL (CIVIL DIVISION)

CARSWELL LCJ, NICHOLSON LJ, COGHLIN J

15 JUNE 1999

15 June 1999

CARSWELL LCJ

Introduction

This is an appeal from a decision of Kerr J given on 26 November 1998, whereby he granted an application by Ava Leisure Ltd, the respondent in this appeal, for judicial review of a decision of Mr FG Brown, sitting as a deputy county court judge in Belfast on 18 May 11, 1998. On that occasion the deputy county court allowed an appeal from a decision of the appellant Belfast City Council (the Council), in which it refused to grant a provisional amusement permit to the respondent in respect of premises at 35 Ann Street, Belfast under the provisions of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (the 1985 Order). Kerr J held that the deputy county court judge had been in error in his conclusions about the matters which the Council could properly take into account in determining whether to grant a permit and remitted the matter to him to reconsider the appeal in accordance with the rulings which he set out in his judgment.

The Statutory Provisions

Under the 1985 Order an amusement permit is required for the use of gaming machines on premises other than certain specified categories. By Article 109(1) the grantee of the permit is to be the occupier of the premises. The district council is the granting authority under Article 111, paragraphs (1) and (2) of which provide:

"111. - (1) An application for the grant of an amusement permit shall be made by the person who is, or by any person who proposes to be, the occupier of the premises for which the amusement permit is sought to the district council for the district in which those premises are situated and the applicant shall -

(a) attach to the application a fee of £8.50; and

(b) serve a copy of the application upon the sub-divisional commander of the police sub-division in which those premises are situated.

(2) Subject to paragraphs (3) and (4), where an application is made for the grant of an amusement permit, the district council, after hearing representations if any, from the sub-divisional commander upon whom notice is required by paragraph (1) to be served, -

(a) may grant the amusement permit: or

(b) may refuse to grant the amusement permit."

Application may be made under Article 113 for the provisional grant of a permit where premises are about to be constructed, altered or extended, and the provisionally granted permit may subsequently be made final when the conditions attached to it have been fulfilled.

Appeals against the refusal of amusement permits are dealt with in Article 119:

119. - (1) Not less than 14 days before a district council -

(a) refuses to grant, or renew, an amusement permit; or

(b) grants an amusement permit subject to a condition specified in Article 111(6) or renews an amusement permit subject to a condition specified in Article 115(7); or

(c) imposes a requirement under Article 118;

the council shall serve notice of its intention to so refuse, grant, renew or impose the requirement on the applicant or, as the case may be, the holder of the amusement permit.

(2) Every such notice shall state the grounds on which the district council intends to so refuse, grant, renew or impose the requirement under Article 118 and shall contain an intimation that if, within 14 days after the service of the notice, the applicant or, as the case may be, the holder of the amusement permit informs the council in writing of his desire to show cause, in person or by a representative, why the application should not be refused or granted or renewed subject to a condition or the requirement not imposed, as the case may require, the council shall, before so refusing granting, renewing or imposing the requirement, afford him an opportunity to do so.

(3) If the district council, after giving the applicant or, as the case may be, the holder of the amusement permit an opportunity of being heard by it, decides to refuse the application or to grant or renew the application subject to a condition or to impose a requirement under Article 118, it shall serve notice of the decision on the applicant or, as the case may be, the holder of the amusement permit, and such notice shall inform him of his right to appeal under paragraph (4) and of the time within which the appeal may be brought.

(4) A person aggrieved by a decision refusing an applicant for the grant or renewal of an amusement permit, or granting such an application subject to a condition specified in Article 111(6), or renewing such an application subject to a condition specified in Article 115(7) or imposing, a requirement under Article 118 may, within 21 days from the date on which notice of the decision is served on him, appeal to the county court.

(5) The decision of a county court on an appeal brought under paragraph (4) shall be final, and the district council shall give effect to that decision."

The Factual Background

On 7 February 1997 the respondent, which operates a number of amusement arcades in Northern Ireland, applied to the Council for the grant of a provisional amusement permit in respect of the premises 35 Ann

Street, Belfast, which had thitherto been occupied as a shoe shop. It is situated on the southern side of Ann Street, about half way between Arthur Square and Victoria Street. The premises are small: the area of the ground floor is 49 square metres and the frontage is 3.35 metres wide.

The respondent applied on 31 January 1997 to the Planning Service of the Department of the Environment for planning permission to change the use of the premises to that of "an adult amusement centre". The application had not been determined by 15 April 1997, on which date the respondent, treating the failure to determine it as a deemed refusal under Article 33 of the Planning (Northern Ireland) Order 1991, appealed to the Planning Appeals Commission. The appeal was heard by a member of the Commission, Mrs DS Fitzsimons, on 31 July 1997 and she submitted her report on 26 August to the Commission, which allowed the appeal and granted planning permission subject to certain conditions.

In her report the commissioner concentrated mainly on the contents of the Belfast Urban Area Plan and the Development Guidance Note DGN 8a "Control of Non Retail Uses in Belfast's Main shopping Area." She concluded that Ann Street is not a prime retail street but is rather a secondary retail street a conclusion which was not challenged. She was of opinion that the crucial issue was the potential effect of the development on the amenity and character of the surroundings. An important consideration was whether an amusement centre would break up an otherwise continuous shopping frontage, and on that issue the commissioner stated:

"In my view the scale of the proposal and the size and proposed treatment of the frontage mean that the amusement centre would not break up the shopping frontage to an unacceptable extent."

