

## **Licensing Committee**

Wednesday, 18th June, 2025

### **MEETING OF THE LICENSING COMMITTEE**

Members present: Councillor Doran (Chairperson);  
The High Sheriff (Councillor McAteer);  
Alderman McCullough and Rodgers, and  
Councillors Abernethy, Anglin, Bradley,  
T. Brooks, Bunting, Carson, M. Donnelly,  
P. Donnelly, D. Douglas, McCann, McDowell,  
McKay, McKeown and Smyth.

In attendance: Ms. K. Bentley, Director of Planning and Building Control;  
Mr. K. Bloomfield, NIHMO Manager;  
Mr. K. McDonnell, Solicitor (Regulatory and Planning); and  
Mrs. L. McLornan, Committee Services Officer.

### **Apologies**

An apology for inability to attend was reported from Councillor Whyte.

### **Minutes**

The minutes of the meeting of 21st May were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 2nd June.

### **Declarations of Interest**

No declarations of interest were recorded.

### **Delegated Matters**

### **THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE OF THE POWERS DELEGATED TO IT UNDER STANDING ORDER 37(d)**

#### **Licences Issued Under Delegated Authority**

The Committee noted a list of applications for licences which had, since its last meeting, been approved under the Council's Scheme of Delegation.

#### **Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority**

The Committee noted a list of applications which had been approved under the Council's Scheme of Delegation during May, 2025.

**Application for the Provisional Grant of an Amusement Permit for Players Amusements, Shaftesbury Square**

The Director of Planning and Building Control presented the details of the application to the Committee.

She outlined that an existing amusement arcade, Players, on the ground floor of 22 Shaftesbury Square, had been operated by the applicant company since 2018. The amusement permit for it was renewed on 1st June, 2025.

The applicant company now wished to extend the existing amusement arcade into the rear ground floor of the neighbouring unit at 23 Shaftesbury Square, which had been vacant for some years, but had recently been provided with a shop frontage sign for 'Great Expectations, Regenerating Great Victoria Street'.

As there was no mechanism within the Order to allow for a variation of an existing Amusement Permit to cater for the extension of an existing premises, an application had to be made for the Grant or Provisional Grant of an Amusement Permit for the proposed extended amusement arcade.

The Members were advised that the applicant had requested to operate the proposed premises 7 days per week, Monday to Sunday, 00:00 to 24:00hrs. The applicant had confirmed that the requested hours were those that the current premises operated. The application was for a total of 69 gaming machines, giving an increase of 15 machines over the existing arcade; all of which were to pay out a maximum all cash prize of £500 in accordance with the Gaming (Variation of Monetary Limits) Order (NI) 2025 which came into force on 29th January, 2025. Admission to the arcade was restricted to persons aged 18 or over.

In regards to health and safety, officers from the Service had met with the applicant to discuss the application and status of the premises. The applicant had confirmed that a Building Regulations application would be made to the Service for building work that would be required to create the new arcade layout. The Northern Ireland Fire and Rescue Service had been consulted and it had confirmed that it had no objections to the application.

The PSNI had been consulted and had confirmed that it had no objections to the application. No objections had been received as a result of the public notices placed in the three local newspapers.

The Director outlined that planning permission for a change of use of the ground floor of 23 Shaftesbury Square, to an amusement arcade, was granted on 20th April, 2023.

The Amusement Permit application involved the extension of the existing amusement arcade into the rear half of the adjoining property, with the front portion being retained as a retail unit.

The proposal therefore constituted a partial implementation of the related planning permission which allowed for the entire unit to be converted into an amusement arcade, which the Planning Service had confirmed was lawful from a planning perspective.

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. The Court had also confirmed that the Council could take into account matters such as location, structure, character and impact on neighbours and the surrounding area.

The Committee was advised that, in considering the application for the Provisional Grant or Grant of an Amusement Permit, it should have regard to the Order and to the Council's Amusement Permit Policy, as follows:

- a) The fitness of the applicant to hold a Permit having regard to her character, reputation and financial standing, and
- 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) 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
- 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
- e) Representation, if any, as a result of the public notices of advertisement.

