



Subject:	<b>Application for the Provisional Grant of an Amusement Permit for Hollywood Bowl, Odyssey Pavilion, 2 Queens Quay</b>
Date:	13 April 2022
Reporting Officer:	Stephen Hewitt, Building Control Manager (Ext: 2435)
Contact Officer:	Laura Hillis, Principal Building Control Surveyor (Ext: 2469)

<b>Restricted Reports</b>	
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"/>

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

<b>1.0</b>	<b>Purpose of Report or Summary of Main Issues</b>						
1.1	To consider an application for the provisional grant of an Amusement Permit for Hollywood Bowl under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (the Order).  <table><tr><td><b>Premises and Location</b></td><td><b>Ref. No.</b></td><td><b>Applicant</b></td></tr><tr><td>Hollywood Bowl Unit 2, Odyssey Pavilion Queens Quay Belfast, BT3 9QQ</td><td>WK/2020/02373</td><td>Original Bowling Company (NI) Limited 50 Bedford Street Belfast BT2 7FW</td></tr></table>	<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>	Hollywood Bowl Unit 2, Odyssey Pavilion Queens Quay Belfast, BT3 9QQ	WK/2020/02373	Original Bowling Company (NI) Limited 50 Bedford Street Belfast BT2 7FW
<b>Premises and Location</b>	<b>Ref. No.</b>	<b>Applicant</b>					
Hollywood Bowl Unit 2, Odyssey Pavilion Queens Quay Belfast, BT3 9QQ	WK/2020/02373	Original Bowling Company (NI) Limited 50 Bedford Street Belfast BT2 7FW					
1.2	The Directors of Original Bowling Company (NI) Limited are Stephen Burns and Laurence Brian Keen.						

<p>1.3</p> <p>1.4</p> <p>1.5</p>	<p>The Hollywood Bowl will consist of a 20-lane bowling alley, a licensed American-diner style restaurant and bar area and an amusement zone spread over both ground and first floors, with 12 Amusement With Prizes (AWP) gaming machines with a maximum all cash prize of £8.00, and 64 amusement machines and 4 pool tables. As there are no AWP gaming machines with a maximum cash prize of £25.00, admission to the premises is therefore not restricted to persons aged 18 or over.</p> <p>A location map is attached as Appendix 1.</p> <p>Layout plans of the premises is included as Appendix 2.</p>
<p><b>2.0</b></p>	<p><b><u>Recommendations</u></b></p>
<p>2.1</p> <p>2.2</p> <p>2.3</p> <p>2.4</p>	<p>In considering the application for the Grant of an Amusement Permit, the Committee shall have regard to the Order and Belfast City Council's Amusement Permit Policy, as follows:</p> <ul style="list-style-type: none"> <li>a) The fitness of the applicant to hold a Permit having regard to his character, reputation and financial standing, and</li> <li>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,</li> <li>c) In considering the fitness of a body corporate to hold an amusement permit, the Council shall also have regard to the character, reputation and financial standing of the directors of the body corporate and any other persons who have executive control of it and who have a financial interest in it, as if the permit were, or were proposed to be, held by them jointly</li> <li>d) Representation, if any, from the sub-divisional commander of the Police Service of Northern Ireland in whose sub-division the premises are situated, and</li> <li>e) Representation, if any, as a result of the public notices of advertisement.</li> </ul> <p>You are then required to make a decision based on the following options set out under the Order.</p> <p>You must refuse the application unless satisfied that:</p> <ul style="list-style-type: none"> <li>a) The applicant is a fit person to hold an Amusement Permit; and</li> <li>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.</li> </ul> <p>Thereafter:-</p> <ol style="list-style-type: none"> <li>1. You may refuse the application after hearing any representations from third parties, or</li> <li>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</li> </ol>

