



Draft Revised Amusement Permit Policy

For consultation



Belfast
City Council

Introduction

To operate an amusement arcade a person must apply to Belfast City Council ('the Council') for an amusement permit. The Council is directly empowered to grant or refuse amusement permits in Belfast under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 as amended, ('the 1985 Order').

This means that the Council issue amusement permits to premises, typically described as amusement arcades, which have 'amusement with prizes machines'. These types of machines are normally known as gaming machines.

Except in the case of renewing amusement permits, applicants are normally required to provide proof of planning approval for an amusement arcade before applying for an amusement permit.

What are gaming machines and amusement arcades?

A gaming machine (or amusement with prizes machine^{*1}) is any machine which is used for playing a game of chance, by the insertion of money into it. There are lower prize gaming machines and higher prize gaming machines. Use of the higher prize gaming machines is restricted to adults only (i.e., persons aged 18 or over). In Belfast, admittance to amusement arcades is usually restricted to adults because many premises only operate higher prize machines.

An amusement arcade are premises which are being used wholly or mainly for amusement by gaming machines. The Council will normally deem this to be the case when there is at least one more gaming machine than the total number of all other types of machines or otherwise when it can be reasonably appraised that a substantial proportion of the business relates to the provision of gaming machines.

Registered Clubs, bookmaking offices, commercial bingo clubs, public houses and licensed hotels are not required to have an amusement permit for gaming machines, though other aspects of gambling legislation in Northern Ireland may apply to the use of gaming machines in these establishments.

^{*1} A gaming machine is defined in Article 2 of the Betting, Gaming, Lotteries and Amusements (NI) 1985 Order (as amended) as a machine constructed or adapted for playing a game of chance by means of it; and having a slot or other aperture for the insertion of cash or tokens.

An "amusement with prizes" machine means a gaming machine played for small prizes with statutory limits for prize and stake per game applying. Amusement with prizes machines may be used in amusement arcades and similar premises which have been granted an amusement permit.

For more information in relation to gambling legislation and gaming machines visit the Department for Communities web-site [Betting, gaming, lotteries and amusements | Department for Communities](#)

Aim and scope of policy – why does the Council need an amusement permit policy?

The overall aim of the amusement permit policy is to serve as a guide for Elected Members, Council officers, applicants and the wider public on applications for amusement permits in the Belfast City Council area. By outlining those matters which may be taken into account in determining an application for an amusement permit this policy is intended to introduce greater clarity, transparency and consistency to the decision-making process.

The need for this policy was highlighted by previous Court decisions on amusement permit applications. These demonstrated the need for the Council to make its position clear on the issues to be considered when deciding to grant or refuse an amusement permit application under the 1985 Order. Some of these issues, such as location, character and impact on neighbours/surrounding area often overlap with planning considerations.

This policy has subsequently been updated since its first iteration in May 2013, firstly, to take account of local government and planning reform, which resulted in statutory planning functions transferring to local councils, and secondly, to afford due regard to recent judicial decisions in Northern Ireland. It will continue to be periodically reviewed so that it can remain abreast of the dynamics of the gambling industry and any changes in legislation.

There are two separate requirements any operator will need to obtain in order to operate an amusement arcade; planning permission which deals with acceptability of proposals in terms of land use, and an amusement permit which looks at wider issues. This policy is intended to serve as a guide for assessing applications for amusement permits by the Council's Licensing Service and Licensing Committee. This amusement permit policy is not planning policy, but as Council policy it will be a material consideration in determining planning applications. The weight that will be attached to it in each decision will be a matter for the decision maker. The Licensing Service is consulted on all planning applications for amusement arcades and will provide a response based on an assessment against this policy rather than land use planning issues.

It is framed to be broadly consistent with planning guidance on amusement arcades, namely, Belfast City Council Supplementary Planning guidance on Sensitive Uses (May 2023). It is tailored to take account of local considerations specific to Belfast, including the location of existing amusement arcades in the City.

While this policy is primarily intended to serve as a guide for assessing applications for amusement permits by the Council's Licensing Service and Licensing Committee, the policy should also be consulted by the Council's Planning Service when determining corresponding applications for planning permission. This is because applicants are usually required (except in the case of renewing amusement permits) to first obtain planning permission for the proposed amusement arcade before applying for an amusement permit.

