

Public Document Pack

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



**Belfast
City Council**

10th August, 2017

MEETING OF LICENSING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room - City Hall on Wednesday, 16th August, 2017 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 - 6)
- (b) Applications for the Renewal of Seven-Day Annual Entertainments Licences with Previous Convictions – Irish National Foresters Club/Phoenix Bar/Dukes at Queens (Pages 7 - 22)
- (c) Application for the Grant of an Amusement Permit - Odyssey Bowl, Unit 2, Odyssey Pavilion, Queen's Quay (Pages 23 - 62)

- (d) Applications for the Renewal of Seven-Day Annual Indoor and Outdoor Entertainments Licences – Hudson Bar, 10 – 14 Gresham Street (Pages 63 - 110)

3. **Non-Delegated Matters**

- (a) Institute of Licensing National Training Event (Pages 111 - 118)



Subject:	Licences/Permits Issued Under Delegated Authority
Date:	16th August, 2017
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
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 Entertainments Licences were issued since your last meeting:			
	Premises and Location	Type of Application	Hours Licensed	Applicant
	Parlour Bar, 2-4 Elmwood Avenue, Belfast, BT9 6AY	Renewal Outdoor	Sun: 12.30 - 23.00 Mon - Sat: 11.30 - 23.00	Wine Inns Limited
	Times Bar, 24-28 York Road, Belfast, BT15 3HE	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Brian Boyd
	SD Bell & Co Limited, 516 Upper Newtownards Road, Belfast, BT4 3HL	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Robert Bell
	Malone Lodge Hotel, 54-64 Eglantine Avenue, Belfast, BT9 6DY	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr Brian Macklin
	The Lonely Poet Bar and Grill, King's Square, King's Road, Belfast, BT5 7EA	Renewal	Sun: 16.00 - 22.00 Mon - Sat: 12.00 - 01.00	Mr David Harding
	21 Social, 1 Hill Street, Belfast, BT1 2LA	Renewal	Sun: 12.30 - 02.00 Mon - Sat: 11.30 - 02.00	Eagle Glen Limited
	Newforge Country Club, 18b Newforge Lane, Belfast, BT9 5NW	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr Alistair McGowan
	Royal Naval Association, 79-81 Great Victoria Street, Belfast, BT2 7AE	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr Robert White
	Hillfoot Glentoran Supporters Club, 126-130 Castlereagh Road, Belfast, BT5 5FS	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr James Hanna
	Grand Opera House, Great Victoria Street, Belfast, BT2 7HR	Renewal	Sun: 08.00 - 00.00 Mon - Sat: 08.00 - 01.00	Mr Ian Wilson
	BT9 Snooker and Pool Club, 701A Lisburn Road, Belfast, BT9 7GU	Renewal and Transfer	Sun - Sat: 08.00 - 01.00	Mr James McGrory
	Belfast Harbour Commissioners Office, Harbour Office, Corporation Square, Belfast, BT1 3AL	Renewal	Sun - Sat: 08.00 - 01.00	Ms Laura Morrison
	The Hub, 22 Elmwood Avenue, Belfast, BT9 6AY	Renewal	Mon - Fri: 08.00 - 01.00 Sat: 08.00 - 00.00	Mrs Nora Montgomery

Premises and Location	Type of Application	Hours Licensed	Applicant
May Street Presbyterian Church, 23 May Street, Belfast, BT1 4NU	Renewal	Sun - Sat: 09.00 - 01.00	Mr. Robin Morton
Laurelglen Roadhouse, 208 Stewartstown Road, Belfast, BT17 0SB	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 19.00 - 01.00	Mr. Conall Dunne
Highfield Rangers Supporters Club, 9-15 Highgate Terrace, Belfast, BT13 3RQ	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. William John McQuiston
Pavilion Bar, 296 Ormeau Road, Belfast, BT7 2GD	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. Bernard Lavery
St Bartholomew's Parochial Hall, 183 Stranmillis Road, Belfast, BT9 5EE	Renewal	Mon - Fri: 08.00 - 01.00 Sat: 08.00 - 00.00	Mr. Stephen John Green
St John's Presbyterian Church, 374-378 Ormeau Road, Belfast, BT7 3HX	Renewal	Mon - Fri: 08.00 - 01.00 Sat: 08.00 - 00.00	Mr. Brian Compston
The Merchant Hotel, 16 Skipper Street, Belfast, BT1 2DZ	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Beannchor Limited
Jurys Inn Belfast, Fisherwick Place, Belfast, BT2 7AP	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Jurys Inn Group Limited
Park Avenue Hotel, 158 Holywood Road, Belfast, BT4 1PB.	Renewal	Sun - Sat: 11.30 - 01.00	Park Avenue Hotel Limited
Duke of York, 11-13 Commercial Court, Belfast, BT1 2NB	Renewal	Sun: 12.30 - 00.00 Mon - Thur: 11.30 - 01.00 Fri - Sat: 11.30 - 02.00	Commercial Court Inns Limited
Town Square, 12-13 Lower Crescent, Belfast, BT7 1NR	Renewal	Sun: 12.30 - 01.00 Mon - Sat: 11.30 - 01.00	Mr. Peter Ringland
Royal Bar, 237 Shankill Road, Belfast, BT13 1FR	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. James Hanna
Crescent Arts Centre, 2-4 University Road, Belfast, BT7 1NH	Renewal	Sun - Sat: 08.00 - 03.00	Mr. Keith Acheson
Ballyhackamore Working Men's Club, 1A Sandown Road, Belfast, BT5 6GT	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Alan Warburton
The Rose and Crown, 140-142 Ormeau Road, Belfast, BT7 2EB	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. Geordie Forker
Basement Bar & Grill, 18 Donegall Square East, Belfast, BT1 5HE	Renewal & Transfer	Sun: 12.30 - 01.00 Mon - Thur: 11.30 - 01.00 Fri - Sat: 11.30 - 03.00	Loughview Leisure Group Limited
Mountainview Tavern, 417-421 Shankill Road, Belfast, BT13 3AG	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. Wilson McArthur

Premises and Location	Type of Application	Hours Licensed	Applicant
Sandy Row Rangers Club, 37-41 Donegall Road, Belfast, BT12 5JL	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Daniel Bloomer
Ulster Maple Leaf Sports and Social Club, 41-43 Park Avenue, Belfast, BT4 1PU	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Fred Brady
Malone Golf Club, 240 Upper Malone Road, Belfast, BT17 9LB	Renewal	Sun - Sat: 08.00 - 01.00	Mr. Patrick Dean
McHugh's Bar, 29-31 Queens Square, Belfast, BT1 3FG	Renewal	Sun: 11.00 - 01.00 Mon - Sat: 11.00 - 03.00	Eagle Glen Limited
Northern Whig House, 2-10 Bridge Street, Belfast, BT1 1LU	Renewal	Sun: 12.30 - 03.00 Mon - Sat: 11.30 - 03.00	Northern Whig Trading Limited
Leopold & Heather Street Social Club, 2 Heather Street, Belfast, BT13 3DQ	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. David Fallis
Rock Bar, 491-493 Falls Road, Belfast, BT12 6DE	Renewal & Transfer	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Rock Co. Belfast Limited
Sarsfield GAC, 25A Stewartstown Avenue, Belfast, BT11 9GE	Grant	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr Paul Barr
Ronnie Drews, 79-83 May Street, Belfast, BT1 3JL	Renewal	Sun: 12.30 - 00.00 Mon - Thur: 11.30 - 01.00 Fri - Sat: 11.30 - 03.00	Stillery Inns Limited
St Malachys College Old Boys Association, 442 Antrim Road, Belfast, BT15 5GB	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Conor Cassidy
Belfast Indoor Bowls, 115 Milltown, Shaw's Bridge, Belfast, BT8 7XP	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Kenneth Armstrong
The Five Points, 44 Dublin Road, Belfast, BT2 7HN	Renewal	Sun: 11.00 - 03.00 Mon - Sat: 12.30 - 03.00	Corick Facilities Management Limited
McKenna's, 25-29 Garmoyle Street, Belfast, BT15 1DY	Renewal	Sun: 12.30 - 00.00 Mon - Sat: 11.30 - 01.00	Mr. Brian McKenna
Forthriver Bowling and Tennis Club, 104A Woodvale Road, Belfast, BT13 3BU	Renewal	Sun: 12.30 - 22.00 Mon - Sat: 11.30 - 23.00	Mr. Michael Gault
Biddy Duffy's, 133a Andersonstown Road, Belfast, BT11 9BU	Renewal	Sun: 12.30 - 00.00 Mon - Thur: 11.30 - 01.00 Fri - Sat: 11.30 - 02.00	Mr. Peter Teague