She considered that the blanket ban introduced by DGN 8a was out of step with the statutory plan and with changes to the leisure industry since 1985, and concluded:

"I have not been persuaded that the change of use of this small unit to an amusement centre would cause such a break up on the retail frontage of Ann Street that it would have an adverse impact on the shopping function of the street. Neither have I been persuaded that in the context of para 4.3 of DGN 8a the proposal would have an 'adverse effect on the character and function of existing commercial uses'. This would be the first such amusement centre located in the street and any later applications for amusement centres would have to be considered in the light of the cumulative impact on the shopping function of the street. In coming to my conclusion I have considered the argument that the existing unit is not viable as a shop but have given this issue little weight since, in my view, it could be reunited with the unit from which it was severed not long ago. I have also taken account of the fact that any changes to the frontage of the unit and any new signage will require further permission from the Department."

The commissioner recommended that the appeal be allowed and the Commission accepted her recommendation and allowed the appeal by notice dated 19 September 1997. The material part of its conclusion was as follows:

"The analysis by the appointed Member of the various planning documents which might be taken to have relevance to the proposal is broadly endorsed by the Commission. It is noticed that DGN 8A states that 'within the shopping area identified on the map (within which the appeal site lies) future applications are likely to be refused on the basis that they will. have an adverse effect on the character and function of existing commercial areas'. However, having regard to the limited street frontage of the proposal the Commission is not persuaded that the adverse effects envisaged in DGN 8A would result if the proposal were approved."
The Challenges to the Council's Decision

By letter dated 4 August 1997 the Council informed the respondent, pursuant to Article 119 of the 1985 Order, that it intended to refuse the application on the grounds -

"that the proposed amusement arcade would detract from one of the best secondary retail locations in Belfast and that many of the shops now located in the street attracted young customers and the proposed use would therefore be inappropriate."

The respondent was given the opportunity to address the Council and accepted the invitation. The Council decided nevertheless to refuse the application and so notified the respondent by letter dated 5 November 1997, which set out the grounds for refusal in the same terms as those contained in the letter of 4 August.

The respondent on 14 November 1997 served a notice of appeal against the Council's decision, giving as its grounds:

"(i) the alleged detraction from one of the best secondary rental locations in Belfast is a planning consideration and the respondent [Council] did not have jurisdiction to refuse the application on this ground;

(ii) alternatively, the respondent erred in concluding that the proposed amusement arcade would so detract;

(iii) further, the respondent erred in concluding that as shops in Ann Street attracted young customers the proposed use would be inappropriate."

By letter dated 5 February 1998 the Council's Legal Services Department informed the respondent's solicitors that the Council intended on the hearing of the appeal to rely on three further grounds for refusing the application for the amusement permit:

"(i) there are already sufficient places of amusement in the area, which adequately cater for the demand and/or need for premises of this type;

(ii) that the proposed location of the premises, situate in a pedestrianised retail area of the city centre, and on a direct pedestrian route from the new bus station to the city centre is inappropriate;

(iii) that the siting of an (sic) amusement type premises in the proposed location would have an adverse and detrimental effect on the future development of Ann Street."

The respondent's solicitors notified the Council that the respondent proposed to object to the introduction of further grounds, and at the hearing before the deputy county court judge counsel put forward the objection. The judge held, for the reasons which he set out at pages 11-12 of his written judgment given on 18 May 1998, that the respondent was entitled at the hearing of appeal to rely on such further grounds. He proceeded to hear evidence and argument and reserved his decision. It was argued before him that the Council in deciding whether to grant an amusement permit was not entitled to take into account planning considerations, which were a matter for the planning authority, and that it must accept the conclusions reached by the Planning Appeals Commission on such matters. The Council submitted, on the other hand, that the effect on retail business in Ann Street was not a planning consideration in the strict sense, but related rather to the area of commercial estate agency. It further contended that it was in any event open to the Council to take into account planning considerations and to make its own judgment upon them. The judge ruled that the Council was entitled to take into account matters of a planning nature, such as the impact on existing businesses and the flow of traffic. He expressed his conclusions in the following terms:

"I am satisfied, having heard the evidence, and, taking into account the views of individuals representatives and the local groups, that the grant of an amusement permit to Ava, thus enabling it to establish an amusement centre in Ann Street, would create an unacceptable risk to the current and possible further viability of

retailers in Ann Street and would jeopardise the future development of the street as a location for retail outlets. The evidence clearly establishes that Ann Street is a gateway to the City and notwithstanding the high standard which Ava clearly maintains in its centres, the establishment of an amusement centre in such a street as Ann Street would have an impact on how the public view Ann Street as a retail location and jeopardise the potential expansion of Belfast City Centre for retail outlets.

In conclusion therefore I am satisfied that notwithstanding the fact that the Appellants obtained planning permission to use the premises as an amusement arcade, the evidence clearly establishes that the Respondent was justified in refusing to grant the Appellants an amusement permit because of the adverse and detrimental effect the opening of such a centre would have on the current retail viability of Ann Street and its future development. Accordingly I dismiss the appeal."

