



Subject:	Application for the Grant of an Amusement Permit – Players, 22-23 Shaftesbury Square
Date:	15th June, 2016
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

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

1.0	Purpose of Report/Summary of Main Issues						
1.1	<p>To consider an application from Ms. Kerry Boyle of KB Shaft Limited, for the grant of an Amusement Permit under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 ('the 1985 Order').</p> <table><thead><tr><th>Premises and Location</th><th>Ref. No.</th><th>Applicant</th></tr></thead><tbody><tr><td>Players Ground Floor 22-23 Shaftesbury Square Belfast BT2 7DB</td><td>WK/20160593</td><td>Ms. Kerry Boyle KB Shaft Limited</td></tr></tbody></table>	Premises and Location	Ref. No.	Applicant	Players Ground Floor 22-23 Shaftesbury Square Belfast BT2 7DB	WK/20160593	Ms. Kerry Boyle KB Shaft Limited
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Players Ground Floor 22-23 Shaftesbury Square Belfast BT2 7DB	WK/20160593	Ms. Kerry Boyle KB Shaft Limited					
1.2	The Director of KB Shaft Limited is Ms. Kerry Boyle.						
1.3	A copy of the application form is attached at Appendix 1.						
1.4	A location map is attached at Appendix 2.						
2.0	Recommendations						
2.1	<p>The 1985 Order states 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,						

	<p>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</p> <p>d) representation, if any, as a result of the public notices of advertisement.</p> <p>2.2 You must refuse the application unless satisfied that:</p> <p>a) the applicant is a fit person to hold an Amusement Permit; and</p> <p>b) the applicant will not allow the business proposed to be carried on under the Amusement Permit to be managed by, or carried on for the benefit of, a person other than the applicant who would himself be refused the grant of an Amusement Permit.</p> <p>2.3 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 <p>2.4 In the case of premises that have machines with the maximum cash prize of £25.00, where admission is restricted to persons aged 18 or over that –</p> <ul style="list-style-type: none"> • no persons under 18 are admitted to the premises; and • at any entrance to, and inside any such premises there are prominently displayed notices indicating that access to the premises is prohibited to persons aged under 18, and in addition <p>3. You may also grant the application subject to discretionary conditions outlined in the 1985 Order relating to the illumination of the premises, advertising of, and window displays on the premises and the display of information notices.</p> <p>2.5 Should you be of a mind to refuse the application for the grant of an Amusement Permit or grant the Permit subject to any discretionary conditions you are required to advise the applicant of your intention to do so. In this case you must afford the applicant the opportunity to make representations at a specified Licensing Committee meeting on the matter before making a final determination of the application.</p> <p>2.6 If, subsequent to hearing the applicant, you refuse the application for the Grant of an Amusement Permit or decide to grant the application subject to discretionary conditions the applicant may appeal that decision to the County Court.</p>
3.0	Main report
	<p><u>Key Issues</u></p> <p>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>3.2 Members may be aware that an arcade has operated at 22 Shaftesbury Square since 1994 under previous ownership, formerly known as Winners, but was recently granted to KB Shaft Limited at your meeting on 19th August 2015.</p>

<p>3.3</p> <p>3.4</p> <p>3.5</p> <p>3.6</p> <p>3.7</p> <p>3.8</p> <p>3.9</p> <p>3.10</p> <p>3.11</p> <p>3.12</p> <p>3.13</p>	<p>As there is no mechanism within the 1985 Order to cater for the extension to an existing premise, as is happening in this case, an application must be made for the grant of an Amusement Permit for the ground floor of 22-23 Shaftesbury Square.</p> <p>The current Amusement Permit for 22 Shaftesbury Square is due to expire on 31st July 2016.</p> <p><u>Applicant</u></p> <p>The applicant has requested to operate the proposed premises under the same hours as the existing Amusement Permit for 22 Shaftesbury Square from 9.00 am to 3.00 am, Monday to Sunday.</p> <p>The permit is for a total of 94 gaming machines, all of which are to pay out a maximum all cash prize of £25.00. In the case of premises which have machines with a maximum cash prize of £25.00 admission is restricted to persons aged 18 or over. This is an increase of 64 machines as the current Amusement Permit is for a total of 30 gaming machines. However, the applicant has confirmed that they are willing to reduce the number of machines, if required.</p> <p>Ms Boyle and/or her representatives will be available to discuss any matters relating to the grant of the permit at your meeting.</p> <p><u>Health, Safety, Welfare and Technical requirements</u></p> <p>Officers from the Service have met with the applicant to discuss the application and status of the premise. The applicant has confirmed that a Building Regulations application will be made to the Service for the building work that will be required to create the new arcade layout.</p> <p><u>Planning matters</u></p> <p>A planning application was made to the Planning Service on the 3rd April 2014 for a change of use of the ground floor of No. 23 to an Amusement Arcade including an extension and frontage alterations to allow for the amalgamation with No. 22 Shaftesbury Square. This was granted on the 5th January 2015.</p> <p>A copy of the planning permission is attached at Appendix 3.</p> <p>The Committee may be aware that in an important Court of Appeal decision in June 1999, it was confirmed that the Council, in determining applications for Amusement Permits, may take into account planning considerations but should be slow to differ from the views of the Planning Authority.</p> <p>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.</p> <p><u>Amusement Permit Policy</u></p> <p>Members will be aware that the Council's Amusement Permit Policy was ratified at Council on 1st May 2013. It outlines those matters which may be taken into account in determining any application and indicates that each application must be assessed on its own merits.</p>
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<p>3.14</p> <p>3.15</p> <p>3.16</p> <p>3.17</p> <p>3.18</p> <p>3.19</p> <p>3.20</p> <p>3.21</p> <p>3.22</p> <p>3.23</p>	<p>The key Policy objectives are to:</p> <ol style="list-style-type: none"> 1. Promote the retail vibrancy and regeneration of Belfast; 2. Enhance the tourism and cultural appeal of Belfast by protecting its image and built heritage; 3. Support and safeguard residential communities in Belfast; 4. Protect children and vulnerable persons from being harmed or exploited by gambling; 5. Respect the need to prevent gambling from being a source of crime and disorder. <p>The Policy consists of two components which are considered below:</p> <p><u>1. Legal requirements under the 1985 Order</u></p> <p>Members must have regard to the legal requirements under the 1985 Order relating to:</p> <p>(a) The character, reputation and financial standing of the applicant:</p> <p>References and additional supporting information for those associated with the application are attached at Appendix 4.</p> <p>(b) The nature of the premises and activity proposed:</p> <p>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> <p>(c) Opinions of the Police:</p> <p>The Police comments have been sought and reference is made in paragraph 3.9 of the report and attached at Appendix 5.</p> <p>(d) Submissions from the general public:</p> <p>No objections have been received as a result of the public notices placed in three local newspapers.</p> <p><u>2. Assessment criteria for suitability of a location</u></p> <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>Before considering each of these criterion it should be noted at the outset that this is a grant application because of a proposed extension to the existing arcade to incorporate the adjacent vacant unit</p> <p>(a) Retail vibrancy and viability of Belfast:</p> <p>The application site at 22-23 Shaftesbury Square is located outside the Retail Core of Belfast City Centre but within the limit of the City Centre, as defined in the Belfast Metropolitan Area Plan 2015 (BMAP). It is bordered on one side by the South Belfast Northern Ireland Supporters Club, and on the other, by a vacant retail unit (formerly Age</p>
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Concern), which forms part of the 'Lesley House' commercial building. Because the premises are not bordered on both sides by a retail unit it cannot be concluded that the application would break up a continuous shopping frontage.