3.2	<p>Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, the following Amusement Permits were issued since your last meeting.</p> <table border="1" data-bbox="236 286 1473 607"> <thead> <tr> <th data-bbox="236 286 632 371">Premises and Location</th> <th data-bbox="632 286 823 371">Type of Application</th> <th data-bbox="823 286 1187 371">Hours Licensed</th> <th data-bbox="1187 286 1473 371">Applicant</th> </tr> </thead> <tbody> <tr> <td data-bbox="236 371 632 472">Oasis Gaming Centre, 429-431A Ormeau Road, Belfast, BT7 3GQ</td> <td data-bbox="632 371 823 472">Renewal</td> <td data-bbox="823 371 1187 472">Sun: 11.00 - 00.00 Mon - Sat: 09.00 - 00.00</td> <td data-bbox="1187 371 1473 472">Oasis Retail Service Limited</td> </tr> <tr> <td data-bbox="236 472 632 607">Oasis Gaming Centre, 14 Shaftesbury Square and 1-7 Donegall Road, Belfast, BT2 7DB</td> <td data-bbox="632 472 823 607">Renewal</td> <td data-bbox="823 472 1187 607">Sun - Sat: 09.00 - 03.00</td> <td data-bbox="1187 472 1473 607">Oasis Retail Service Limited</td> </tr> </tbody> </table>	Premises and Location	Type of Application	Hours Licensed	Applicant	Oasis Gaming Centre, 429-431A Ormeau Road, Belfast, BT7 3GQ	Renewal	Sun: 11.00 - 00.00 Mon - Sat: 09.00 - 00.00	Oasis Retail Service Limited	Oasis Gaming Centre, 14 Shaftesbury Square and 1-7 Donegall Road, Belfast, BT2 7DB	Renewal	Sun - Sat: 09.00 - 03.00	Oasis Retail Service Limited								
Premises and Location	Type of Application	Hours Licensed	Applicant																		
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Oasis Gaming Centre, 14 Shaftesbury Square and 1-7 Donegall Road, Belfast, BT2 7DB	Renewal	Sun - Sat: 09.00 - 03.00	Oasis Retail Service Limited																		
3.3	<p>Under the terms of the Street Trading Act (Northern Ireland) 2001, the following Street Trading Licences were issued since your last meeting.</p> <table border="1" data-bbox="236 741 1473 1223"> <thead> <tr> <th data-bbox="236 741 469 813">Premises and Location</th> <th data-bbox="469 741 660 813">Type of Application</th> <th data-bbox="660 741 943 813">Commodity</th> <th data-bbox="943 741 1190 813">Hours Licensed</th> <th data-bbox="1190 741 1473 813">Applicant</th> </tr> </thead> <tbody> <tr> <td data-bbox="236 813 469 981">Hamilton Dock, Titanic Quarter</td> <td data-bbox="469 813 660 981">Temporary (Maritime Festival)</td> <td data-bbox="660 813 943 981">Hot and cold food, ice cream, non-alcoholic beverages and confectionery</td> <td data-bbox="943 813 1190 981">11.00 – 18.00 from 16th -18th June</td> <td data-bbox="1190 813 1473 981">Titanic Foundation Limited</td> </tr> <tr> <td data-bbox="236 981 469 1099">SSE Marina, Titanic Quarter</td> <td data-bbox="469 981 660 1099">Temporary (Maritime Festival)</td> <td data-bbox="660 981 943 1099">Boat tour tickets</td> <td data-bbox="943 981 1190 1099">11.00 – 18.00 from 16th -18th June</td> <td data-bbox="1190 981 1473 1099">Lagan Boat Company NI Limited</td> </tr> <tr> <td data-bbox="236 1099 469 1223">Regent Street</td> <td data-bbox="469 1099 660 1223">Temporary (ABV17 Festival)</td> <td data-bbox="660 1099 943 1223">Hot and cold food and non-alcoholic beverages</td> <td data-bbox="943 1099 1190 1223">10.00 - 00.00 from 01/09/17 - 02/09/17</td> <td data-bbox="1190 1099 1473 1223">Mr. Darren Nugent</td> </tr> </tbody> </table> <p data-bbox="236 1256 746 1290"><u>Financial and Resource Implications</u></p> <p data-bbox="146 1323 220 1379">3.4 None</p> <p data-bbox="236 1391 794 1424"><u>Equality or Good Relations Implications</u></p> <p data-bbox="146 1458 220 1514">3.5 There are no equality and good relations issues.</p> <p data-bbox="146 1525 220 1581">4.0 Documents Attached</p> <p data-bbox="146 1592 220 1693">None</p>	Premises and Location	Type of Application	Commodity	Hours Licensed	Applicant	Hamilton Dock, Titanic Quarter	Temporary (Maritime Festival)	Hot and cold food, ice cream, non-alcoholic beverages and confectionery	11.00 – 18.00 from 16th -18th June	Titanic Foundation Limited	SSE Marina, Titanic Quarter	Temporary (Maritime Festival)	Boat tour tickets	11.00 – 18.00 from 16th -18th June	Lagan Boat Company NI Limited	Regent Street	Temporary (ABV17 Festival)	Hot and cold food and non-alcoholic beverages	10.00 - 00.00 from 01/09/17 - 02/09/17	Mr. Darren Nugent
Premises and Location	Type of Application	Commodity	Hours Licensed	Applicant																	
Hamilton Dock, Titanic Quarter	Temporary (Maritime Festival)	Hot and cold food, ice cream, non-alcoholic beverages and confectionery	11.00 – 18.00 from 16th -18th June	Titanic Foundation Limited																	
SSE Marina, Titanic Quarter	Temporary (Maritime Festival)	Boat tour tickets	11.00 – 18.00 from 16th -18th June	Lagan Boat Company NI Limited																	
Regent Street	Temporary (ABV17 Festival)	Hot and cold food and non-alcoholic beverages	10.00 - 00.00 from 01/09/17 - 02/09/17	Mr. Darren Nugent																	

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Subject:	Applications for the Renewal of Seven-Day Annual Entertainments Licences with Previous Convictions – Irish National Foresters Club / Phoenix Bar / Dukes at Queens
Date:	16th August, 2017
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	To consider applications for the 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, as each 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
Irish National Foresters Club 14-18 Albert Street, Belfast, BT12 4HB	Mr. Gerry Lappin Secretary	Renewal	June, 2011 Padlocked emergency exit at rear of premise	22nd November, 2011 £400 and £66 Court costs
Phoenix Bar 179-181 Antrim Road Belfast BT15 2EW	Mr. Joe Crangle	Renewal	November, 2015 Entertainment without an Entertainments Licence	24th May, 2016 Conditional Discharge and £69 Court costs
Dukes at Queens 65-67 University Street Belfast BT7 1HL	Mr. Eamon Diamond Dukes Belfast LLP	Renewal	August, 2015 <u>The Chester Park Inn</u> Entertainment without an Entertainments Licence in an outdoor area	22nd March, 2016 Conditional Discharge and £69 Court costs

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

Irish National Foresters Club

3.4 This is the fifth and final time that an application for the premises will be considered since the applicant was convicted on 22nd November, 2011. The last renewal application was brought before the Committee on 15th June, 2016 and, after consideration, it agreed to renew the licence.

3.5 Since the previous renewal, the premises have been subject to one during performance inspection, as well as the renewal inspection, to ensure that there has been no recurrence of these or any other safety issues and we have found that management procedures are being implemented effectively.

Phoenix Bar

3.6 This is the second time that an application for the premises has been considered since the applicant was convicted on 24th May, 2016. The last renewal application was brought before the Committee on 15th June 2016 and, after consideration, it agreed to renew the licence.