By Article 119(5) of the 1985 Order the decision of the county court is to be final, but the respondent on 16 June 1998 made an application for judicial review of its decision. The grounds set out in its statement were the following:

"(a) The learned Deputy County Court judge acted unlawfully and ultra vires his powers by refusing to allow the Applicant's appeal under Article 119(4) of the Order on the ground that the opening of an amusement arcade in Ann Street, Belfast would have an adverse and detrimental effect on the street's current retail viability and its future development.

(b) The ground on which the learned Deputy County Court judge relied is a planning consideration which had already been considered and adjudicated upon by the Planning Appeals Commission in its decision of 19 September 1997 whereby Planning Permission for use of the premises as an amusement arcade was granted.

(c) Where parliament has conferred jurisdiction on the Planning Appeals Commission to determine whether to grant or refuse Planning Permission, the reason given for dismissing the Appeal was not within the competence of the Court.

(d) Since the only ground on which the learned County Court judge relied upon to refuse the Appeal was a ground he was not competent to consider he should be directed by this Honourable Court to decide the Appeal in the Applicant's favour.

(e) Under Article 119(1) and (2) of the Order, where a Council intends to refuse an Amusement Permit it is required to serve notice of its intention on the Applicant stating the grounds on which it intends to refuse the permit. If he so desires the Applicant is then given the opportunity of being heard by the Council. In such circumstances an Applicant will make submissions based on the grounds on which the Council intends to refuse the Permit. The introduction of new grounds on which the Council intends to rely on Appeal means that the Applicant has been deprived of the opportunity of addressing the Council on those grounds prior to its decision. The intention of the legislature is that all grounds on which the Council intend to rely should be disclosed to the Applicant so that he may make representations to the Council to show cause why the Application should not be refused."

The application was heard by Kerr J, who gave a written judgment on 26 November 1998, in which he granted the application and remitted the matter for rehearing before the deputy county court judge, to reconsider it and reach a decision in accordance with the rulings set out in his judgment. On the issue of fresh grounds, he upheld the ruling of the deputy county court judge. On the main ground, he held that the impact on retail shopping in Ann Street gave rise solely to planning considerations. Such considerations fell to be determined only by the planning authority or Planning Appeals Commission and the Council was not entitled

to have regard to them in determining applications for amusement arcade licences. In doing so the Council was in error and its decision should be set aside.

The Council appealed by notice dated 5 January 1999, whereby it contended that Kerr J was wrong in law in his conclusions on the main grounds. The respondent by counter-notice dated 20 January 1999 challenged the judge's conclusion that the Council was entitled to advance further grounds for its refusal to grant a permit on the appeal to the county court.

Fresh Grounds on Appeal

Article 119(4) provides simply for an appeal to the county court, and we consider that in these circumstances, as Curran J held in *Belfast Corporation v Goldring* [1954] NI 107, it takes the form of a rehearing in which the county court should hear evidence de novo. It follows in my opinion that the court is entitled to take into account all grounds which may be advanced, and that the parties are not confined to the evidence or arguments which were brought before the Council. If this were not so, the court would, as Kerr pointed out at page 12 of his judgment, be unable to give any consideration to matters, possibly compelling or even conclusive, which emerged for the first time after the Council's decision was made.

I respectfully agree with the approach adopted by the majority of the English Court of Appeal in a case involving very similar considerations, *Sagnata Investments Ltd v Norwich Corporation* [1971] 2 QB 614. That was an appeal under the Betting, Gaming and Lotteries Act 1963 to quarter sessions against a local authority's refusal of a permit for the provision of amusements with prizes. The local authority had followed the general policy which it had previously adopted of refusing all such applications. The recorder held that he could deal with the matter de novo with an unfettered discretion, heard evidence on the merits of the application and allowed the appeal. The Court of Appeal, Lord Denning MR dissenting, upheld his decision, with one qualification.

Edmund Davies and Phillimore LJJ accepted the proposition, which stemmed from the decision of Lush J in *R v Pilgrim*, (1870), LR 6 QB 89, that where a statute gives a right of appeal without limiting the inquiry, the matter is at large and the appellate tribunal is to rehear the whole matter and give its judgment on all the evidence that is brought before it. Were it not so, the right of appeal would be illusory, being in effect confined to the point of law whether the local authority had material before it upon which it could properly find as it did. The court did not consider, however, that the views earlier formed by the licensing authority should be entirely disregarded by the appellate tribunal. It took the view that the proper approach was that enunciated by Lord Goddard CJ in *Stepney Borough Council v Joffe* [1949] 1 KB 599 at 602-3:

"That does not mean to say that the court of appeal, in this case the metropolitan magistrate, ought not to pay great attention to the fact that the duly constituted and elected local authority have come to an opinion on the matter, and it ought not lightly, of course, to reverse their opinion. It is constantly said (although I am not sure that it is always sufficiently remembered) that the function of a court of appeal is to exercise its powers when it is satisfied that the judgment below is wrong, not merely because it is not satisfied that the judgment was right."