The Director also highlighted that the Council's Amusement Permit Policy had been ratified on 1st May, 2013. The policy outlined those matters which may be taken into account in determining any amusement permit application and indicated that each application must be assessed on its own merits.

All applications for the grant of an amusement permit were assessed against the Amusement Permit Policy. The key objectives of the policy were 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.

The Committee was advised that there were five criteria set out in the Policy which should typically be considered when assessing the suitability of a location for an amusement arcade.

- a) Impact on the retail and viability of Belfast City
- b) Cumulative build-up of amusement arcades in a particular location
- c) Impact on the image and profile of Belfast
- d) Proximity to residential use; and
- e) Proximity to schools, youth centres, and residential institutions for vulnerable people.

In considering criterion b, the cumulative build-up of amusement arcades in a particular location, in addition to the existing arcade at no. 22 Shaftesbury Square, which the application sought to extend, there was another property on the commercial frontage assigned to amusement arcade use, Oasis at 14 Shaftesbury Square and 1-7 Donegall Road. Furthermore, there were two other amusement arcades operating nearby within approximately 200m walking distance of the application premises, namely, Onassis Amusements, Second floor, 25-41 Botanic Avenue, and Playland, 24-28 Bradbury Place.

The Director explained that, in the desire to promote retailing and regeneration in the City Centre, as per the first key objective of the Amusement Permit Policy, the Council was keen to avoid a clustering of Amusement Centres at any given location. One means by which to avoid clustering was a permit policy restriction on ground floor extensions/mergers of existing establishments into adjoining units.

The application sought a permit for the rear half of the adjoining property and proposed to retain the front half as a retail unit. While that technically constituted a partial merger, and therefore contrary to that aspect of the permit policy, consideration must be given to the fact that the extension of the amusement arcade would not affect the street frontage. In so doing, it would contribute to the maintenance of an active street frontage at ground floor level on that part of Shaftesbury Square.

However, the Committee was advised that it might wish to consider that there might be an issue in relation to the cumulative build-up of arcades and an increase in the number of gaming machines at the location which might impact upon the character and amenity of the area.

The Director reminded the Committee that it had refused an application, from a different applicant, to extend the amusement permit for the premises at 22 Shaftesbury Square into the adjoining vacant building at its meeting on 21st September, 2016. She explained that it was refused on the basis that the application failed to comply with two of the five criteria set out within the Council's Amusement Permit Policy in terms of criteria (b) the cumulative build-up of amusement arcades in a particular location and (c) the impact of the arcade upon the image and profile of Belfast.

However, the current application was different in that it was proposed to extend only to the rear of the adjoining unit for use as an amusement arcade. Accordingly, it might be considered to comply with all the permit policy criteria with the possible exception of the cumulative build-up of amusement arcades in a particular location. The Committee might wish to consider whether there was an issue in relation to the

cumulative build-up of arcades and increase in the number of gaming machines at the location, which might impact upon the character and amenity of the area.

The Committee was reminded that the Council could not impose a restriction on the number of gaming machines under amusement permit legislation.

The Committee was reminded also that, on 19th October, 2022, it had approved the Provisional Grant of an Amusement Permit for the nearby Playland, 24-28 Bradbury Place, for the extension of the existing ground floor amusement arcade into the front of the premises to incorporate what was a small coffee shop area.

The Director informed the Committee that, should it be minded to refuse the application for the Provisional Grant of an Amusement Permit, it was required to advise the applicant of its intention to do so and that it 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.

She explained that, should the Committee be minded to grant the permit provisionally, it was requested to consider delegating authority to her, in consultation with the City Solicitor to issue the permit once all necessary technical requirements relating to health, safety, welfare and amenity were completed to the satisfaction of the Building Control Service.

The Chairperson welcomed Mr. R. Daly, Barrister for the applicant, Mr. S. Nicholson, Architect, and Ms. L. McGivern, Applicant, to the meeting.