3.7	<p>Since the previous renewal, the premises have been subject to two during performance inspections, as well as the renewal inspection, to ensure that there has been no recurrence of these or any other safety issues and we have found that management procedures are being implemented effectively.</p> <p>Dukes at Queens</p>
3.8	<p>This application is being placed before the Committee, because the applicant was convicted on 22nd March 2016 of offences under the Order at Belfast Magistrates Court regarding one of their other premises, namely, the Chester Park Inn.</p>
3.9	<p>This is the second time that an application from Mr. Diamond has been brought before the Committee. It previously considered an application for the Chester Park Inn on 21st September 2016 and, after consideration, it agreed to renew the licence.</p>
3.10	<p>The applicant is also the licensee for The Washington Bar, 21 Howard Street. The application to renew that licence will be brought before the Committee in due course for consideration.</p>
3.11	<p>Since the previous renewal, the premises have been subject to three further during performance inspections, as well as the recent renewal inspection, to ensure that there has been no recurrence of the breach or any other safety issues. For one of the inspections, no entertainment was taking place whilst the other inspections showed that safety and management procedures are being implemented effectively.</p> <p><u>Representations</u></p>
3.12	<p>Notice of the applications has been advertised and no written representations have been received.</p> <p><u>PSNI</u></p>
3.13	<p>The PSNI has confirmed that it has no objections to the applications.</p> <p><u>NIFRS</u></p>
3.14	<p>The Northern Ireland Fire Rescue Service has been consulted in relation to each of the applications and has confirmed that it has no objections.</p> <p><u>Applicants</u></p>
3.15	<p>The applicants and/or their representatives will be available at your meeting to answer any queries you may have in relation to their respective applications. Copies of the respective application forms for the premises are attached.</p> <p><u>Financial and Resource Implications</u></p>
3.16	<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>
3.17	<p>There are no equality or good relations issues associated with this report.</p>

4.0	Documents Attached
	Application Forms

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

Document is Restricted

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Subject:	Application for the Grant of an Amusement Permit - Odyssey Bowl, Unit 2, Odyssey Pavilion, Queen's Quay
Date:	16th August, 2017
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, Ext 6446

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

1.0	Purpose of Report/Summary of Main Issues						
1.1	<p>To consider an application for the grant of an Amusement Permit for Odyssey Bowl, under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (the Order)</p> <table style="width: 100%; border: none;"> <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>Odyssey Bowl Unit 2, Odyssey Pavilion Queens Quay Belfast, BT3 9QQ</td> <td>WK/2017/00379</td> <td>Mr. Brian McCormack Matagorda3 Limited 45 Charles Street London W1J 5EH</td> </tr> </table>	Premises and Location	Ref. No.	Applicant	Odyssey Bowl Unit 2, Odyssey Pavilion Queens Quay Belfast, BT3 9QQ	WK/2017/00379	Mr. Brian McCormack Matagorda3 Limited 45 Charles Street London W1J 5EH
Premises and Location	Ref. No.	Applicant					
Odyssey Bowl Unit 2, Odyssey Pavilion Queens Quay Belfast, BT3 9QQ	WK/2017/00379	Mr. Brian McCormack Matagorda3 Limited 45 Charles Street London W1J 5EH					
1.2	The Director of Matagorda3 Limited is Mr. Brian McCormack.						
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	<u>Recommendations</u>
2.1	<p>The current policy, dictated by the governing Order, is that the Committee, in considering the application for the Grant of an Amusement Permit, shall have regard to:</p> <ul style="list-style-type: none"> a) The fitness of the applicant to hold a Permit having regard to his character, reputation and financial standing, b) The fitness of any other person by whom the business is to be carried on under the Permit would be managed, or for whose benefit that business would be carried on, c) Representation, if any, from the sub-divisional commander of the Police Service of Northern Ireland in whose sub-division the premises are situated, and d) Representation, if any, as a result of the public notices of advertisement.
2.2	<p>You are then required to make a decision based on the following options set out under the Order.</p>
2.3	<p>You must refuse the application unless satisfied that:</p> <ul style="list-style-type: none"> a) The applicant is a fit person to hold an Amusement Permit; and b) The applicant will not allow the business proposed to be carried on under the Amusement Permit to be managed by, or carried on for the benefit of, a person other than the applicant who would himself be refused the grant of an Amusement Permit.
2.4	<p>Thereafter:-</p> <ol style="list-style-type: none"> 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
2.5	<p>In the case of premises that have machines with the maximum cash prize of £25.00, where admission is restricted to persons aged 18 or over, that –</p> <ul style="list-style-type: none"> • no persons under 18 are admitted to the premises; and • at any entrance to, and inside any such premises there are prominently displayed notices indicating that access to the premises is prohibited to persons aged under 18, and in addition <ol style="list-style-type: none"> 3. You may also grant the application subject to discretionary conditions outlined in the Order relating to the illumination of the premises, advertising of, and window displays on the premises and the display of information notices.
2.6	<p>Should you be of a mind to refuse the application for the Grant of an Amusement Permit or grant the Permit subject to any discretionary conditions, you are required to advise the applicant of your intention to do so. In this case, you must afford the applicant the opportunity to make representations at a specified Licensing Committee meeting on the matter before making a final determination on the application.</p>

2.7	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
	<p data-bbox="272 383 429 416"><u>Key Issues</u></p> <p data-bbox="165 443 1469 539">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.</p> <p data-bbox="165 573 1469 674">3.2 Members may be aware that an arcade has operated at this premise since 2000. A permit authorising machines which pay out a maximum all cash prize of £25.00 was first granted at the Health and Environmental Services Committee on 5th December, 2005.</p> <p data-bbox="165 701 1469 797">3.3 As there is no mechanism within the Order to enable the transfer of a permit from one company to another, as is happening in this case, an application must, therefore, be made for the Grant of an Amusement Permit.</p> <p data-bbox="272 835 408 869"><u>Applicant</u></p> <p data-bbox="165 896 1469 958">3.4 The applicant intends to operate the premises in the same manner as it has operated previously, with the same number of machines and under the same hours.</p> <p data-bbox="165 987 1469 1084">3.5 The permit is for a total of 21 gaming machines, of which 13 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.</p> <p data-bbox="165 1120 1342 1153">3.6 The proposed opening hours of the premises, as specified on the application, are:</p> <div data-bbox="368 1182 927 1285" style="margin-left: 40px;"> <p>Monday to Friday: 12.00 pm to 11.00 pm</p> <p>Saturday: 10.00 am to midnight</p> <p>Sunday: 10.00 am to 11.00 pm</p> </div> <p data-bbox="165 1312 1469 1375">3.7 The premises are located in the Odyssey Pavilion, which consists of retail units, a multi-screen cinema, bars and restaurants.</p> <p data-bbox="165 1402 1469 1464">3.8 A representative from Matagorda3 Limited will be available to discuss any matters relating to the grant of the permit at your meeting.</p> <p data-bbox="272 1503 991 1536"><u>Health, Safety, Welfare and Technical requirements</u></p> <p data-bbox="165 1563 1469 1626">3.6 The applicant has confirmed that no changes are being made to the arcade that would require a Building Regulations application.</p> <p data-bbox="272 1664 344 1697"><u>PSNI</u></p> <p data-bbox="165 1724 1469 1798">3.7 The PSNI has been consulted and has confirmed that it has no objections to the application. A copy of its correspondence is attached at Appendix 3.</p> <p data-bbox="272 1832 360 1865"><u>NIFRS</u></p> <p data-bbox="165 1892 1469 1966">3.8 The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and has confirmed that it has no objections to the application.</p>

Planning Matters

- 3.9 As the premises have been open since the year 2000 they would have established use rights to operate as an Amusement Arcade under Planning Legislation. Planning permission was granted on 3rd April, 2003.
- 3.10 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.
- 3.11 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.
- 3.12 A copy of the planning permission is attached at Appendix 4.

Environmental Considerations

- 3.13 Members may wish to consider whether the continued use of the premises for an amusement arcade will impact positively, negatively or neutrally on the existing built environment of the area which is predominately retail and commercial.

Amusement Permit Policy

- 3.14 An Amusement Permit Policy was ratified at Council on 1st May 2013 and 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.
- 3.15 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; and
 5. Respect the need to prevent gambling from being a source of crime and disorder.

- 3.16 The Policy consists of two components which are considered below:

1. Legal requirements under the 1985 Order

- 3.17 Members must have regard to the legal requirements under the 1985 Order relating to:
- (a) The character, reputation and financial standing of the applicant:
- 3.18 References and additional supporting information for those associated with the application are attached as Appendix 5 to the report for consideration.
- (b) The nature of the premises and activity proposed:
- 3.19 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.