I consider that the principles adopted by the Court of Appeal in *Sagnata Investments Ltd v Norwich Corporation* are applicable to appeals of the present kind. It follows accordingly that the deputy county court was correct in allowing the Council to rely upon the grounds set out in its letter of 5 February 1998.

Planning Considerations

Mr Weir QC for the Council sought to draw a distinction between considerations relating solely to planning and those relating to commercial estate agency. It is established that in deciding on the grant of planning

permission a planning authority should leave out of account the harm which the proposed development might do to private interests. He submitted that matters concerning the value of property in Ann Street, the major ground to which the Council had regard in refusing the application, fell into the latter category. Accordingly, if the Council was, as the respondent contended, required to accept the decision of the Planning Appeals Commission on purely planning matters, it was still entitled to refuse the application on the ground of adverse effect on the value of the other traders' premises in Ann Street.

In so submitting he placed reliance upon the decision in *Esdell Caravan Parks v Hemel Hempstead Rural District Council* [1966] 1 QB 895, where the Court of Appeal drew a distinction between "planning considerations" and "site considerations" in the context of the grant of site licences for caravan parks. It was clear that in that context there was a potential conflict between the functions to be exercised by the planning authority in granting permission for the use of land for the purpose of a caravan park and those of the local authority, which had the power to impose conditions when granting site licences. The court resolved it by holding that the planning authority should direct their attention to matters in outline, leaving the site authority to deal with all matters of detail. It may be necessary to draw such a distinction for the purpose of the legislation relating to caravan parks, although it may be seen from such cases as *Babbage v North Norfolk District Council* (1990) 59 P & CR 248 how difficult it may be in particular cases to differentiate between planning, considerations and site considerations. It is far from straightforward to apply the distinction in other contexts. For example, in *Stringer v Minister of Housing and Local Government* [1971] 1 All ER 65 at 77 Cooke J expressed the view that in principle "any consideration which relates to the use and development of land is capable of being a planning consideration", a statement which was approved by the Court of Appeal in *Clyde & Co v Secretary of State for the Environment* [1977] 3 All ER 1123 at 1127. Again, in *Great Portland Estates plc v Westminster City Council* [1984] 3 All ER 744 at 750 Lord Scarman said that the human factor is to be taken into account in planning control. It accordingly seems to me a matter of great difficulty to draw a valid distinction between considerations which relate solely to planning and those which concern only the value of neighbouring property and to accept that a local authority determining whether to grant an amusement permit may have regard to the latter but not the former.

I consider rather that the conclusion of the deputy county court judge was right when he held that the local authority may take into account planning considerations and is not bound to accept in its entirety the decision of the planning authority on the use of premises for the purpose of an amusement arcade. This is not to say that it should be anything but slow to differ from the views of the planning authority, to which such decisions are entrusted because of its expertise in that field. An analogy may be found in the field of liquor licensing, where the court, when considering the suitability of premises, is free to reach its own determination of matters entrusted to statutory agencies, such as planning. It will, however, pay very substantial regard to the agencies' decisions, as I stated in *Donnelly v Regency Hotel Ltd* [1985] NI 144, 151:

"I do not think that the court ought to absolve itself of its own statutory task of deciding upon suitability by placing complete reliance upon the determination of a statutory agency, however skilled and experienced in a technical field the latter may be. It may, however, legitimately take the view that it will be slow to reach a conclusion which is at variance with the considered decision of a competent agency such as a planning authority acting within its own sphere, even if in principle it is entitled to do so."

The deputy county court at page 10 of his judgment put the matter in the following manner:

"If the Council could not take into account matters such as location, structure, character and impact on neighbours and surrounding area, it would have very little left on which to exercise its discretion. The Legislature did not provide for such a limitation and in my view to imply same would be to impose an almost meaningless discretion on the Council."

I agree with this expression of opinion and consider that it shows that the legislature in entrusting the decision on the grant of permits to the district council did not intend that the sphere of their consideration should be so limited.

I accordingly am of opinion that the deputy county court judge was correct in the matters which he took into account in hearing and determining the appeal from the Council's decision. I do not consider that an order for Judicial review of his decision should be made and I would allow the appeal.

NICHOLSON LJ

I agree.

COGHLIN J

I agree.

Appeal allowed.



Subject:	Update on the Licensing of Pavement Cafes Act (Northern Ireland) 2014
Date:	21 September, 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 checked="" type="checkbox"/>	No <input type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues
1.1	The Committee is reminded that the Licensing of Pavement Cafes Act (NI) 2014 (the Act) will come into operation on 1st October 2016. From that point onwards, the operation of a pavement café will be subject to a licence granted by the council.
1.2	The purpose of this report is to outline progress to date and to: <ul style="list-style-type: none"> • provide an update on engagement with our stakeholders; • outline the fees setting process; • review the role of Committee in the decision making process; and • seek an agreed interim position on enforcement from 1st October.
2.0	Recommendation
2.1	The Committee is requested to note the content of the report and take such action as may be required arising from discussion at the meeting.
3.0	Main Report
	<u>Key Issues</u>
3.1	Members are reminded that the Department for Social Development (“DSD”), after it had carried out an appraisal of the impact of pavement cafés in Northern Ireland, concluded that a common, clear and transparent legislative framework would be required in order to enable a café culture to develop and hence the Licensing of Pavement Cafés (Northern Ireland) Act 2014 (“the Act”) was introduced in the Northern Ireland Assembly.

