



Belfast City Council

Report to:	Town Planning Committee
Subject:	Amusement Permit Policy
Date:	16 May 2013
Reporting Officer:	Suzanne Wylie, Director of Health & Environmental Services, Ext 3260
Contact Officer:	Trevor Martin, Head of Building Control, Ext: 2450

1	Relevant Background Information
1.1	The Committee may recall a briefing session, to which Members of the Town Planning Committee were invited, held on 4 April 2012 to update Members of the Licensing Committee on the work being undertaken to formulate an Amusement Permit Policy for the Council.
1.2	Subsequently, a draft Amusement Permit Policy was put out to public consultation for a 12 week period from 1 October to 21 December 2012.
1.3	We received five responses in total to the consultation, including three responses from statutory bodies; the Police Service of Northern Ireland (PSNI), the Northern Ireland Fire and Rescue Service (NIFRS) and the Planning Policy Division of the Department of Environment along with two responses from the Industry.
1.4	In their response, the Planning Policy Division of the Department of Environment (DOE) officially confirmed that the Amusement Permit Policy can be considered a material consideration in the determination of planning applications.
1.5	As a result of this response the draft Policy was amended to reflect its status as a material planning consideration and to remove references to draft DOE policy which may not be adopted, such as draft PPS 5.
1.6	Being deemed a material consideration we should expect that DOE Planning will attach the appropriate weight to it when assessing applications for planning permission for amusement arcades within Belfast.
1.7	The draft Amusement Permit Policy was approved by the Licensing Committee on 17 April 2013 and ratified by Council on 1 May 2013.
1.8	Aim and scope of Amusement Permit Policy The overall aim of the amusement permit policy is to serve as a guide for Members, council officers, applicants and the wider public on applications for amusement permits in the Belfast City Council area.
1.9	The policy sets five criteria for assessing the suitability of a location for a proposed amusement arcade:

1.10	<ul style="list-style-type: none"> ▪ Impact on retail vitality and viability of Belfast ▪ Cumulative build-up of amusement arcades in a particular location ▪ Impact on the image and profile of Belfast ▪ Proximity to residential use ▪ Proximity to schools, youth centres and residential institutions <p>A copy of the Amusement Permit Policy is included as an appendix to this report.</p>
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2	Key Issues
2.1	The need for this policy was highlighted by the outcomes of previous Court Judgements in respect of amusement permit applications.
2.2	A Court of Appeal decision regarding an application for Ann Street 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. But the judgement equally noted that the Council is entitled to exercise its discretion on the consideration of such matters and may take into account matters such as location, structure, character and impact on neighbours and the surrounding area.
2.3	While the policy is primarily intended to serve as a guide for assessing applications for amusement permits by the Council's Licensing Committee, its interrelationship with planning policy implies that it should also act as guidance for decision-making on 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 from DOE (NI) Planning before applying for an amusement permit from the Council.
2.4	It is therefore important that mechanisms are established to ensure that the Town Planning Committee is aware of the Policy, and that they take it into account in their decision-making for related planning applications for amusement arcades.
2.5	<p>The Committee's agreement is being sought for officers to establish the following mechanisms:</p> <ul style="list-style-type: none"> ▪ Democratic Services to distribute the Planning Consultation lists via email to the Building Control Service, highlighting any planning applications for amusement arcades (this process has commenced informally) ▪ Democratic Services to routinely ask Planning Service to remove any applications for amusement arcades from their Streamlined lists, to provide enough time for the Building Control Service to assess the application against the Amusement Permit Policy and report to the Committee. ▪ The Building Control Service to present a report at future Town Planning Committee meetings when a planning application for an amusement arcade is to be considered. ▪ The Town Planning Committee to include in the response made to Planning Service on any planning application for an amusement arcade reference to the Amusement Permit Policy and whether or not the application complies with the Policy.
2.6	The Building Control Service is currently seeking a further meeting with DOE (NI) Planning to establish a consultation mechanism for assessing planning applications for proposed amusement arcades. It will request that the Building Control Service is notified by DOE (NI) Planning on planning applications for amusement arcades and a protocol is set up to ensure the written response of the Building Control Service is on public record as part of the planning application process. This would have the benefit of alerting the applicant and all other

	interested parties to the views of the Building Control Service at an early stage. Ultimately, it is also hoped that the consultation input by the Building Control Service will influence DOE (NI) to make planning recommendations to the Town Planning Committee which concur with the guidance set out in the Amusement Permit Policy.
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3	Resource Implications
3.1	<u>Financial</u> None.
3.2	<u>Human Resources</u> There will be some additional work for officers in Building Control to assess applications against the Policy and ensure proper liaison takes place with the Town Planning Committee.
3.3	<u>Asset and Other Implications</u> None.

4	Equality and Good Relations Implications
4.1	The relevant equality and good relations implications of the Amusement Permit Policy have been taken into consideration and a completed screening form has been forwarded to the Equality and Diversity Officer.

5	Recommendations
5.1	The Committee is asked to; <ul style="list-style-type: none"> ▪ Note that the Amusement Permit Policy was adopted by Council on 1 May 2013. ▪ Agree to take the Amusement Permit Policy into account when considering planning applications involving amusement arcades, and that decisions are taken having regard to the Policy. ▪ Agree that the mechanisms outlined are set-up to ensure that the Town Planning Committee is given the necessary information about the Policy and the location of any proposed amusement arcade to enable informed decision-making on planning applications; ensuring that decisions are taken having regard to the Policy.

6	Decision Tracking
The person responsible for any actions arising from your meeting is Trevor Martin, Head of Building Control.	

7	Documents Attached
Appendix 1: Amusement Permit Policy	