	<p>(c) Opinions of the Police:</p>
3.20	<p>The Police comments have been sought and reference is made in paragraph 3.8 of the report and is attached at Appendix 3.</p>
	<p>(d) Submissions from the general public:</p>
3.21	<p>No objections have been received as a result of the public notices placed in the three local newspapers.</p>
	<p><u>2. Assessment criteria for suitability of a location</u></p>
3.22	<p>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.</p>
	<p>(a) Retail vibrancy and viability of Belfast:</p>
3.23	<p>The application site at Unit 2, Queens Quay is located internally within the ground floor of the Odyssey SSE Arena sports and entertainment complex. This complex is located outside of 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 does not break up any continuous shopping frontage.</p>
	<p><i>Complies with this criterion.</i></p>
	<p>(b) Cumulative build-up of amusement arcades in a particular location:</p>
3.24	<p>This is the only amusement arcade within the Odyssey SSE Arena complex. The nearest amusement arcades to it are located approximately a mile away across the River Lagan in the larger part of the City Centre. The closest amusement arcade to it in East Belfast is located several miles away at 32-46 Castlereagh Road.</p>
	<p><i>Complies with this criterion.</i></p>
	<p>(c) Impact on the image and profile of Belfast:</p>
3.25	<p>The application premises are not listed as part of the built heritage of Belfast. Neither are they located at one of the 11 Gateway locations at the edge of Belfast City Centre which, as noted in BMAP, presents the visitor with an initial impression that can influence their overall perception of the City.</p>
3.26	<p>Nonetheless, given the far-reaching appeal of the Odyssey SSE Arena, it could be argued that the complex as a whole, is a tourism asset within Belfast. However, when considering this matter, appreciable weight needs to be attached to the fact that this amusement arcade has been operating from this complex for well over a decade and no one has chosen to object to this permit application for a change of ownership.</p>
	<p><i>Complies with this criterion.</i></p>
	<p>(d) Proximity to residential use:</p>
	<p><i>(i) - predominantly residential in character</i></p>

3.27	<p>This is a purpose-built, enclosed mixed use location within the City Centre. The nearest residential uses to it are the apartments in the adjacent Titanic Quarter. The area is not therefore predominantly residential in character.</p> <p><i>(ii) – non-residential property that is immediately adjacent to residential property</i></p>
3.28	<p>There are no residential uses within the Odyssey SSE Arena complex that are adjacent to the unit.</p> <p>Complies with this criterion.</p> <p>(e) Proximity to schools, youth centres, and residential institutions for vulnerable people:</p>
3.29	<p>There are no schools, youth centres, or residential institutions for vulnerable people within 200m of the application premises.</p> <p>Complies with this criterion.</p>
3.30	<p>A copy of the Council’s Amusement Permit Policy is attached at Appendix 6.</p> <p>Conclusion</p>
3.31	<p>Based on the above findings, the application satisfies the five main criteria used by the Council when assessing the suitability of a location for an amusement permit.</p> <p><u>Financial and Resource Implications</u></p>
3.32	<p>Administration of Amusement Permit applications is included in current budgetary estimates.</p> <p><u>Equality and Good Relations Implications</u></p>
3.33	<p>There are no equality or good relations issues associated with this report.</p>
4.0	Documents Attached
	<p>Appendix 1 Application Form</p> <p>Appendix 2 Location Map</p> <p>Appendix 3 PSNI Correspondence</p> <p>Appendix 4 Copy of the Planning Permission</p> <p>Appendix 5 References and additional supporting information</p> <p>Appendix 6 Belfast City Council’s Amusement Permit Policy</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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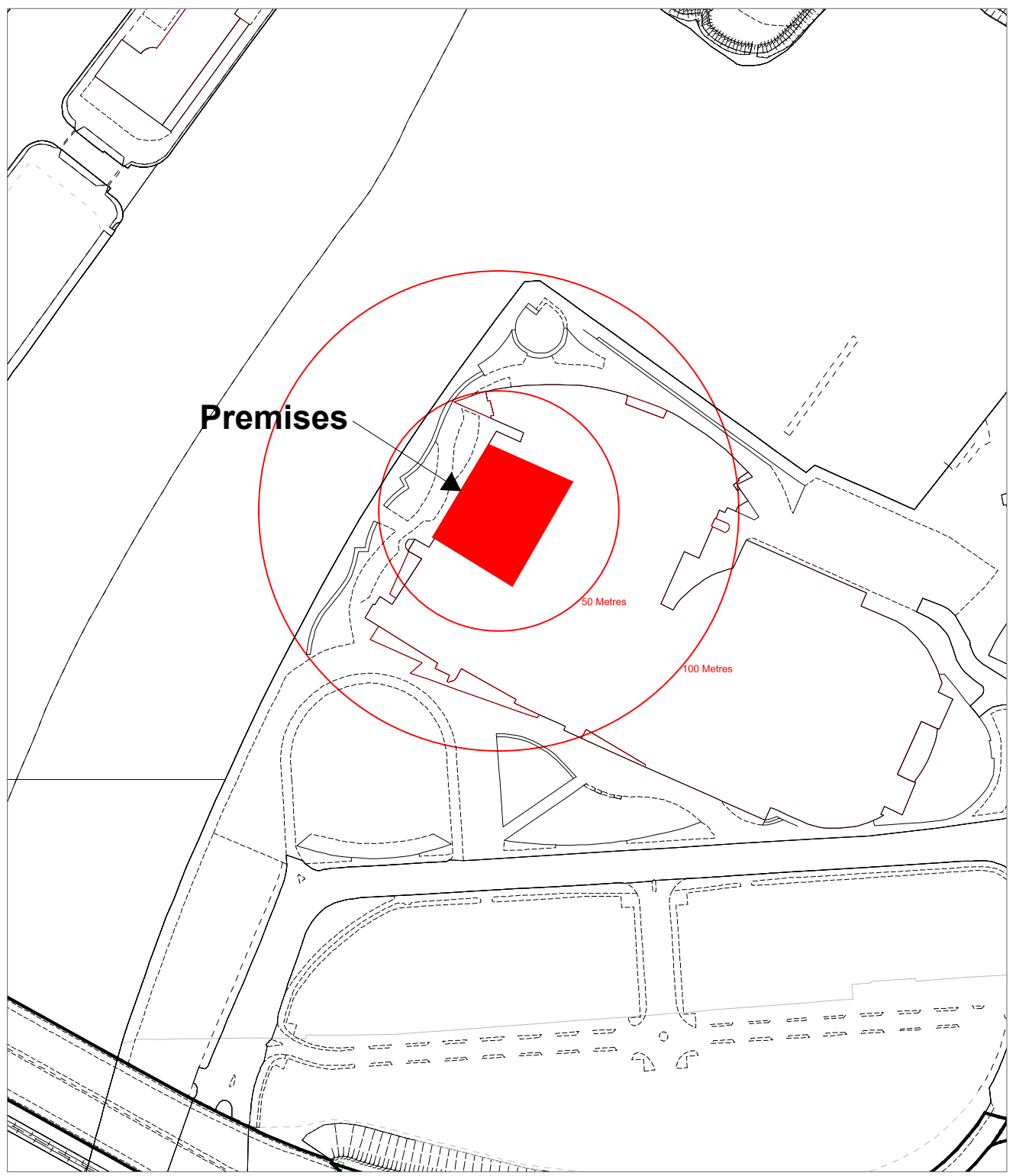
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Building Control Service

Belfast Mapping Data v3.0
Prepared by I.S.B.
Based upon the Ordnance Survey
Of Northern Ireland map with the
permission of the Director & Chief Executive.
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Appendix 2



DRAWN BY MT
DATE 09/08/2017

Page 33
Odyssey Bowl
Unit 2, Odyssey Complex

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

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PLANNING PERMISSION

Planning (Northern Ireland) Order 1991

Application No: Z/2003/0323/F

Date of Application: 13th February 2003

Site of Proposed Development: 1st floor, Unit 2, Odyssey Pavillion, Queens Quay, Belfast

Description of Proposal: Change of use from part of leisure unit to amusement centre.

Applicant: Odyssey Bowl Ltd
 Address: Unit 2 Odyssey Pavillion
 Queens Quay
 Belfast
 BT3 9QQ

Agent: Bill McAlister
 Address: 34 Ballybarnes Road
 Newtownards
 Co Down
 BT23 4UE

Drawing Ref: 01, 02

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

GRANTS PLANNING PERMISSION

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

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

Reason: Time limit.

2. Subject to the above condition(s), the development shall be carried out in accordance with the stamped approved drawing(s) No 01 and 02 which were received on 13 February 2003.

Reason: To ensure a satisfactory form of development.

Application No. Z/2003/0323/F

DC1001MW

Belfast Planning Office

See also Explanatory Notes attached



Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Dated: 3rd April 2003



Authorised Officer

Application No. Z/2003/0323/F

DC1001MW

Belfast Planning Office

See also Explanatory Notes attached



INVESTOR IN PEOPLE

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

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Appendix 6

Amusement Permit Policy





Introduction

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

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

What are gaming machines and amusement arcades?

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



Objectives of the Policy

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

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

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

Assessing amusement permit applications

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

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

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

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



Legal requirements under the 1985 Order

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

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

Each of these requirements is outlined below.

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

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

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

Justification and clarification

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

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

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

2. The nature of the premises proposed

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

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

Justification and clarification

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



3. Opinion of the Police

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

Justification and clarification

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

4. Submissions from the general public

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

Justification and clarification

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

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

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

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

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

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

Clarifications:

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



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

Each of the 5 criteria is now explained.