3.2	The legislation makes provision for the regulation by district councils of the placing in public areas of furniture for use for the consumption of food or drink and comes into force on 1st October 2016.
3.3	The Service is mindful of the businesses which are currently placing tables and chairs on the pavement in the City and are very keen to develop a fair and reasonable approach to the enforcement and administration of the legislation within Belfast; an approach which is similarly shared by officers in the other Councils with whom we have been engaging.
3.4	Through the Licensing Forum Northern Ireland, officers have been examining the operational issues that introducing the Act will create for local government and exploring ways to reduce the administrative burden on business. Officers from the Building Control Service have taken a lead role in this work.
<u>Planning Permission</u>	
3.5	One aspect that has been discussed relates to the need for planning permission for a pavement cafe. Should a planning application be required, this will result in a significant increase in the cost to businesses and may, potentially, act as a deterrent to applying for a Pavement Café licence, thus negating the intent of the legislation.
3.6	Despite discussions with the Heads of Planning Group, we have been unable to establish a unanimous view in this regard, as the requirement for planning permission will depend on a number of factors, including the scale and degree of the proposed development.
3.7	The Licensing Forum has brought this matter to the attention of The Society of Local Authority Chief Executives (Solace), suggesting that it write to the Minister for Infrastructure requesting that the Planning Order be amended to provide permitted development rights for Pavement Cafes. This would clarify the situation and ensure that there was a consistent approach to planning across all councils.
<u>Engagement with stakeholders</u>	
3.8	The Service has been operating a Customer Forum for some time and, through this, we have been raising awareness of the introduction of the Act, we will continue this engagement over the coming months.
3.9	We have also engaged with and sought input from Hospitality Ulster, Belfast City Centre Management, Belfast City Council Retail Forum, Imtac, RNIB, Disability Action, Guide Dogs NI, Transport NI and the PSNI.
3.10	Articles have been published in City Matters and information is also available on the Council's website.
3.11	A letter has been sent to all pavement café operators advising them of the legislation and the application process. In addition officers from the Service have begun visiting premises with staff from Transport NI to start the process of assessing the current pavement cafes we have in the City and how the licence application process will impact on business.
<u>Fees</u>	
3.12	Notice of the proposed fees has been published in the Belfast Telegraph, Irish News and Newsletter seeking views from interested parties. A statement outlining how the fees have been prepared is available for inspection in the Building Control reception and has also

	<p>been published on the Council's website http://www.belfastcity.gov.uk/buildingcontrol-environment/licences-permits/pavement-cafes.aspx. Comments on the proposed fees can be made via our online consultation forum entitled 'Citizen space' https://yoursay.belfastcity.gov.uk/</p>
3.13	Through the consultation, we are also seeking views on the length of time for which a licence should be granted.
3.14	The consultation closes on 3rd October and a summary of the responses to the proposed fees will then be brought to Committee for consideration.
	<p><u>Role of Committee in the Decision-Making Process</u></p>
3.15	The Council needs to ensure that the necessary governance arrangements, processes and policies are put in place to administer this function and to minimise the potential risks to the Council.
3.16	Discussions are ongoing with the Legal Services Section to consider any necessary amendments which may be required to the Council's Standing Orders and Scheme of Delegation. In respect of other licensing matters, the Licensing Committee has delegated authority for determining matters such as the grant, renewal, transfer or variation of licences where objections are received and the suspension and revocation of licences.
3.17	Under the Scheme of Delegation, the Director of Planning and Place is responsible for exercising all powers in relation to the issue, but not refusal, of permits and licences, except in the case of Entertainments Licences where representations have been made. For Pavement Café licences, the scope of delegated authority for the Director must be agreed.
3.18	A further report will shortly be brought to Committee to consider the proposed governance arrangements for implementing the Act.
	<p><u>Initial Approach to Enforcement of the Act</u></p>
3.19	As stated, the Act will come into operation on 1st October, meaning that any person placing a pavement café on the street will require to be licensed by the Council.
3.20	The DSD, now the Department for Communities, when introducing the Act, stated that its aim was to create 'light touch' legislation aimed at encouraging the creation of a cafe culture.
3.21	In line with the Council's Regulation and Enforcement Policy, it is, therefore, the intention to adopt a compliance based approach to enforcement, particularly during the early period after the introduction of the Act. This is consistent with the principles set out in the Government's Better Regulation agenda aimed at improving compliance with legislation while minimising the burden on businesses, individuals, organisations and the Council.
3.22	Initially, this will involve helping and encouraging pavement cafe owners to understand their legal requirements via mailshots, dissemination of advice and guidance, follow-up visits by staff and seeking further feedback from stakeholders to refine and improve our procedures.
3.23	After allowing sufficient time for applications to be received and processed, we will, in consultation with the Legal Services Section, adopt a risk based approach to determining when to use the sanctions contained in the Act for failure to comply.

