



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 No

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

<input type="checkbox"/>
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Call-in

Is the decision eligible for Call-in? Yes No

1.0	Purpose of Report/Summary of Main Issues						
1.1	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) <table><tr><td>Premises and Location</td><td>Ref. No.</td><td>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 801">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="272 835 411 869"><u>Applicant</u></p> <p data-bbox="165 896 1469 963">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="165 990 1469 1090">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> <p data-bbox="368 1182 927 1283"> Monday to Friday: 12.00 pm to 11.00 pm Saturday: 10.00 am to midnight Sunday: 10.00 am to 11.00 pm </p> <p data-bbox="165 1312 1469 1379">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 1406 1469 1473">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 1507 991 1541"><u>Health, Safety, Welfare and Technical requirements</u></p> <p data-bbox="165 1568 1469 1635">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 1668 347 1702"><u>PSNI</u></p> <p data-bbox="165 1729 1469 1796">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 1830 363 1863"><u>NIFRS</u></p> <p data-bbox="165 1890 1469 1957">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>