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

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

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

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

Justification and clarification

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

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

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

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

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

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



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

Justification and clarification

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

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

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

3. Impact on the image and profile of Belfast

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

Justification and clarification

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

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

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

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



4. Proximity to residential use

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

Justification and clarification

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

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

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

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

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

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

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

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

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

Justification and clarification

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

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

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



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

Conclusion

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

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



Appendix A

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

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

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

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

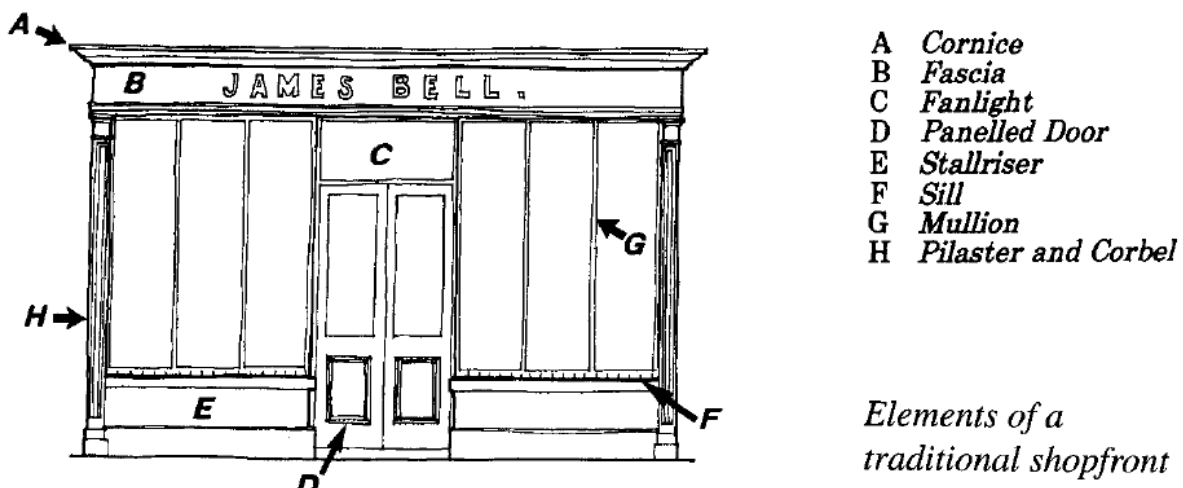
- **Illumination** – as a general rule illumination should be kept to a minimum and no floodlighting of premises will be permitted, save for trough/spot lighting over the fascia.
- **Form of advertising and window displays** – the name of the business should be clearly advertised in the window. Legislation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



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

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

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



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



Appendix B Police Questionnaire

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

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

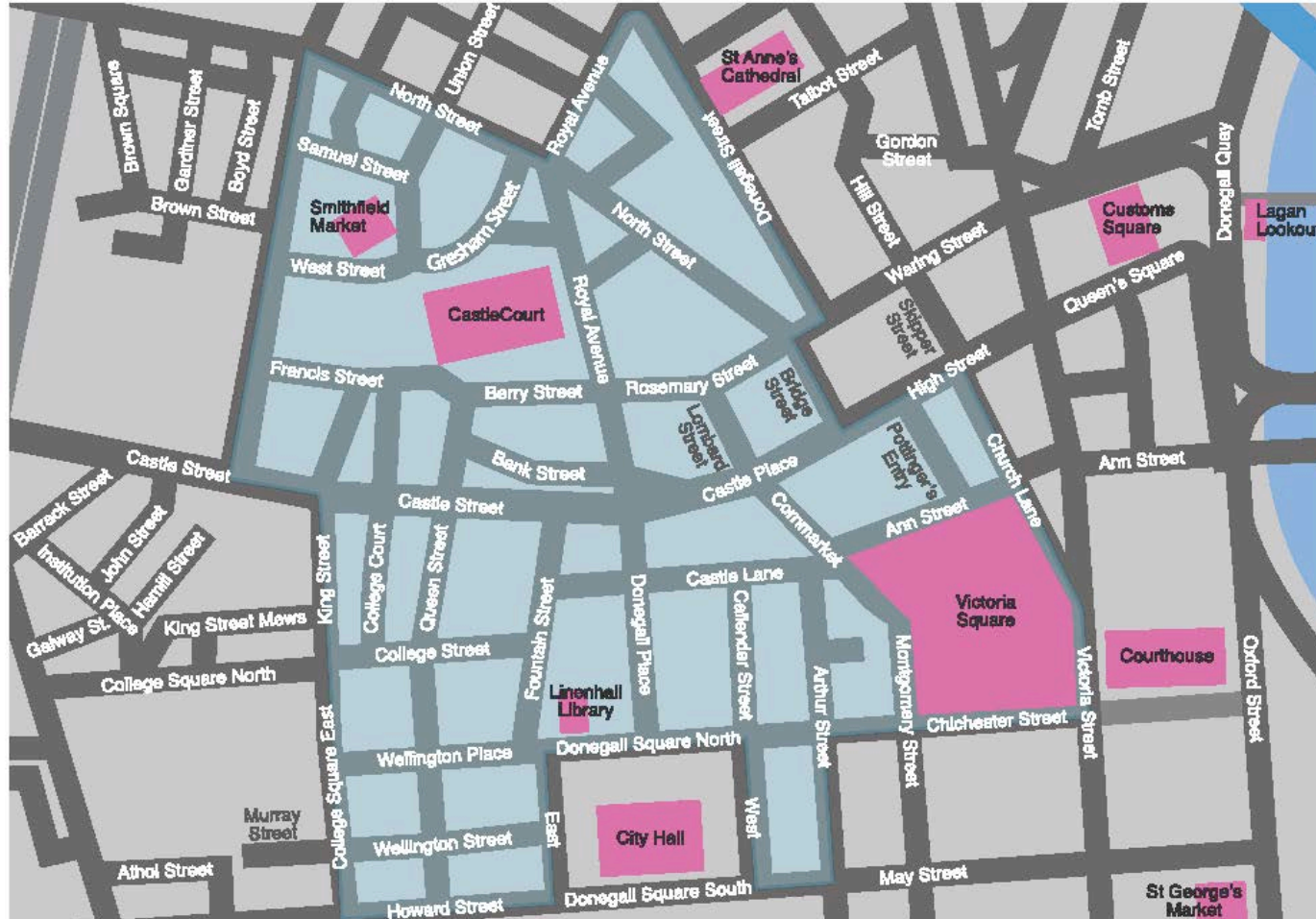
Applicant details:

Premises' details:

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



Appendix C: Belfast City Centre Retail Core





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

SCHEDULE

PART A

SHOPPING AND FINANCIAL & PROFESSIONAL SERVICES

Class A1: Shops

Use for all or any of the following purposes –

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

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

Amusement Permit Policy

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

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

Tel: (028) 9027 0650
buildingcontrol@belfastcity.gov.uk

Additional copies available on request or from our webpage.

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



Subject:	Applications for the Renewal of Seven-Day Annual Indoor and Outdoor Entertainments Licences – Hudson Bar, 10 – 14 Gresham Street
Date:	16th August, 2017
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

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

1.0	Purpose of Report/Summary of Main Issues																		
1.1	<p>To consider applications for the renewal of the Seven-Day Annual Indoor Entertainments Licence and the Seven-Day Annual Outdoor Entertainments Licence for the Hudson Bar, based on the Council’s standard conditions to provide indoor music, singing, dancing or any other entertainment of a like kind and outdoor musical entertainment.</p> <table style="width: 100%; margin-top: 10px;"> <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>The Hudson Bar</td> <td>WK/201700107</td> <td>Mr Peter Lavery</td> </tr> <tr> <td>10-14 Gresham Street</td> <td>WK/201700108</td> <td>MMJP Limited</td> </tr> <tr> <td>Belfast</td> <td></td> <td>8 Station Road</td> </tr> <tr> <td>BT1 1JN</td> <td></td> <td>Hollywood,</td> </tr> <tr> <td></td> <td></td> <td>BT18 0BP</td> </tr> </table>	Premises and Location	Ref. No.	Applicant	The Hudson Bar	WK/201700107	Mr Peter Lavery	10-14 Gresham Street	WK/201700108	MMJP Limited	Belfast		8 Station Road	BT1 1JN		Hollywood,			BT18 0BP
Premises and Location	Ref. No.	Applicant																	
The Hudson Bar	WK/201700107	Mr Peter Lavery																	
10-14 Gresham Street	WK/201700108	MMJP Limited																	
Belfast		8 Station Road																	
BT1 1JN		Hollywood,																	
		BT18 0BP																	