3.24	<p><u>Financial and Resource Implications</u></p> <p>None associated with this report.</p> <p><u>Equality or Good Relations Implications</u></p>
3.25	<p>We have been assessing the equality and good relations implications with the introduction of the legislation and are continuing to liaise with the Council's Equality and Diversity Officer to ensure all potential issues are appropriately addressed.</p>
4.0	<p>Documents Attached</p>
	<p>None</p>



Subject:	Licensing of Entertainment Venues/Requests to Operate Beyond 11.00 p.m.
Date:	21st September, 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	Members may recall, at your meeting on 16th March, considering requests from the organisers of the Cathedral Quarter Arts Festival and the Belfast Brewing and Distilling Festival for permission to operate their respective events beyond the standard hours of 11.00 pm at Custom House Square.
1.2	After considering those reports, the Committee agreed that a report be submitted to a future meeting on the number of occasions in which Entertainments Licences for venues such as Custom House Square had been utilised in recent years, including the number of requests for additional hours which had been granted. It was further requested that the report should include information on the licensing arrangements for similar venues in other cities.
2.0	Recommendations
2.1	The Committee is requested to note the content of the report and comment on the information if required.
3.0	Main report
	<u>Key Issues</u>
3.1	In compiling this report, research of our records was undertaken to identify outdoor and marquee events held in Belfast from 2012 onwards.
3.2	The events were held primarily in venues which are the responsibility of the Parks Service of the City and Neighbourhoods Department, the Department for Communities (formerly DSD) as well as a few other commercially operated venues. A spreadsheet of the current licensed venues is attached at Appendix 1.
3.3	The standard days and hours during which entertainment may be provided under either an Outdoor or Marquee licence are Monday to Sunday from 11.30 am to 11.00 pm.

3.4	Belfast hosts a considerable number of events each year and it's acknowledged that these can bring a range of benefits to the City, including economic gains through the creation of jobs and they support the night time economy and hospitality sector. They benefit tourism as they showcase Belfast and add vibrancy and animation to the City.
3.5	The Committee has considered a range of these events since 2012; the majority of which have been as a result of a request from the event organiser for permission to operate beyond the standard hours of the Entertainments Licence.
3.6	<p>A spreadsheet of events and venues considered by the Committee are attached at Appendix 2. From the spreadsheet, it shows that the number of requests for additional hours can vary but in summary:</p> <ul style="list-style-type: none"> • the main venues used have been Custom House Square and Falls Park. • generally most venues operate to no later than 12.00 am. • there are from four to seven of these types of events per year. • the majority of the events take place from March to August.
<p><u>Licensing Arrangements in Other Councils</u></p>	
3.7	<p>Members also requested information on the licensing arrangements for similar venues in other councils. Unfortunately, we were unable to obtain this information from them all but from our responses it is clear that no other city in Northern Ireland holds events to the extent that Belfast does and any that are held usually don't operate beyond 11.00 pm.</p>
<p>Armagh City, Banbridge Craigavon Borough Council</p>	
3.8	<p>There is no Committee procedure in place for considering additional hours however, all outdoor and marquee applications are forwarded to their Environmental Health Service, Noise Pollution Unit for comment. Permission to operate the event is then granted by the Service.</p>
<p>Derry City and Strabane District Council</p>	
3.9	<p>Each event is discussed at a Safety Advisory Group meeting and respective Event Management and Safety Plans are further discussed. Organisers are required to consult with local residents and place legal notices in newspapers, if the Council consider it necessary. If there are no issues and no objections are received from the public notices the licence and permission will be granted by the Service.</p>
3.10	<p>Outdoor events which are likely to have sizeable crowds attending are licensed to 11.00 pm. These are agreed with resident's groups in advance and reported to the Safety Advisory Group. Noise monitoring is a condition of the permission; however the Council have advised that any of their events rarely go beyond 11.00 pm on any outdoor licence.</p>
3.11	<p>Only contentious applications or requests where one or more objections are received result in the application being considered by Committee.</p>
<p>Lisburn and Castlereagh City Council</p>	
3.12	<p>Very few applications or requests to operate events beyond 11.00 pm for both outdoor or marquee events are received. However, if any requests are contentious, within a built up residential area, or are in a location likely to generate complaints, the application will be considered by Committee.</p>

	<p>Newry and Mourne District Council</p> <p>3.13 Through Committee, they have standardised the hours for all licence types to 1.30 am, weekdays and 12.30 am, Sundays, for all premises including marquee events. The Service will liaise with Environmental Health colleagues if there are likely to be any potential noise issues.</p> <p>Fermanagh and Omagh District Council</p> <p>3.14 Quite a few applications and requests are received but these will only be considered by Committee if they believe it to be contentious or potentially difficult. They do not have any events that operate beyond 11.00 pm.</p> <p>3.15 An Entertainments Licence is generally issued by the Service, which include both outdoor and marquee licences.</p> <p>Antrim and Newtownabbey Borough Council</p> <p>3.16 With the exception of a Young Farmers Club, the Council advised that they do not receive many applications or requests to operate beyond 11.00 pm.</p> <p>3.17 The Young Farmers Club is located in a non-residential area and therefore generates no noise complaints. However, if an event is to be held close to a residential area then this will not be permitted to operate beyond 11.00 pm.</p> <p>3.18 If objections are received as a result of the application or request to operate beyond 11.00 pm, it is considered by Committee. All other standard applications and requests are granted by the Service.</p> <p>Ards and North Down District Council</p> <p>3.19 Committee consider all applications or requests wishing to operate beyond 11.00 pm. However, these are rare and the Council advised that it could not recall any applications within the last five years which have requested this.</p> <p>Causeway Coast and Glens District Council</p> <p>3.20 All grant applications for marquees are considered at the Council's Environmental Services Committee.</p> <p>3.21 The Council receives a number of requests for marquees to provide entertainment beyond 11.00 pm and the Service works with them on a case by case basis; taking into consideration issues such as location, nearest noise receptors, the nature and history of the event and if it has previously operated in the area.</p>
4.0	Documents Attached
	<p>Appendix 1 – Spreadsheet of venues licenced across Belfast.</p> <p>Appendix 2 – Spreadsheet of venues and events listed.</p>