As the Council is responsible for determining both amusement permits and planning applications, the Licensing Committee within the Council should be slow to differ from the views of the Planning Committee, but when making its own decision, it is entitled to do so and is not bound to accept in its entirety the decision of the Planning Committee.

Although this policy strives to introduce greater certainty into decision-making on amusement permit applications, its contents do not prejudice the statutory power of the

Council, under Article 111 of the 1985 Order, to consider any ground it deems reasonable to refuse to grant an amusement permit. The Council may therefore take into account a change in circumstances that could influence the Amusement Permit Policy and its assessment criteria.

This policy outlines five criteria that the Licensing Committee will typically consider when assessing the suitability of a location for a proposed amusement arcade. Notwithstanding these criteria, the Council will take into account any matter which it deems relevant to the determination of a permit application. The Council may also depart from the policy where it appears appropriate or necessary to do so, although it is envisaged that this will only happen in exceptional circumstances.

In exercising its duties and responsibilities under this policy, the Council has been, and will continue to be, mindful of its obligations under the Human Rights Act 1998. The Council will endeavour to ensure that all action taken on foot of this policy is lawful, reasonable and proportionate.

Objectives of the Policy

The key objectives of this policy are linked to the vision set out for the City through its Community Plan, 'The Belfast Agenda'. These objectives are also articulated in the Council's Corporate Plan; particularly with regards to making Belfast a compassionate city and a great place to live and work for everyone.

Against this background and in light of the research carried out, the interrelated key objectives of the Amusement Permit 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; and
5. respect the need to prevent gambling from being a source of crime and disorder.

Assessing amusement permit applications

To meet these policy objectives when determining amusement permit applications, the Council will assess each application on its own merits and will:

1. have regard to the requirements set out in the 1985 Order; and
2. assess the suitability of the location for a proposed amusement arcade, which will typically be based on a number of assessment criteria set out in this policy. These reflect, inter alia, the key objectives of the policy and all research findings, including comparative analysis with Great Britain (GB) and the Republic of Ireland (ROI).

The Council will consider both of these components when deciding on new amusement permit applications. However, when determining an application for renewal of an amusement permit for an existing establishment at the same location, the primary focus

will be on the requirements set out in point 1 with point 2 only being considered in very exceptional circumstances.

Also, prior to granting or renewing any amusement permit, the Council will have regard to comments received from any relevant statutory agency in relation to fire or other safety matters.

It should be noted that there are no provisions in the 1985 Order to transfer or vary a permit and therefore a new application for a permit has to be made to the Council in these circumstances.

Legal requirements under the 1985 Order

In accordance with the 1985 Order, the Council will have regard to the following statutory requirements:

- 1. The character, reputation and financial standing of the applicant;**
- 2. The nature of the premises and activity proposed;**
- 3. Opinion of the Police; and**
- 4. Representations from the general public.**

Each of these requirements is outlined below.

1. The character, reputation and financial standing of the applicant

In considering the fitness of an applicant to hold an amusement permit, the Council will take into account:

- *the character and reputation of the applicant, as corroborated by references from impartial and reliable sources, including the Police; and*
- *the financial standing of the applicant, as verified by independent credit check organisations and financial references.*

Justification and clarification

Taking on board the prevailing statutory desire by government to make gambling fair and crime-free, this policy aims to ensure that players are protected from illegal or unscrupulous operators.

Under the 1985 Order, the Council is obliged to consider the fitness of a person who is, or proposes to be, the occupier of the premises. Accordingly, the Council will consider the character, reputation and financial standing of the applicant and any person appointed to manage the business, or for whose benefit the business is carried on. The applicant can be an individual, a company or a partnership. In the case of the latter two, the fitness of the corporate organisation is relevant, together with the character of the directors and people with executive control.

As well as taking into account the considered views of the Police (refer to No.3 below), the Council will require the reputation of the applicant to be endorsed by references*² from sources such as bank managers, accountants and elected representatives. In order to testify to their financial standing, applicants will be asked to provide a credit report from an independent credit rating agency, together with financial references*². For companies a company credit report must also be provided.

*² See our guidance for applicants for information on the references required.

2. The nature of the premises proposed

The Council will aim to ensure that the nature of the premises proposed is appropriate for the location in question. This will involve careful consideration of the following matters: how premises are illuminated; the form of advertising and window display; and how notices are displayed on the premises.

Guidance in respect of these considerations can be found in Appendix A of this policy.