1.2	Members are reminded that two objections were received regarding the applications and, after consideration at your meeting on 17th August 2016, you agreed to renew both Entertainments Licences for a trial period of six months.
1.3	The applications would have been presented for your consideration sooner but officers have endeavoured to mediate with all parties regarding the applications and concerns raised. Officers have also been conscious of the requirements of the Entertainments Licence which requires liaison meetings to be held, as and when required, with the licensee and representative groups drawn from local residents, and chaired by Council Officers, which was agreed by the Committee at the meeting on 17th August.
1.4	A copy of the minutes of that meeting is attached at Appendix 1.
1.5	A location map is attached at Appendix 2.
2.0	Recommendations
2.1	<p>Taking into account the information presented and representations received in respect of the applications you are required to make a decision to :</p> <ol style="list-style-type: none"> 1. agree to hear the applicant's agent who has not complied with the Committee's Operating Protocol in relation to hearing deputations; 2. approve the applications for the renewal of the Seven-Day Annual Indoor and Outdoor Entertainments Licences, or 3. approve the applications for the renewal of the Seven-Day Annual Indoor and Outdoor Entertainments Licences with special conditions, or 4. refuse the applications for the renewal of the Seven-Day Annual Indoor and Outdoor Entertainments Licences.
2.2	If the applications are refused, or special conditions are attached to either 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.
3.0	Main Report
	<u>Key Issues</u>
3.1	<p>The areas currently licensed to provide indoor entertainment are the:</p> <ul style="list-style-type: none"> • Ground Floor, with a maximum capacity of 95 persons. • First Floor, with a maximum capacity of 95 persons. • Second Floor, with a maximum capacity of 105 persons. • Heel Bar, with a maximum capacity of 30 persons.
3.2	<p>The area currently licensed to provide outdoor entertainment is the:</p> <ul style="list-style-type: none"> • Hudson Yard, with a maximum capacity of 220 persons.
3.3	Following your meeting on 17th August 2016, the special conditions on the Indoor and Outdoor Entertainments Licences were amended, as follows:

Indoor

1. The licensee to attend meetings, as and when required, with the PSNI and representative groups drawn from local residents, chaired by the Council, to discuss issues relating to Entertainments Licensing.
2. The external roller shutter on the ground floor (mid front bar) should be secured in the open position when entertainments is taking place.
3. Internal emergency exit doors at Gresham Street must not be open for any reason other than an emergency.
4. Doors on escape routes to be free from fastenings when premises are occupied.
5. This Entertainments Licence is to be managed in conjunction with the Outdoor Entertainments Licence.

Outdoor

1. The licensee to attend meetings, as and when required, with the PSNI and representative groups drawn from local residents, chaired by the Council, to discuss issues relating to Entertainments Licensing.
2. The premises to be managed in accordance with the requirements set out within AB Consulting Services report dated 25 March 2014.
3. During entertainment, exit to Gresham Street to be manned at all times when roller shutter is in the closed position.
4. At all times, a key to roller shutter is to be retained by personnel manning the Gresham Street exit.
5. The music noise level in the outdoor area must not exceed 95 dBA Leq up to 23.00.
6. The music noise level in the outdoor area must not exceed 85 dBA Leq after 23.00.
7. No live band performances are permitted in the outdoor area after 23.00.
8. This Entertainments Licence is to be managed in conjunction with the Indoor Entertainments Licence.

3.4 The days and hours during which the premises are currently licensed to provide entertainment, under both licences are:

- Monday to Saturday: 11.30 am to 3.00 am the following morning, and
- Sunday: 12.30 pm to 3.00 am

3.5 The premises operates as a public house with entertainment currently provided in the form of DJ's and live band performances.

Representations

3.6 Notice of the applications has been advertised and no written representations have been lodged.

Further Liaison

3.7 Following your meeting on 17th August 2016, officers have further engaged with the objectors and the applicant to ensure that the agreements and conditions imposed were being implemented effectively.

3.8 Further complaints have been received from one of the objectors regarding alleged loud entertainment music emanating from the premises. These were received and responded to by the Council's Night Time Noise Team. Whilst the Noise Team witnessed some live music when in the street, they considered that the noise levels were not unreasonable and, therefore, warranted no further action.

3.9	On receipt of the complaints, officers of the Service further followed up each of these complaints with the applicant and the objector and endeavoured to convene meetings with the relevant parties involved.
3.10	The objector has regularly been advised to contact the Night Time Noise Team when they are being disturbed, so that readings can be taken to substantiate any allegation. However, when lodging the complaint, the objector has requested no further contact and, therefore, has not provided access for verifiable readings to be taken.
<u>Liaison Meeting</u>	
3.11	A liaison meeting took place at Council offices on 14th April 2017 between an officer of the Service, representatives of the applicant and the objector and Alderman Chris McGimpsey.
3.12	The meeting was held in accordance with the requirements of the Entertainments Licence, which requires liaison meetings to be held, as and when required, with the licensee and representative groups drawn from local residents, and chaired by Council officers. The inclusion of this condition was agreed by the Committee at the meeting on 17th August 2016 and informed the Committee's decision to renew the licence, albeit for only 6 months.
3.13	At the meeting on 14th April, the objector acknowledged the difference and changes made regarding noise disturbance from the premises. It was also confirmed that the Service had received one complaint at that time. However, the objector advised of further occurrences which had not been referred to the Service.
3.14	The applicant's representatives, outlined the measures they had put in place and that they continued to encourage taxis to collect patrons from Royal Avenue, rather than Gresham Street, and that patrons were also encouraged to leave the premises via the rear yard area, onto Royal Avenue, rather than Gresham Street, which was previously taking place.
3.15	Details of the technical matters were also discussed, namely, their fire safety procedures and measures to manage noise from the premises.
<u>Complaint</u>	
3.16	However, during the meeting, discussions broke down following a dispute between the applicant's licensing consultant and the objector. As a result, a formal complaint has been made by Alderman McGimpsey, via email, regarding the actions and behaviour of the consultant towards the objector and the Council officer. Alderman McGimpsey considers that the applicant's consultant was disrespectful and counter-productive. A copy of his complaint is attached at Appendix 3.
3.17	On receipt of Alderman McGimpsey's complaint, we informed the applicant and sent him a copy of the Alderman's email and requested him to form a response. We also sent the applicant a copy of the officer's record of the meeting. A formal letter was subsequently sent outlining our concerns of the allegations, the measures we wanted to introduce as a result and that we were duty bound to bring these issues to the attention of the Committee. A copy of our correspondence to the applicant is attached at Appendix 4.
3.18	In line with the Committee Protocol, we also sent the applicant and the objector Representation Forms and requested that these be provided to be presented to you for consideration. These were requested at the liaison meeting on 14th April 2017 to ensure that there was appropriate time to share the information between all parties and to allow officers to clarify any points raised if necessary.

Objector's Representation

3.19 The objector has completed and submitted a Representation Form. This is attached at Appendix 5.

3.20 A general summary of their representation is listed below and is similar to the concerns they raised last year, namely:

- their main concern is the Outdoor Entertainments Licence. They have no objections to the indoor entertainments and is trying to find a solution that will work for everyone;
- each and every new Bar Manager promises to deal with the outside entertainment but twelve years on it is still the biggest issue;
- they have requested that the Outdoor Entertainments Licence be restricted for entertainment to cease at 11.00 pm;
- they have tried to resolve the noise issues by speaking directly to the owner/director and through the meetings arranged by Belfast City Council. They had hoped that, as a result of the meetings, the licensee would be honourable, but that has not been the case;
- reference was made regarding being assaulted by a drunken patron on 8th September 2012;
- being woken by people leaving the premises when drinking after hours;
- taxis coming and going around 5.00 am; and
- witnessed the premises operating out of hours to 5.00 am on Saturday night/Sunday morning of 8th-9th April.

3.21 The objector also acknowledges that things have been much better since the changes were made and the main exiting arrangements for patrons to leave the premises via the rear yard area, onto Royal Avenue rather than Gresham Street. However, they also note that they are still getting small groups hanging around outside on Gresham Street.

3.22 The objector has also included with their Representation Form a record of complaints which they have observed, some of which we hadn't been informed of prior to their submission.

3.23 The objectors and/or their representatives will be available to discuss any matters relating to their objection should they arise during your meeting.

Applicant's Representation

3.24 In accordance with the Licensing Committee Protocol, the applicant was asked to complete an Applicant's Representation Form. This was further requested in our correspondence to the applicant, following Alderman McGimpsey's complaint, and another copy of the respective form was enclosed.

3.25 At the time of that correspondence, the objector had already provided a copy of their Representation Form, in line with the initial deadline. However, we have not received a Representation Form from the applicant and they have recently confirmed that they do not intend to do so and consider that it would not be proper nor prudent to submit the form.

3.26 However, the applicant's licensing representative did send an email correspondence on 7th July 2017 regarding their concerns. This is attached at Appendix 6.