Mr. Daly advised the Committee that the application was for a small rear extension to the existing premises, expanding into what was essentially derelict property, only increasing the number of gaming machines by 15 (from 49 to 64). He stated that there would be no change to the street frontage and that the application sought to improve the space and access routes, improve already complaint fire safety, health and safety, LED lighting and modernise the premises in line with modern industry standards. He stated that there was precedent in that the Committee had previously approved a similar rear extension application that went next door for an Oasis gaming centre in Wellington Place and an approval for extension taking in a coffee shop to front of Playland in Bradbury Place.

In response to a Member's question regarding the proposed new layout, Mr. Nicholson confirmed that, as part of the extension plans, the current access to the rear yard for the retained shop unit would be lost.

In response to a further query regarding the plans, officers confirmed that it was not a requirement under an amusement permit that the office within an amusement centre must have to have sight of all the gaming machines within the premises.

A further Member asked what protections were in place for those who were using the amusement arcade, including if they were prohibited from continuing and what services, if any, they were directed to if they required assistance with gambling addiction. Mr. Daly stated that the applicant took gambling addiction very seriously and that staff were trained and provided leaflets and website information to any such customers. Ms. McGivern, applicant, added that she was very conscious of responsible gambling and that they displayed posters within the premises clearly signposting people towards the gambling charity, GamCare. She added that they offered a self-exclusion policy, whereby a customer could request to be excluded from gambling at the business for a set length of time.

In response to a Member's question as to how many gaming shops were deemed to be too many in one location, the Director explained that that was a question for the Committee to consider, and that the proposed additional gaming machines represented a 4% increase on the total number within the amusement arcades in the vicinity shown on the map within the Committee pack.

A Member stated that he was concerned that there was a proliferation of amusement arcades within the area.

Moved by Councillor Smyth,  
Seconded by Alderman McCullough,

That the Committee agrees that it is minded to refuse the application for the Provisional Grant of an Amusement Permit, on the grounds of cumulative build-up of amusement arcades and increase in the number of gaming machines in a particular location, impacting on the character and amenity of the area.

On a vote, nine Members voted for the proposal and nine against. As there was an equality of votes, the Chairperson exercised his second and casting vote for the proposal and it was accordingly declared carried.

Therefore, the applicant would be afforded the opportunity to make representations on the matter, at a specified Licensing Committee meeting, before the Committee would make its final determination on the application.

**Application to provide outdoor musical entertainment beyond 11.00 pm at Falls Park - Féile an Phobail 2025**

The Committee was advised that the Falls Park had a 7-Day Annual Outdoor Entertainments Licence and a 7-Day Annual Indoor Entertainments Licence for a Marquee and both had been used to hold events in the past, primarily for Féile an Phobail. The Licences were held by the City and Neighbourhood Services Department and were transferred to the organisers for the duration of their event. The days and standard hours during which entertainment may be provided were Monday to Sunday, from 11.30 am to 11.00 pm.

In addition, the following Special Conditions were attached to both the Marquee and Outdoor Entertainments Licences:

- Maximum numbers to be agreed at the discretion of the Building Control Service and will vary depending upon individual concert set up proposals;
- Prior to any event taking place the promoters were required to demonstrate evidence of early consultation and have in place a robust system of dealing with any complaints, to be agreed in advance with the Council.
- Any requests to provide entertainment later than 11.00 pm must be considered by the Licensing Committee and therefore must be made at least 3 months in advance of the proposed event.
- Should an application to provide entertainment beyond 11.00 pm be granted and the Council then receive a significant number of complaints regarding noise or the complaint is of such significant impact, authority is granted to the Director of Planning and Building Control, in consultation with the City Solicitor, to reduce the finishing time for any subsequent nights of the event, in which case the promoter would be required to make contingency arrangements.

The Director highlighted that, as it was a request for the Council's permission to extend the hours under an existing Licence Condition, there was no requirement for public advertisement.