Justification and clarification

As far as amusement arcades and gaming machines are concerned, legislation exists to regulate rather than promote this form of gambling. Accordingly, in terms of the nature of the premises, the Council is keen to ensure that underage persons will not be admitted to establishments that restrict entry to people aged 18 and over and that their shopfronts do not openly encourage gambling.

3. Opinion of the Police

The Council will attach significant weight to the opinion of the Police when assessing an application, in respect of its views on the character and reputation of the applicant, as well as the location of the premises.

Justification and clarification

Under the 1985 Order, the Council must consult with the Police on amusement permit applications. It is important to ascertain the views of the Police not only in relation to the character of the applicant but also the suitability of the area for an amusement arcade. For example, it may be relevant to the assessment of the application if the Police indicates that the vicinity of the proposed amusement centre is associated with abnormal levels of antisocial behaviour or has been the subject of police intervention in the past.

4. Representations from the general public

The Council will take into account representations received from the general public when determining an amusement permit application, particularly those from persons or representatives of persons in neighbouring properties.

Justification and clarification

Within seven days of making an application for the grant of an amusement permit the applicant must place amusement permit advertisements in three out of four newspapers named by the Council. This public advertisement allows representations to be made by any person. All applications for the grant of an amusement permit are referred to the Council's Licensing Committee. It will take into account all relevant representations, whether they are made in opposition to an amusement permit, in support of a permit, or submitted as observations only.

Bearing in mind the key objectives of this policy, particularly those relating to support for retailing and residential communities, the Council will carefully consider representations received from neighbouring properties, whether they are made by residents, businesses or any other interested party.

Belfast City Council's criteria for assessing the suitability of a location

The Council will objectively assess each application on its own merits.

Five criteria will normally be considered when assessing the suitability of a location for a proposed amusement arcade:

- 1. Impact on the retail vitality of Belfast City;**
- 2. Cumulative build-up of amusement arcades in a particular location;**
- 3. Impact on the image and profile of Belfast;**
- 4. Proximity to residential use; and**
- 5. Proximity to schools, youth centres and residential institutions for vulnerable people.**

Clarification:

Before we look at these in detail, an important clarification on the application of these assessment criteria must be made.

While it is acknowledged that the existing use of the proposed premises will be a material consideration in the assessment of an amusement permit application, the Council's Licensing Committee does not accord substantial weight to the fact that the property (unless it was previously an amusement arcade) is vacant or used for non-shopping purposes such as a fast-food outlet or a licensed business. In other words, while every application will be carefully considered, the Council will not allow the non-shopping use of a property or the fact that it is vacant to outweigh all other considerations to the detriment of reaching a balanced decision. An amusement arcade accommodates a particular type of gambling activity and should not be generalised as another form of non-shopping use or licensed activity. It is a sui generis form of development (of its own kind) that has its own matters to address under the 1985 Order.

The 5 criteria relate to the key objectives of the policy and are detailed below. As with the key objectives, the criteria are often interrelated and material considerations may overlap.

1. Impact on the retail vitality of Belfast City

While each application for an amusement permit in Belfast City Centre will be assessed on its merits, it will normally only be granted in the retail core of Belfast City Centre if it is:

- a renewal of an existing amusement permit; or*
- forms part of or facilitates a major, retail-led mixed use development; or*
- an upper storey development.*

In addition, the Council will not normally grant an amusement permit in any part of the Belfast City Council area where an amusement arcade would break up an otherwise continuous shopping frontage.

Justification and clarification

In line with the key policy objective to promote the retail vibrancy and regeneration of Belfast, the Council is keen to promote pedestrian flows in Belfast City Centre by supporting retailers and retail development.

In stark contrast to shop units, amusement arcades are commercial leisure venues which do not have a general appeal for visitors and only have a small customer base. Only 6.6 per cent of people surveyed in the 2016 NI Gambling Prevalence Survey stated that they used fruit or slot machines. Viewed in this context, the opening of amusement arcades in the retail core of Belfast can be considered incompatible with the prevailing goal to promote shopping in the main shopping streets of Belfast City Centre.

Encouraging retailing to first locate in the retail core is in accordance with regional retail planning policy outlined in the Department for Infrastructure's Strategic Planning Policy Statement for Northern Ireland (SPPS), subtitled "Planning for Sustainable Development". and with the Council's Local Development Plan.

