



Subject:	Refusal of an Amusement Permit at 22-23 Shaftsbury Square - Update on Appeal
Date:	15th March 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 inform the Committee of the outcome of an appeal by KB Shaft Limited to the Belfast County Court regarding the Council's decision to refuse an application for the grant of an Amusement Permit for Players, 22-23 Shaftsbury Square.

2.0	Recommendation
2.1	The Committee is asked to note the contents of the report.

3.0	Main Report
	<u>Key Issues</u>
3.1	Members will recall that, at your meeting on 21 September 2016, you agreed to refuse the application for the grant of an Amusement Permit, on the grounds that the application failed to comply with two of the five criteria set out within the Council's Amusement Permit Policy in terms of the following: <ol style="list-style-type: none">1. the cumulative build-up of amusement arcades in a particular location, and2. the impact of the arcade upon the image and profile of Belfast.
3.2	A notice of Appeal was subsequently lodged on behalf of KB Shaft Limited on 30th September 2016 with the County Court.
3.3	Members will be aware of the recent judgment on the applications by Oasis Retail Services Limited for leave to apply for judicial review regarding the Council's decision to grant Amusement Permits for the premises at 28 Bradbury Place and 25-41 Botanic Avenue. The outcome of that matter was reported to the Committee at last month's meeting.

<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>The KB Shaft Limited appeal was brought before his Honour Judge Devlin in Belfast County Court on 5th January 2017 for papers to be served by the relevant parties involved. The Judge sought an update on the position in the judicial review proceedings. He also confirmed that it was his preference that the case be adjourned until the outcome of the case was known</p> <p>After consideration of the information Judge Devlin agreed that the case be listed for review on 16th January, 2017.</p> <p>On 25th January, 2017, as a result of the successful outcome of the judicial review applications, the appellant's solicitor, S.C. Connolly & Co. Solicitors, confirmed that their client had agreed to withdraw their appeal and to pay the Council's legal fees.</p> <p>The matter was formally withdrawn from court on 8th February 2017.</p> <p><u>Financial and Resource Implications</u></p> <p>None</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>4.1</p>	<p>None</p>