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Address	Licence Type	Licence Holder	Opening Hours	
Filthy McNastys, 41-45 Dublin Road, Belfast, BT2 7HD. (Rear Car Park)	OD7 - Out Door 7 day	Bachus Inns Limited	23:00 pm	Commercial Outdoor Spaces
Titanic Belfast, Queens Road, Queens Island, Belfast.	OD7 - Out Door 7 day	Mr Tim Husbands	23:00 pm	
SSE Arena Belfast Carpark, Queens Quay & Arc Public Realm, Belfast, BT3 9QQ	OD7 - Out Door 7 day	Odyssey Trust Limited	23:00 pm	
T13 Complex, Queens Road, Belfast, BT3.	OD7 - Out Door 7 day	No Limat Limited	23:00 pm	
Holy Cross Boys Primary School, Brookfield Street, Belfast, BT14 7EX.	OD7 - Out Door 7 day	Ardoyne Fleadh Project	23:00 pm	
Crusaders Football, Athletic & Sports Club, Seaview, 59-93 Shore Road, Belfast, BT15 3PL	OD14 - Out Door 14 day	Crusaders Sport & Social Development Trust	23:00 pm	
Giants Ring, Ballynahatty, Shaws Bridge, Belfast	OD14 - Out Door 14 day	Mr Pádraig Ó Duinnín	23:00 pm	
Donegall Quay, under M3 Motorway, Belfast, BT1	OD14 - Out Door 14 day	No Limat Limited	23:00 pm	
Botanic Gardens, Stranmillis Embankment, Belfast, BT7 (Great Lawn & Lower Garden)	OD7 - Out Door 7 day	BCC - Parks	23:00pm	BCC Owned Outdoor Spaces
	MQ7 - Marquee 7 day			
Boucher Road Playing Fields, Boucher Road, Belfast.	OD14 - Out Door 14 day Occ	BCC - Parks	23:00pm	
	MQ14 - Marquee 14 day Occ			
Falls Park, Falls Road, Belfast.	OD7 - Out Door 7 day	BCC - Parks	23:00pm	
	MQ7 - Marquee 7 day			
Grove Playing Fields, Jellicoe Avenue, Belfast.	OD14 - Out Door 14 day	BCC - Parks	23:00pm	
	MQ14 - Marquee 14 day Occ			
Ormeau Park, Ormeau Embankment, Belfast, BT7.	OD7 - Out Door 7 day	BCC - Parks	23:00pm	
	MQ7 - Marquee 7 day			
Woodvale Park, Woodvale Road, Belfast	OD7 - Out Door 7 day	BCC - Parks	23:00pm	
	MQ7 - Marquee 7 day			
Cathedral Park (Buoys Park), Academy Street, Belfast	OD14 - Out Door 14 day Occ	BCC - Parks	23:00pm	
	MQ14 - Marquee 14 day Occ			
Waterworks Park, Cavehill Road, Belfast.	OD14 - Out Door 14 day Occ	BCC - Parks	23:00pm	
Alexandra Park, Castleton Gardens, Belfast, BT15 3BY.	OD14 - Out Door 14 day Occ	BCC - Parks	23:00pm	
Orangefield Park, Orangefield Lane, Belfast, BT5 6AH	OD7 - Out Door 7 day	BCC - Parks	23:00pm	
	MQ7 - Marquee 7 day			
Crescent Gardens, Lower Crescent, Belfast, BT7 1NS	OD14 - Out Door 14 day Occ	BCC - Parks	23:00pm	
City Hall Outdoor, Donegall Square, Belfast, BT1 5GS.	OD7 - Out Door 7 day	BCC - Facilites Management	23:00pm	
Bank Square, Chapel Lane, Belfast	OD7 - Out Door 7 day	DSD	23:00pm	DSD Owned Outdoor Spaces
	MQ7 - Marquee 7 day			
Cotton Court (Outdoor), Waring Street, Belfast, BT1 2ED.	OD7 - Out Door 7 day	DSD	23:00pm	
	MQ7 - Marquee 7 day			
Custom House Square, Belfast, BT1 3BG.	OD7 - Out Door 7 day	DSD	23:00pm	
	MQ7 - Marquee 7 day			
Donegall Quay, Lagan Lookout & Lagan Weir, Belfast.	OD7 - Out Door 7 day	DSD	23:00pm	
Writers Square, Donegall Street, Belfast, BT1 1ZZ	OD7 - Out Door 7 day	DSD	23:00pm	
	MQ7 - Marquee 7 day			