An application for an amusement arcade is deemed to break up a continuous shopping frontage where it proposes to replace a shop unit that is bordered on each side of its frontage by an adjacent shop unit. This may even apply in instances when one or both of the adjacent shops are vacant at the time. For the purposes of this policy a shop unit can be defined as one belonging to Class A1 of The Planning (Use Classes) Order (Northern Ireland) 2015. A copy of this use class is enclosed as Appendix B.

This policy will be guided by the boundaries for Belfast City Centre and the retail core that are identified in the draft Belfast Metropolitan Area Plan 2015, until such time as they are superseded by those in the emerging Belfast Local Development Plan 2035.

2. Cumulative build-up of amusement arcades in a particular location

A proliferation of amusement arcades can adversely impact the character and amenity of an area and the assessment of these wider effects will be taken into account when assessing applications. In addition, to help manage the number of arcades in a particular location, the Council will normally limit the number of amusement permits it grants to one per shopping or commercial frontage and one per District Centre/Shopping Centre. Where this number of permits has already been granted, or exceeded, it is considered unlikely that any further amusement permits will be granted.

Under this criterion, the ground-floor merger of an existing establishment with an adjoining unit will not normally be allowed.

Justification and clarification

There is no legal requirement for the applicant to demonstrate that a need or demand exists for an amusement arcade in a particular area. Instead, the number of amusement arcades appropriate for an area relates to the assessment of impact on the character and amenity of that area, which includes its appearance, role and attractiveness.

As the Council want to promote retailing and regeneration as per its key policy objective, it is anxious to avoid a cumulative build-up or clustering of amusement arcades in a particular location. This is due to their narrow appeal noted above and their lack of an active street frontage at ground floor level, the latter of which is linked to the screening of their gambling interiors from public view. This approach to cumulative build-up is also supported by the research findings that there are markedly more licensed premises and machines per person in Belfast than in GB.

The density of amusement arcades in a particular area, as well as the number of machines provided, are pertinent to the assessment of cumulative build-up. Other material

considerations include the character and amenity of an area. The latter consideration could pertain to the changing profile of an area, for example, an increase in residential accommodation or its growing popularity as a tourism destination. It could also relate to the risk of amusement arcades undermining the service and shopping role of a local centre serving a particular area.

For the purposes of this amusement permit policy, a shopping or commercial frontage can be defined as a group of mainly ground-floor businesses that shares a continuous frontage and which is usually separated from other frontages by a different road or street name. A shopping centre comprises a group of retail and non-retail uses that is usually anchored by a large store.

Beyond Belfast City Centre, District Centres are large groupings of shops separate from and subordinate to the town centre. They are generally located on routes that are convenient and easily accessible to the local community by all modes of travel. They usually contain at least one food supermarket or superstore, a degree of comparison goods shopping, retail services, leisure services and business services. They are identified in the Development Plan for the Council area.

3. Impact on the image and profile of Belfast

Amusement permits will not normally be granted at locations that are regarded as tourism assets, and at key entrance/gateway locations into Belfast City Centre.

Justification and clarification

In keeping with a key objective of this policy to enhance the tourism and cultural appeal of Belfast by protecting its image and built heritage, the Council will not normally grant amusement permits at locations regarded as tourism assets and at key entrance/gateway points into Belfast City Centre.

The Council will protect those areas, buildings and their settings (if appropriate) that are inherently linked to the image and tourist profile of Belfast City. As far as this policy is concerned, the setting of a tourism asset includes the neighbouring property either side of its main frontage/entrance, even if it is separated from it by a road or street.

A tourism asset is any feature associated with the built or natural environment that is of intrinsic interest to tourists. Many of the tourism assets in Belfast are listed buildings. These often feature in the historical database of the Northern Ireland Environment Agency and as tourist attractions in Visitor Guides for Belfast. If you need clarification on what is considered a tourism asset, you can contact us.

Under this criterion, the Council will also protect the key entrance/gateway locations at the edge of Belfast City Centre, where visitors form their first overall impression of the city centre. To protect the image of Belfast, it is considered that granting amusement permits for new premises at ground-floor level is inappropriate for these locations. If you need clarification on what is considered a key entrance/gateway location, you can contact us.

4. Proximity to residential use

Amusement permits will not normally be granted in areas that are predominantly residential in character, including local centres located within these areas. Amusement

arcades are not normally suitable in non-residential property that adjoins residential property in areas of mixed use.