Complies with this criterion.

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

3.24 In addition to the existing Players arcade at No. 22 Shaftesbury Square, which forms part of this application, there is another amusement arcade operator on this commercial frontage, namely Oasis Gaming. It operates from a number of units located at 14 Shaftesbury Square & 1-7 Donegall Road. This amounts to the largest concentration of Amusement Centres found within a commercial block in Belfast.

3.25 In the desire to promote retailing in the City Centre, as per the first key objective of the Amusement Permit Policy, the Council is keen to avoid a clustering of Amusement Centres at a given location. Accordingly, it restricts new openings to one per commercial frontage and one per shopping centre. It also restricts the ground floor extension of an existing establishment into an adjoining unit.

3.26 While the Council recognises that this commercial block currently has a high rate of vacancy (including the application site at No.23) the Council also acknowledges that it is a Gateway location with landmark development potential (see next criterion), an element of which could involve retailing.

3.27 Mindful of the above, therefore, this application to extend an existing Amusement Centre into another shop unit runs counter to the cumulative build-up criterion.

Does not comply with this criterion.

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

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

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

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

Does not comply with this criterion.

(d) Proximity to residential use:

(i) - predominantly residential in character

<p>3.30</p> <p>3.31</p> <p>3.32</p> <p>3.33</p> <p>3.34</p> <p>3.35</p> <p>3.36</p> <p>3.37</p>	<p>The application premises are located at ground floor level at Shaftesbury Square where a mix of commercial uses exists. They are therefore located within a part of the City Centre which is predominantly commercial as opposed to residential in character.</p> <p>(ii) – non-residential property that is immediately adjacent to residential property</p> <p>The residential properties located nearest to the application site are St. George’s Gardens, which are located approximately 20.5m to the rear of the application site and separated from it by Stroud Street. Residential property is not therefore located immediately adjacent to the application premises.</p> <p><i>Complies with this criterion.</i></p> <p>(e) Proximity to schools, youth centres, and residential institutions for vulnerable people:</p> <p>There are no schools, youth centres, or residential institutions for vulnerable people within 200m of the application premises.</p> <p><i>Complies with this criterion.</i></p> <p>A copy of the Council’s Amusement Permit Policy is attached at Appendix 6.</p> <p><u>Conclusion</u></p> <p>The application does not comply with all assessment criteria for the suitability of the location as laid down in Belfast City Council’s Amusement Permit Policy. Planning Service was made aware of this when determining the planning application but it still chose to approve it, citing planning policy and guidance, particularly DCAN 1.</p> <p>The Amusement Permit Policy does permit the Committee to depart from the Policy where it appears appropriate or necessary, although it goes on to state that it is envisaged that would only happen in exceptional circumstances.</p> <p><u>Financial and Resource Implications</u></p> <p>There are no financial or resource implications associated with this report.</p> <p><u>Equality or Good Relations Implications</u></p> <p>There are no equality or good relations issues associated with this report.</p>
<p>4.0</p>	<p>Documents Attached</p> <p>Appendix 1 – Application form</p> <p>Appendix 2 – Location map</p> <p>Appendix 3 – Copy of the planning permission</p> <p>Appendix 4 – References and additional supporting information</p> <p>Appendix 5 – PSNI comments</p> <p>Appendix 6 – Council’s Amusement Permit Policy</p>