<p>2.5</p> <p>2.6</p>	<p><b>3.</b> 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.</p> <p>Should you be minded to refuse the application for the Provisional 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 and 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> <p>If, upon hearing the applicant, you refuse the application for the Provisional Grant of an Amusement Permit or decide to grant the application subject to discretionary conditions, the applicant may within 21 days from the date on which notice of the decision is served on him, appeal to the county court.</p>
<p><b>3.0</b></p>	<p><b>Main report</b></p>
<p>3.1</p> <p>3.2</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><b><u>Key Issues</u></b></p> <p>Members are reminded that the Licensing Committee is responsible for determining all applications relating to the grant of Amusement Permits.</p> <p>Members are advised that these premises have held an Amusement Permit since 2002.</p> <p>As there is no mechanism within the Order to enable the transfer of a permit from one company to another, an application must therefore be made for the Grant of an Amusement Permit.</p> <p><b><u>Provisional grant of an Amusement Permit</u></b></p> <p>There is scope within the Order to make application for the provisional grant of an amusement permit in respect of premises which are about to be, or are in the course of being, constructed, extended or altered.</p> <p>If the Council is satisfied that the premises would, if completed in accordance with plans deposited, be such that it would grant the permit, the Council may grant a provisional amusement permit. However, a provisional permit does not authorise the use of gaming machines until the permit is declared final.</p> <p>The Order stipulates that the Council, upon application by the permit holder, must declare the permit final when it is satisfied that the premises have been completed in accordance with the plans deposited with the council.</p> <p>Should Members be of mind to grant the permit provisionally, Committee is requested to consider delegating authority to the Director of Planning and Building Control in consultation with the City Solicitor to issue the permit once all necessary technical requirements relating to health, safety, welfare and amenity have been completed to the satisfaction of the Building Control Service.</p> <p><b><u>Application details</u></b></p> <p>The application is for a total of 12 gaming machines, all of which are to pay out a maximum all cash prize of £8.00. As there are no machines with a maximum cash prize of £25.00 admission is therefore not restricted to persons aged 18 or over.</p>

3.9	<p>The proposed opening hours of the premises, as specified on the application, are:</p> <table border="0" data-bbox="379 255 1318 322"> <tr> <td data-bbox="379 255 647 286">Monday to Saturday</td> <td data-bbox="708 255 1318 286">9.00 am to 1.00 am the following morning and,</td> </tr> <tr> <td data-bbox="379 288 480 320">Sunday</td> <td data-bbox="708 288 1011 320">9.00 am to 12 midnight</td> </tr> </table>	Monday to Saturday	9.00 am to 1.00 am the following morning and,	Sunday	9.00 am to 12 midnight
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Sunday	9.00 am to 12 midnight				
3.10	<p>The premises are located in the Odyssey Pavilion which consists of retail units, a multi-screen cinema, W5, bars and restaurants.</p>				
	<p><b><u>Representations</u></b></p>				
3.11	<p>Public notice of the application has been placed and no written representation has been received.</p>				
	<p><b><u>PSNI</u></b></p>				
3.12	<p>The Police Service of Northern Ireland has been consulted and confirmed that they have no objections to the application. A copy of the correspondence is attached as Appendix 3.</p>				
	<p><b><u>NIFRS</u></b></p>				
3.13	<p>The Northern Ireland Fire and Rescue Service has been consulted and confirmed that they have no objections to the application.</p>				
	<p><b><u>Health, Safety, Welfare and Technical requirements</u></b></p>				
3.14	<p>A Building Regulations application has been submitted to the Service for alterations to the premises. Members should note that, if you are minded to provisionally grant the application, it will not be declared final until all works are complete and comply with the Building Regulations.</p>				
	<p><b><u>Applicant</u></b></p>				
3.15	<p>A representative from the Original Bowling Company (NI) Limited will be available to discuss any matters relating to the grant of the permit at your meeting.</p>				
	<p><b><u>Planning matters</u></b></p>				
3.16	<p>As the premises have been open since 2002, they would have established use rights to operate as an amusement arcade under Planning Legislation. Planning permission was granted on the 3 April 2003.</p>				
3.17	<p>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>				
3.18	<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>				
3.19	<p>A copy of the planning permission is attached as Appendix 4.</p>				