Justification and clarification

Bearing in mind that one of the objectives of this Permit Policy is to support and safeguard residential communities, the Council will not normally permit amusement arcades opening in predominantly residential areas.

Residential areas commonly have a local centre. According to the Council's Local Development Plan a local centre is a "*location typically comprising a general grocery store, a sub-post office, hairdressing/beauty salon, café, hot food takeaway, pharmacy and other small shops of a local nature. The primary purpose of a local centre is the provision of conveniently accessible shopping and services for local communities.*"

Clearly, a local centre in a predominantly residential area should provide local shops and services that cater for the daily needs of the wider community, as opposed to accommodating an amusement arcade which provides a non-essential, gambling-based leisure activity for a relatively small number of people.

Areas that are predominantly residential in character obviously exclude extensive industrial or business areas which are clearly distinct from housing. Predominantly residential areas may also exclude shopping and commercial areas that are located outside of Local Centres and along Belfast's main public transport routes. As stated previously, these routes are usually referred to as arterial routes or city corridors. They typically accommodate the greatest mix of uses outside of the City Centre, including shopping, commercial, social, leisure, community and other uses.

The Council adopts a precautionary approach towards granting a permit for an amusement arcade in a property adjoining residential use. This is to protect the residential amenity of neighbouring occupants. Due primarily to the long opening hours associated with the operations of an amusement arcade, there is a risk of adverse impact on residential amenity during nighttime hours, which the Council is particularly keen to avoid.

While the findings of a noise impact assessment submitted by the applicant may assist in informing decision-making, impact on residential amenity does not solely relate to noise levels emanating from inside a property. It also relates to the potential for outdoor noise, nuisance and disturbance generated by customer activity at the business, particularly at night.

5. Proximity to schools, youth centres and residential institutions for vulnerable people

The Council will not normally grant amusement permits in locations near schools, youth centres and residential institutions for vulnerable people, including children's care homes and hostels for the homeless.

Justification and clarification

The protection of children and vulnerable people from being harmed or exploited by gambling is a key objective of this policy. Vulnerable people are those persons who gamble more than they want to or gamble beyond their means, as well as persons who may not be able to make informed or balanced decisions about gambling. This

vulnerability can stem from a mix of factors including addiction, the influence of alcohol/drugs, learning difficulties and mental health issues.

This component of the policy is in keeping with the core objective of licensing policies by Councils in Great Britain. It is also in line with similar objectives being considered by respective Departments in Northern Ireland and the Republic of Ireland.

The Council acknowledges that amusement arcades restrict admittance to underage persons and that the 1985 Order does not specifically refer to the need to consider the effects on persons attending schools, youth clubs and residential institutions for vulnerable people. However, the Council believes that a precautionary approach is required for applications made near locations where children, young persons and vulnerable people congregate. Accordingly, the Council will not normally permit amusement arcades within 200 metres of a school, youth centre or a residential institution.

Conclusion

The Council has broad discretion in the range of matters it may consider in the determination of applications for amusement permits. This policy establishes, for all interested parties, the key considerations which are likely to be taken into account by the Council. The matters stated in the Permit Policy are not exhaustive in scope. They do not preclude the Council from taking into account any additional matter which it deems relevant, or, to exceptionally depart from the policy if it considers it appropriate or necessary to do so.

Overall, this policy is intended to strike a balance between safeguarding the concerns of the wider public on the one hand and respecting an applicant's desire to obtain an amusement permit on the other. From an operational perspective, it is hoped that the policy will help to clarify the Council's position on amusement permit applications and allow for greater coherence and consistency in decision-making.

Appendix A

Guidance for premises (as per 1985 Order & amendments thereof)

In terms of the actual premises used wholly or mainly for the provision of amusements by gaming machines, Belfast City Council has powers, under Article 111 (6((b) of the 1985 Order, to specify:

- how premises are illuminated;
- the form of advertising and window display; and
- how notices are displayed on the premises.