The event organiser had indicated that outdoor music events were scheduled for two sets of three consecutive nights, Friday 1st, Saturday 2nd and Sunday 3rd August, and on Friday 8th, Saturday 9th and Sunday 10th August, 2025. The request was to provide entertainment beyond 11.00 pm on those six nights.

The Members were advised that the event had been running for over 30 years as a community festival and in recent years organisers had consolidated the music events hosted at Falls Park to six nights. The decision had been motivated by a desire to limit disruption to the community in close proximity to the Falls Park.

The Members were reminded that, in 2024, the Committee had agreed to grant the organisers permission to operate on seven nights of the event beyond the standard hours of 11.00 pm, to 1.00 am, and on all those nights, entertainment did continue beyond 11pm.

The Director outlined that the PSNI had been contacted by the Service in relation to the event, however, a response had not yet been received. She explained that, should the Committee be minded approve the extended hours requested, it should be subject to a satisfactory response from the PSNI on the matter.

The Members were advised that officers had engaged with the event organisers and colleagues in City and Neighbourhood Services in relation to the festival and would participate in the multi-agency meeting to be held in advance of the event with the event

organisers. An Event Management Plan had been received and was being evaluated by the Council.

It was reported that Council officers had carried out during performance inspections at previous events organised by Féile an Phobail and had found that the organisers had adhered to the health, safety and welfare management requirements during that time.

In 2024, 76 noise complaints were received over the period of the festival, a reduction from the approximately 120 noise complaints which had been received in 2023.

The complaints received in 2024 were brought to the attention of the event organisers. No formal action was undertaken in respect of the noise complaints received.

The Director reported that the cumulative impact of disturbance resulting from musical entertainment and congregation of large numbers of patrons attending the park had the potential to give rise to community annoyance.

The Committee was advised that the event organisers would again be required to engage with an acoustic consultant and requested to document a noise mitigation strategy for each night of entertainment. The purpose of the strategy would be to demonstrate that noise from the event would not cause unreasonable disturbance to commercial and residential premises.

The Director outlined that the noise mitigation strategy would be discussed at the pre-event multi-agency meeting. Last year, the Committee had requested that a sound consultant would be present on the nights of entertainment to carry out sound testing, and it was suggested that that would be a beneficial mitigation this year.

It was reported that the organisers would also be required to produce a suitable residents pre-notification letter containing a nominated event organiser contact that residents could refer concerns or make complaints to. The extent of the letter's distribution, which would take place prior to the event, would be agreed with the event organiser by the Service in consultation with Environmental Protection Unit officers.

The event organisers were reminded of the standard licence condition that receipt of significant complaints could lead to further late nights being curtailed. However, it could be impracticable during the festival to curtail further nights at short notice, and as complaints were not all received on the nights that were the subject of the complaint a full picture did not emerge until all complaints were collated, by which time the events could be concluded.

The Chairperson welcomed Mr. K. Gamble, CEO of Féile an Phobail, to the meeting. He outlined that he had met with the PSNI the previous week and had provided them with the full event plan. He explained that the festival organisers worked closely alongside a number of Council Departments, including City and Neighbourhoods, Licensing, Building Control and Community Safety officers. He outlined that from mid-July they engaged with those residents who lived in close proximity to the event site. The Members were also advised that all of the Féile an Phobail organising committees involved people who lived in the local area. He stated that there had been a significant reduction in noise complaints from the previous year and that he would welcome a noise consultant on-site again this year.



In response to a Member's question around ensuring that the events were welcoming to those from across the City, Mr. Gamble stated that they engaged widely with elected representatives and community organisations throughout the City. He stated that there had not been any complaints of a sectarian nature made to Féile an Phobail, nor any of the statutory agencies, and that the PSNI were present at all events.

In response to a further Member's query regarding late night noise on Sunday nights, Mr. Gamble stated that previously he had agreed with the Council that, after 11pm, the noise levels would be reduced.