## **Amusement Permit Policy**

- 3.20 The Belfast City Council Amusement Permit Policy, ratified at Council on 1 May 2013, outlines those matters which may be taken into account in determining any amusement permit application and indicates that each application must be assessed on its own merits.
- 3.21 All applications for the grant of an amusement permit are assessed against the Amusement Permit Policy.
- 3.22 The key objectives of this policy 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.
- 3.23 The Policy consists of two components which are considered below:
1. Legal requirements under the 1985 Order
- 3.24 Members must have regard to the legal requirements under the 1985 Order relating to:
- (a) The character, reputation and financial standing of the applicant:
- 3.25 References and additional supporting information for those associated with the application are attached as Appendix 6 to the report for consideration.
- (b) The nature of the premises and activity proposed:
- 3.26 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 facade integrates with adjacent frontages.
- (c) Opinions of the Police:
- 3.27 The Police comments have been sought and reference is made in paragraph 3.8 of the report and is attached as Appendix 3.
- (d) Submissions from the general public:
- 3.28 No objections have been received as a result of the public notices placed in the three local newspapers.
2. Assessment criteria for suitability of a location
- 3.29 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.

	<u>Evaluation of the application site against criteria outlined in the Amusement Permit Policy</u>
3.30	The premises, the Hollywood Bowl, are situated within the Odyssey Pavilion, which is an established mixed use entertainment complex connected to the SSE Arena.
3.31	The Odyssey Pavilion is located within the development limit of Belfast as designated in the Belfast Urban Area Plan 2001 and the succeeding draft Belfast Metropolitan Area Plan 2015 (dBMAP). Under dBMAP it is also located within the City Centre boundary but outside the Retail Core.
3.32	This application seeks to have 12 AWP gaming machines, an increase from 8 provided previously, as well as providing 64 non-gaming amusement machines.
3.33	The Hollywood Bowl has an internal frontage located within the atrium of the Odyssey Pavilion, alongside bars, restaurants, etc. It does not form part of a continuous retail frontage.
3.34	The Amusement Permit Policy seeks to avoid the cumulative build up or clustering of amusement arcades in a particular location in the interest of promoting the retail vibrancy and regeneration of Belfast. With this in mind, these are the only premises with an amusement permit within the Odyssey SSE Arena complex.
3.35	The nearest amusement arcades to it are located approximately one 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. Therefore, it is not considered that this application will contribute to the cumulative build-up of amusement arcades at a given location.
3.36	The Odyssey is not a historic or listed building, nor is it located at one of the 11 Gateway locations identified in draft BMAP. 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 an amusement arcade has been operating from this complex for almost 20 years. Furthermore, no one has chosen to object to this permit application for a change of ownership.
3.37	The Odyssey is within the Lagside Waterfront/Titanic mixed-use area, with the nearest residential use being the apartment buildings in the adjoining Titanic Quarter. The area is not, therefore, predominantly residential in character, and there is no residential use immediately adjacent to the Hollywood Bowl premises.
3.38	There are no schools, youth centres, or residential institutions for vulnerable people within proximity of the application premises.
	<u>Conclusion</u>
3.38	Viewed in the context of the above, the location of the permit application is not considered to be contrary to the objectives and criteria of the Amusement Permit Policy.
3.39	A copy of the Council's Amusement Permit Policy is attached for your information and reference as Appendix 6.
	<b><u>Financial and Resource Implications</u></b>
4.1	Administration of Amusement Permit applications is included in current budgetary estimates.

	<b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b>
5.1	None.
<b>6.0</b>	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"><li>• Appendix 1 – Location Map</li><li>• Appendix 2 – Layout plan of the premises</li><li>• Appendix 3 – PSNI Correspondence</li><li>• Appendix 4 - Copy of the Planning Permission</li><li>• Appendix 5 – References and additional supporting information</li><li>• Appendix 6 – Belfast City Council’s Amusement Permit Policy</li></ul>