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2012

March

EVENT	VENUE	APPLICATION / REQUEST	DATE CONSIDERED
Cathedral Quarter Arts Festival	Custom House Square	10 nights - To operate 4 nights to 12.00 am	21st March

June

EVENT	VENUE	APPLICATION / REQUEST	DATE CONSIDERED
Belsonic	Custom House Square	10 nights - To operate 1 night to 12.00 am	20th June
Feile An Phobail	Falls Park	11 nights - To operate 4 nights to 1.00 am	20th June
Quay Vipers MCC 11th Snakebite Rally	Boucher Road Playing Fields	3 nights - To operate 2 nights to 1.30 am	20th June

2013

April

EVENT	VENUE	APPLICATION / REQUEST	DATE CONSIDERED
Cathedral Quarter Arts Festival	Custom House Square	10 nights - To operate 5 nights to 12.00 am	17th April

June

EVENT	VENUE	APPLICATION / REQUEST	DATE CONSIDERED
Belsonic	Custom House Square	11 nights - To operate 1 night to 12.00 am	19th June
Feile An Phobail	Falls Park	11 nights - To operate 7 nights to 1.00 am, and 2 nights to 12.00 am	19th June
Quay Vipers MCC 11th Snakebite Rally	Boucher Road Playing Fields	3 nights - To operate 2 nights to 1.30 am	19th June
Belfast Harlequins Charity Function	Belfast Harlequins, Deramore Park	1 night to 11.30 pm	19th June

Polo In The City	Botanic Gardens	1 night to 12.00 am	19th June
Bruce Springsteen concert	Kings Hall	1 night to 11.30 pm	19th June
Ardoyne Fleadh	Holy Cross Boys Primary School	2 nights to operate to 12.00 am	20th & 26th June

2014

March

EVENT	VENUE	APPLICATION / REQUEST	DATE CONSIDERED
Cathedral Quarter Arts Festival	Custom House Square	11 nights - To operate 5 nights to 12.00 am	19th March

April

EVENT	VENUE	APPLICATION / REQUEST	DATE CONSIDERED
Belfast Harlequins Charity Function	Belfast Harlequins, Deramore Park	1 night to 11.30 pm	16th April

June

EVENT	VENUE	APPLICATION / REQUEST	DATE CONSIDERED
Feile An Phobail	Falls Park	10 nights - To operate 5 nights to 12.00 am	18th June
Ardoyne Fleadh	Holy Cross Boys Primary School	3 nights to operate to 12.00 am	18th June & 11th August

October

EVENT	VENUE	APPLICATION / REQUEST	DATE CONSIDERED
Project Street Food Belfast	Cathedral Gardens	3 nights to 1.00 am	22nd October

December

EVENT	VENUE	APPLICATION / REQUEST	DATE CONSIDERED
Feile An Earraigh	Writers Square	4 nights - To operate 3 nights to 12.00 am	17th December

2015

March

EVENT	VENUE	APPLICATION / REQUEST	DATE CONSIDERED
Cathedral Quarter Arts Festival	Custom House Square	11 nights - To operate 5 nights to 12.00 am	18th March

April

EVENT	VENUE	APPLICATION / REQUEST	DATE CONSIDERED
Belfast Harlequins Charity Function	Belfast Harlequins, Deramore Park	1 night to 11.30 pm	18th April

May

EVENT	VENUE	APPLICATION / REQUEST	DATE CONSIDERED
Feile An Phobail	Falls Park	10 nights - To operate 5 nights to 12.00 am	20th May

June

EVENT	VENUE	APPLICATION / REQUEST	DATE CONSIDERED
Ardoyne Fleadh	Holy Cross Boys Primary School	3 nights to operate to 12.00 am	17th June

2016

February

EVENT	VENUE	APPLICATION / REQUEST	DATE CONSIDERED
Feile An Earraigh	Colaiste Feirste	4 nights - To operate 2 nights to 1.00 am, and	17th February

Feile An Larragh	Coiste Feile	2 nights to 12.00 am	Withdrawn
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March

EVENT	VENUE	APPLICATION / REQUEST	DATE CONSIDERED
Belfast Brewing & Distilling Festival	Custom House Square	3 nights - To operate 2 nights to 12.00 am	19th March
Cathedral Quarter Arts Festival		11 nights - To operate 5 nights to 12.00 am	

April

EVENT	VENUE	APPLICATION / REQUEST	DATE CONSIDERED
Belfast City Blues Festival	Writers Square	3 nights to 12.00 am	20th April

May

EVENT	VENUE	APPLICATION / REQUEST	DATE CONSIDERED
Feile An Phobail	Falls Park	11 nights to 12.00 am	18th May

June

EVENT	VENUE	APPLICATION / REQUEST	DATE CONSIDERED
Orangefest celebrations Woodvale and Cambrai Youth and Community Association	Woodvale Park	1 night to 1.00 am	15th June