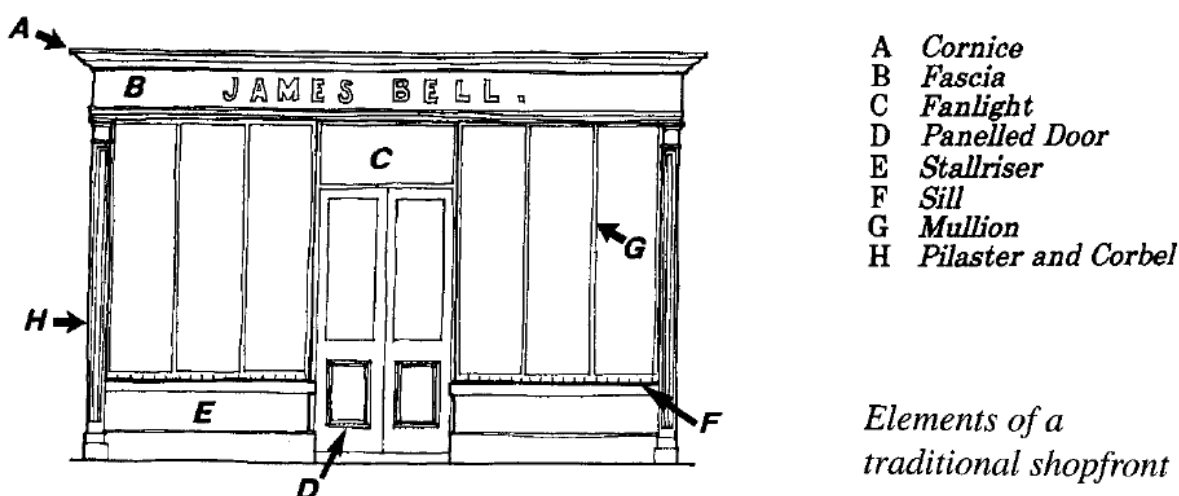
Addressing each of the above matters in turn, the following points should be noted by applicants:

- **Illumination** – as a general rule illumination should be kept to a minimum and no floodlighting of premises will be permitted, save for trough/spot lighting over the fascia.
- **Form of advertising and window displays** – the name of the business should be clearly advertised in the window. Legislation in Northern Ireland restricts access to higher prize machines by people under eighteen. Notification of this restriction should be clearly displayed on the exterior of the premises and ideally a proof-of-age scheme should be implemented by the operator. The windows should be designed so as to shield the interior (and machines) from public view. This could involve the use of fixed screening inside the windows, opaque fenestration or a combination of both. Projecting signs that advertise the presence of the establishment are not considered suitable for amusement arcades.
- **Notices on premises** - advertising in amusement arcades should be legal, socially responsible and not construed to exploit or specifically target the young and other vulnerable persons through style, presentation or content. Interior notices indicating that access is prohibited to persons aged under eighteen should be prominently displayed. Notices containing helpline numbers for organisations such as GamCare, Gamblers Anonymous, Gambleaware, etc. should also be displayed

within the premises. Applicants may also wish to consider providing information leaflets with helpline numbers near gaming machines.

Guidance on the content of Notices is available in the rule book known as the Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (the Code). The Committee of Advertising Practice (CAP) is the self-regulatory body that creates and enforces this Code. The latest version of the CAP CODE is available online at [http:// www.asa.org.uk/codes-and-rulings/advertising-codes/non-broadcast-code.html](http://www.asa.org.uk/codes-and-rulings/advertising-codes/non-broadcast-code.html).

The requirement to regulate illumination, advertising and window displays on an amusement arcade has to be appraised against a wider planning desire to avoid the creation of an unsightly facade that could undermine the visual amenity of the streetscape. Therefore, in order to promote their integration, some policies in Britain cite the need for amusement arcades to respect elements of the traditional shop-front design (see illustration below).



Reference to the traditional shop-front design is intended to alert applicants to the key features of a retail façade. It is submitted for information purposes only and is not intended to be read as a rigid template for the frontage design of premises.

Appendix B: Definition of a shop
- extract from The Planning (Use Classes) Order (Northern Ireland) 2015

SCHEDULE

PART A

SHOPPING AND FINANCIAL & PROFESSIONAL SERVICES

Class A1: Shops

Use for all or any of the following purposes—

- (a) for the retail sale of goods other than hot food;
- (b) as a post office;
- (c) for the sale of tickets or as a travel agency;
- (d) for hairdressing;
- (e) for the display of goods for retail sale;
- (f) for the hiring out of domestic or personal goods or articles; or
- (g) for the reception of goods including clothes or fabrics to be washed, cleaned or repaired either on or off the premises

where the sale, display or service is to visiting members of the public.

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For further information visit our webpage.

www.belfastcity.gov.uk/planning-and-building-control/licences-and-permits/amusement-permits