3.27 A summary of that correspondence is listed below:

- the applicant does not resile from his position or concerns which were aired at the liaison meeting on 14th April, 2017;
- the consultant considers that the record of the liaison meeting is only the officer's observations and, as recorded, are at odds with the comments and notes received by the applicant and submitted by the objectors. They cannot accept that they are agreed or accepted by them, as they consider that there are several blatant omissions and errors;
- reaffirms that the applicant is not required to attend liaison meetings and that their representatives can attend on their behalf and address any matters raised;
- is disappointed that he, as the applicant's licensing representative, was not informed of the complaint made by Alderman McGimpsey, as he is the nominated representative of the premises;
- requests that the email is considered as a formal representation in lieu of the Committee protocol's Applicant's Representation Form and be presented to the Service Director and Committee Chairman for their consideration as to how this matter should be dealt with and progressed; and
- requests an adjournment of this matter to allow the applicant's agent to have a meeting with the Committee Chairman and reduced delegation of Committee Members to address the letter from Alderman McGimpsey.

3.28 The applicant's representative has also requested to make verbal representation to the Committee and considers it to be his right to do so. However, we also made them aware that if they didn't provide us with the required Representation Form, the objector may, therefore not wish to share their representation with them, which they have requested.

3.29 As a result, Members will be aware that under the Committee Protocol, only those who have made written submissions and registered a request to speak in respect of an application shall be permitted to make oral representations before the Committee. The Committee can, however, depart from the Protocol in exceptional circumstances.

3.30 The Legal Services Section has advised that holding the meeting suggested by the applicant's agent would be a breach of the rights of the objectors and would be susceptible to challenge. The Committee is, therefore, advised not to accede to that request.

3.31 The applicant and/or their representatives will be available at your meeting should you choose to speak with them and request them to answer any queries you may have in relation to the application.

PSNI

3.32 The PSNI has confirmed that it has no objection to the Entertainments Licences being renewed. A copy of its correspondence is attached at Appendix 7.

Health, Safety and Welfare Issues

3.33 A total of seven during performance inspections have been carried out on the premises by Officers from the Service since your meeting on 17th August, 2016. The inspections revealed that the conditions of licence were being adhered to.

3.34 The premises have also been subject to inspections as part of the licence renewal process. As a result, all technical requirements and associated operational and management procedures have been checked and are satisfactory. The inspections have also ensured noise measures stipulated are being managed effectively.

<p>3.35</p> <p>3.36</p> <p>3.37</p> <p>3.38</p> <p>3.39</p> <p>3.40</p> <p>3.41</p>	<p>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 their licence conditions.</p> <p><u>NIFRS</u></p> <p>The Northern Ireland Fire Rescue Service has confirmed that it has no objection to the Entertainments Licences being renewed.</p> <p><u>Noise Issues</u></p> <p>The Environmental Protection Unit (EPU) has been consulted in relation to the application and has confirmed that it has received a total of thirteen noise complaints since the meeting on 17th August 2016.</p> <p>Whilst the Noise Team witnessed some live music when in the street, it considers that the noise levels were not unreasonable and therefore warranted no further action.</p> <p>Officers have previously been denied access by the objector. However, they have nonetheless responded to the complaints and followed up accordingly.</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 – Minute of meeting of 17th August, 2016</p> <p>Appendix 2 – Location Map</p> <p>Appendix 3 – Copy of Alderman McGimpsey’s complaint</p> <p>Appendix 4 – Copy of our correspondence to the applicant following Alderman McGimpsey’s complaint</p> <p>Appendix 5 – Objector’s Representation Form</p> <p>Appendix 5a – Additional Information from Objector</p> <p>Appendix 6 – Email from applicant’s representative</p> <p>Appendix 7 – PSNI Comments</p>

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

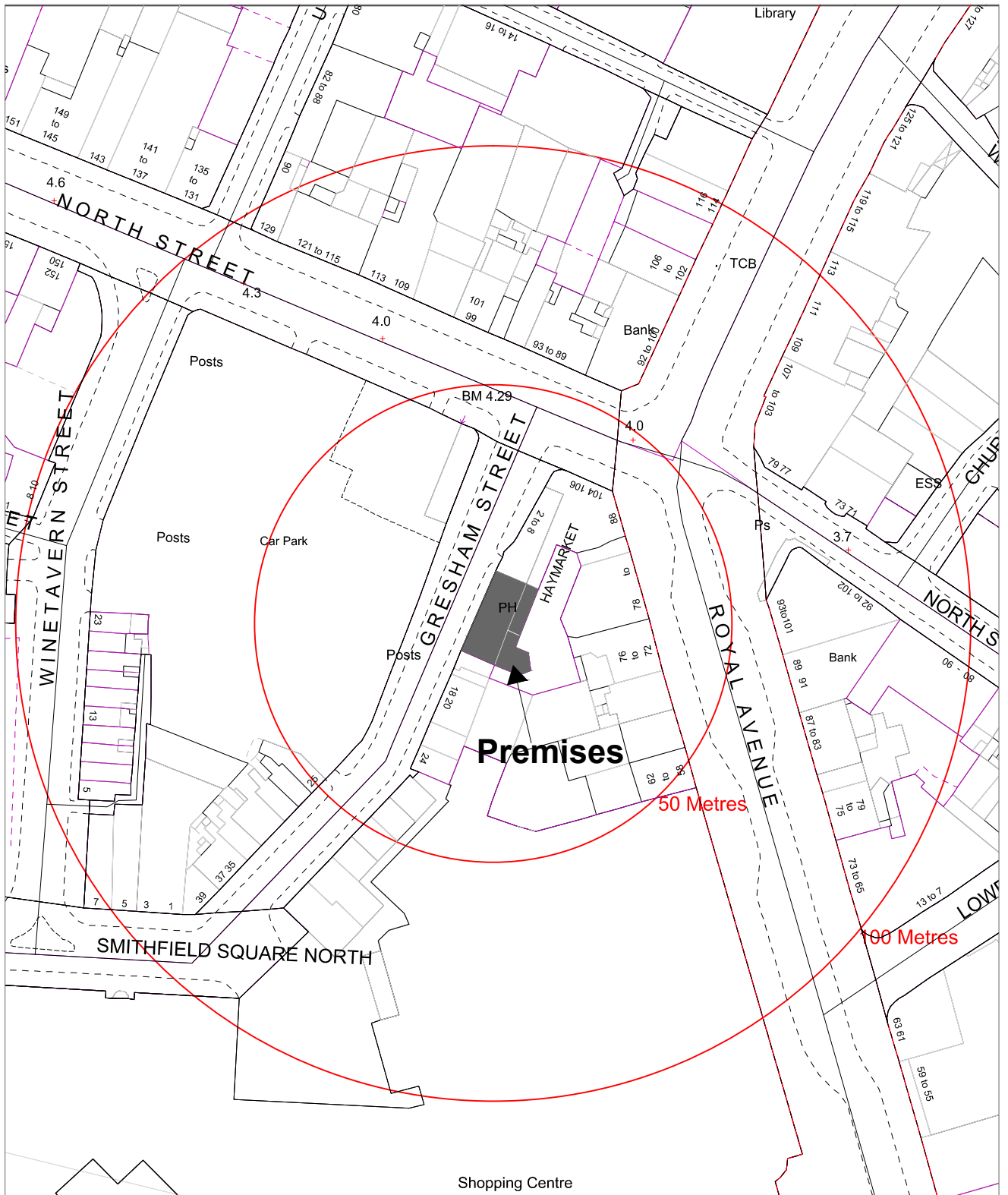
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Building Control Service

Belfast Mapping Data v3.0
Prepared by I.S.B.
Based upon the Ordnance Survey
Of Northern Ireland map with the
permission of the Director & Chief Executive.
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Appendix 2



DRAWN BY MT
DATE 02/08/2016

Page 79
The Hudson Bar
10-14 Gresham Street

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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:	Institute of Licensing National Training Event
Date:	16th August, 2017
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext 6446

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
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 Institute of Licensing is the professional body for licensing practitioners in local government, the police, private sector, trade and the legal profession. The Institute was established to provide education and training and to disseminate knowledge in all matters relating to licensing. The Institute operates throughout England, Wales, Northern Ireland and Scotland.
1.2	Members are reminded that Belfast is a Corporate Member affiliated to the Northern Ireland Region of the Institute and that Mr. James Cunningham, within the Building Control Service, is the Chairman of the Institute of Licensing (Northern Ireland Region) and a Director and Trustee of the Institute.
1.3	This year the Institute will hold its National Training Event in the Holiday Inn Hotel, Stratford-Upon-Avon from Wednesday 15th to Friday 17th November. The event will include topics such as:

	<ul style="list-style-type: none"> • Licensing developments in Northern Ireland • The role of the Licensing Authority, its Policies, Officers and Councillors • Making Licensing work for businesses • Conducting Licensing hearings • Glastonbury Festival • Licensing and Planning – how does planning interact with licensing? • Better regulation and reducing the burden
2.0	Recommendations
2.1	The Committee is recommended to authorise the attendance at the Institute of Licensing National Training Event of the Chairperson, the Deputy Chairperson, the Director of Planning and Place and the Building Control Manager (or their nominees).
2.2	Members also might wish to consider funding the travel to the conference of Mr. James Cunningham, in recognition of his work in attaining the position of chairman of the Northern Ireland Branch. Mr. Cunningham's residential fee for the event is paid for by the Institute of Licensing.
2.3	It is recommended also that the Committee agree to authorise the payment of the conference fees, together with the appropriate travelling, subsistence and attendance allowances in connection therewith.
2.4	Should the Committee agree to the Chairperson, the Deputy Chairperson, the Director of Planning and Place and the Building Control Manager attending the event, it might wish to consider rescheduling the Licensing Committee meeting on 15th November, as it coincides with the event.
3.0	Main Report
	<p><u>Key Issues</u></p> <p>3.1 The National Training Event is a great opportunity for Members and officers to meet with licensing professionals from across the UK and keep abreast of changes to licensing in other jurisdictions. The contacts established through previous conferences have been of great benefit. Members may recall Mr. Stephen McGowan (Partner with national law firm TLT LLP) attended a meeting of the Licensing Committee in 2015 to provide Members with an overview of the Scottish licensing system and to comment on the current and proposed changes to legislation here.</p> <p><u>Financial and Resource Implications</u></p> <p>3.2 The residential fee for the training event is £646 including VAT per delegate and travelling and subsistence will be approximately £200 per delegate. The fee includes full access to the programme on each day, all meals and overnight accommodation. This figure has already been allowed for in the estimates for the current year.</p> <p><u>Equality or Good Relations Implications</u></p> <p>3.3 There are no equality or good relations issues.</p>

4.0	Document Attached
	Preliminary details of the National Training Event

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National Training Conference 2017
#NTC2017 @iolevents



With thanks to our Sponsors:



INSTITUTE OF LICENSING - NATIONAL TRAINING CONFERENCE 2017

Day 1, WEDNESDAY 15 November 2017 - Crowne Plaza, STRATFORD-UPON-AVON

	9.30	10.15	11.00 Session 1	11.30	12.00 Session 2	1.00	2.00 - 2.45 Session 3	2.50 Session 4	3.35	4.00 - 4.45 Session 5	4.50 - 5.35 Session 6
BALLROOM (A-C)			OPENING SPEAKER - TBC	BREAK	House of Lords Select Committee Review of the Licensing Act 2003 Report	LUNCH	planning interact with licensing? The Future - how should the regimes interat going forward? Jonathan Clay & Ben du Feu, Cornerstone Barristers	The role for Public Health involvement in licensing Leo Charalambides, Editor - Journal of Licensing	Government Response to HoL Select Committee Report on Licensing Act 2003 Home Office	Industry Response to HoL Select Committee Report on Licensing Act 2003 Kate Nicholls, Association of Licensed Multiple Retailers & Tim Foster, Yummy Pubs	
BALLROOM (D)		Sarah Clover, Kings Chambers & Mike Kiely, Planning Officers Society			Guide Dogs: Disability Equality Training and how you can help Hannah Trussler & Helen Honstvet, Guide Dogs for the Blind & Mick Coggins, Coventry Council		Taxis Jim Button, James Button & Co REPEAT SESSION (DAY 1 & 3)	Uber - Regulatory responses to new technologies Matt Lewin & Richard Hanstock, Cornerstone Barristers	CCTV in Taxis Ben Williams, Kings Chambers		
BLENHEIM		Gambling - 10 Years On Ewen MacGregor, Bond Dickinson			Jonathan Smith, Poppleston Allen & Nigel Connor, Wetherspoons		Acupuncture and Tatooing Julia Bradburn	Scotlands licensing arrangements James Findlay QC & Asitha Ranatunga, Cornerstone Barristers	Drinkaware Crew Elaine Hindal, Drinkaware & Paul Chase, CPL		
PACKWOOD					Changes to Animal Licensing Andy Howarth, DEFRA		South Lakes Zoo - Lessons to Learn Ben Williams, Kings Chambers	Glastonbury Festival - Minor Variation Jason Kirkwood, Mendip DC & Jen Mackley, Glastonbury Festival	Caravan Parks Alfie Best & David Sunderland - Wildcrest Parks		
CHARLECOTTE							Jonathan Smith & Andy Grimsey, Poppleston Allen	Scrap Metal Jim Button, James Button & Co			
HAREWOOD											

Welcome - Dan Davies, IoL Chair

INSTITUTE OF LICENSING - NATIONAL TRAINING CONFERENCE 2017

Day 2 - THURSDAY 16 November - Crowne Plaza, STRATFORD-UPON-AVON

		9.30	10.00 - 10.30	10.35	11.35	12.00	12.45	1.45 - 2.30	2.35	3.20	3.45 - 4.30	4.35 - 5.35
			AGM	Session 1		Session 2		Session 3	Session 4		Session 5	Session 6
BALLROOM (A-C)	Institute of Licensing National AGM COFFEE & REGISTRATION		Law Update Sarah Clover, Kings Chambers & Susanna Fitzgerald QC, One Essex Court		COFFEE	Mediation - the future of licensing? Josef Cannon & Harry Spur, Cornerstone Barristers		Safeguarding in Licensing - what could possibly go wrong? Jim Button, James Button & Co	Safeguarding TBC		Rachel Woodhouse Interview - A Survivor's Story Gary Grant, Francis Taylor Buildings & Rachel Woodhouse, Rotherham Steering Group	Guest Speaker with Philip Kolvin QC - Cornerstone Barristers
BALLROOM (D)				Taxis - Fit and Proper Roy Light, St Johns Chambers								
BLENHEIM		Problems on the ground Carlo Gibbs, Wine & Spirit Trade Association		Analytical Support Package and its usage Maria Smolar - Public Health England, Myles Bebbington - South Cambs Council & Tim Britton - Local Lawyers in Government		Phil Thorley, Thorley Taverns & Brigid Simmonds OBE, British Beer and Pub Association	Best Bar None David Lucas, Fraser Brown & Robert Humphries, Best Bar None					
Page 117							Data Protection - Notifiable Occupation Scheme? Charles Holland - Francis Taylor Buildings	Summary Reviews Gary Grant - Francis Taylor Buildings		OUTDOOR EVENT LICENSING		
CHARLCOTTE		Effective Inspection and evaluation of Gambling Premises Kerry Simpkin, Westminster Council		Gambling Update Gambling Commission		Gambling Update Susanna FitzGerald QC, One Essex Court		TBC Nick Arron, Poppleston Allen				
HAREWOOD		Licensing Hearings Part 1 TLT		Licensing Hearings Part 2 TLT		Representations from Residents - when to accept, weight to give, giving assistance Niall McCann - Joelson	Councillor Conduct David Daycock, Iscoed Chambers	Decisions decisions. How to reach good ones: best practice for councillors and officers. Philip Kolvin QC & Josef Cannon, Cornerstone Barristers				
WARWICK		Gaming Machines Demonstration - Drop In Gambling Commission		Gaming Machines Demonstration - Drop In Gambling Commission								

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Day 3 - FRIDAY 17 November - Crowne Plaza, STRATFORD-UPON-AVON

9.30 10.00 - 10.45 overn 11.35 12.00 - 1.00 1.00
 Session 1 Session 2 Session 3

BALLROOM (A-C)	A Study of Licensing - UK vs. Australia Jon Foster, Institute of Alcohol Studies	Law Update Gareth Hughes & Tim Shield	COFFEE	<p>Expert Panel</p> <p>Speakers Include:</p> <p>Leo Charalambides Sarah Clover Dave Daycock Gary Grant Gareth Hughes David Lucas</p>	<p>END OF EVENT: PACKED LUNCH TO GO</p>
BALLROOM (D)	Super Strength Beers, Lagers & Ciders Roy Light, St John's Chambers	Taxis Jim Button, James Button & Co (REPEAT FROM Day 1)			
LEINHEIM	Peter Hills-Jones, Institute of Fundraising	Commercialisation - Opportunities & Threats			
PACKED LUNCH	LGA Update and National Register of Taxi/PHV Refusals and Revocations Rebecca Johnson, Local Government Association & Tracy Forth, National Anti Fraud Network	Primary Authority Update Adrian Hall - Regulatory Delivery			
CHARLCOTTE	Licensing Fees - Hemming and other charges Kerry Simpkin - Westminster Council	Sexual Entertainment Policies: England, Wales and the Scottish Regime Leo Charalambides, Editor - Journal of Licensing			
HAREWOOD					
WARWICK					

COFFEE & REGISTRATION