Moved by Councillor M. Donnelly,  
Seconded by Councillor Carson and

Resolved – That the Committee agrees that events should be permitted to take place beyond the standard hours of licence, to 1.00 am the following morning, on the following six dates in August, 2025:

- Friday 1st, Saturday 2nd, Sunday 3rd;
- Friday 8th, Saturday 9th and Sunday 10th.

The Committee further agreed that a sound consultant would have a site presence on the nights of entertainment to carry out sound testing.

**Application for the Grant of a 14-Day Occasional  
Outdoor Entertainments Licence for 352-358  
Shankill Road**

The Director provided the details of the application to the Committee. The applicant had applied to provide entertainment in the form of live music, within an outdoor area. The site was adjacent to the former 1st Shankill NI Supporters Club, part of which had been demolished, creating additional outside space. Planning permission had recently been granted for the refurbishment of the remaining building and a two-storey side and rear extension to provide an upgraded bar, function room and restaurant (LA04/2022/1450/F). Therefore, it was envisaged that use of the site for outdoor entertainment would be for a limited timeframe.

The Committee was advised that the applicant intended to provide local, all age/family one day events, probably on a Saturday, running from approximately 13:00 – 23:00. The day and hours proposed to allow entertainment to be provided were the standard outdoor entertainment hours of:

- Monday to Sunday: 12:00 pm to 11.00pm

Public notice of the application had been placed in the newspaper and no written representations were lodged as a result of the advertisement.

The PSNI had been consulted and had confirmed that it had no objection to the application.

The NIFRS had been consulted but had not yet submitted a response. The Director confirmed that, if the Committee did approve the application, it would be subject to a satisfactory response from the NIFRS.

The Committee was advised that the proposed event space had been assessed and inspected by the Service and that it was considered suitable for the event type proposed. An Event Management Plan for the proposed events had been requested and would be evaluated by officers.

The applicant had provided the Service with a noise impact assessment report from an acoustic consultant for the outdoor area which had been evaluated by the Environmental Protection Unit (EPU). As a result, there was a requirement that the applicant would provide advanced notification to residents in the vicinity of the site when entertainment was to be provided. Such neighbourhood notification was a usual requirement for outdoor music events. A Neighbourhood Notification letter had been developed by the applicant and agreement had been reached on the properties to receive the notification.

The Chairperson welcomed the applicant, Mr. W. McAdam and his representative Mr. J. McGuigan, to the meeting. Together they outlined that they had engaged with the PSNI, NIFRS and local representatives about the use of the outdoor site, initially to remove some of the crowds from the street on the days of band parades. However, they explained that they had also spoken with some charities and bands about using the space and that they wanted it to be used for family and all-age events. They highlighted that they wanted the space to be used by R-CITY, a cross-community initiative working with teenagers living in the Ardoyne, Shankill and Clonard areas.

A number of Members stated that it was good to see some initiative having been shown by the owners, in terms of animating that part of the city.

Moved by Alderman McCullough,  
Seconded by Councillor McDowell and

Resolved- that the Committee approves the application for the grant of a 14-Day Occasional Outdoor Entertainments Licence, with the standard hours of Monday to Sunday: 12:00 pm to 11.00pm.

### **Non-Delegated Matters**

#### **Restricted Item**

The information associated with the following item was restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

Resolved – That the Committee agrees to exclude the members of the press and public from the meeting during discussion of the following item as, due to the nature of the item, there would be a disclosure of exempt

information as described in Section 42(4) and Schedule 6 of the Local Government Act (Northern Ireland) 2014.

Members were also reminded that the content of 'restricted' reports and any discussion which took place during closed session must be treated as 'confidential information' and that no such information should be disclosed to the public as per Paragraph 4.15 of the Code of Conduct.

**Update on the Houses in Multiple Occupation**  
**(HMO) Register- Verbal update**

The Committee noted an update in respect of the Houses in Multiple Occupation (HMO) Register.

The Committee agreed to invite the Mears Group to attend a future meeting.

Chairperson