

Licensing Committee

Wednesday, 20th August, 2025

MEETING OF THE LICENSING COMMITTEE

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

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

Apologies

An apology was reported on behalf of the High Sheriff (Councillor McAteer).

Minutes

The minutes of the meeting of 18th June were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 1st July.

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)

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 June and July, 2025.

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.

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**Final Decision on Application for the Provisional
Grant of an Amusement Permit for Players,
22 - 23 Shaftesbury Square**

The Director of Planning and Building Control presented the details of the application to the Committee, following on from its previous consideration of the application on 18th June, 2025, where it had agreed that it was minded to refuse the application 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.

The applicant had been advised that the Committee was minded to refuse the application for the Grant or Provisional Grant of an Amusement Permit. In line with the legislation, the Committee must then 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. The applicant and her representatives were therefore in attendance at the meeting.

She reminded the Committee that an existing amusement arcade, Players, on the ground floor of 22 Shaftesbury Square, had been operated by the applicant company since 2018. The applicant company 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. 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.

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 Members were advised that the Amusement Permit application involved the extension of the existing amusement arcade into the rear half of the adjoining property, but that the front portion would be retained as a retail unit.

The Chairperson advised the Committee that Dr. T. Quinn, Braniff Associates (Planning Consultant), was in attendance. He had advised the Council on the formulation of the Amusement Permit Policy. He advised the Committee that:

- the Policy, which had been formulated in 2013, had highlighted areas where there was a presumption against such establishments but also highlighted areas which were open to consideration;
- amusement arcades were restricted in areas which were predominantly residential in character but were open to consideration in areas which

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were mixed-use, such as city centres, within which the above application was;

- the 1985 Order dictated that each application had to be assessed on its merits;
- from his appraisal the application broadly satisfied the suitability of a location for the establishment of an amusement arcade, as it was in the city centre, it was not in the busiest shopping streets and it wasn't predominantly residential in character;
- with regards to the cumulative impact, 15 additional machines was a marginal increase and that the Committee should consider whether or not that particular finding was sufficient grounds on which to refuse it, against all the other criteria which ticked the boxes.

The Chairperson then welcomed Mr. S. Beattie KC, representing the applicant, to the meeting. He thanked Dr. Quinn for his fair and frank appraisal.

Mr. Beattie advised the Committee that the Amusement Permit Policy was not a fetter nor a restriction and that it had to be applied consistently and fairly. In making the application, the applicant had been mindful of the Council's previous decisions, in particular, regarding premises on Wellington Place, which had been granted permission for a rear extension. He outlined that the Council had also permitted Playland to extend into a nearby coffee shop. He advised the Committee that the applicant, in this case, wished to invest £200,000 and refurbish its entire premises. The Members were advised that the refurbishment would include up to 15 new machines and he explained that some of the modern machines had bigger screens and therefore required more floorspace. He reminded the Committee that planning permission for a change of use of the ground floor of 23 Shaftesbury Square, to an amusement arcade, was granted in April, 2023. The Members were advised that the frontage would not be affected and that there were no commercial objectors, both of which were important material considerations. He added that the applicant had been at the forefront of gambling control, despite there being no gambling commission for Northern Ireland.

The Chairperson thanked Dr. Quinn and Mr. S. Beattie KC for their contributions.

A Member stated that he felt that the applicant and staff had shown themselves to be responsible operators with well managed facilities. He highlighted that their staff undertook regular training to enable them to identify any customers who required assistance with gambling habits. He added that there were no complaints and that a derelict building would also be brought back into use.

Moved by Councillor Carson,
Seconded by Councillor McCann,

That that Committee agrees to grant the application for an Amusement Permit for Players, 22 and to the rear of 23 Shaftesbury Square.

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On a vote, sixteen Members voted for the proposal and two against and it was accordingly declared carried.

**Final decision on competing Stationary Street
Trading Licence applications for Boucher Crescent
at lamp post number 16, for which appeal received**

The Director of Planning and Building Control reminded the Committee that it had previously considered two competing Stationary Street Trading Licence applications to trade at a designated site in Boucher Crescent. The site was designated to allow for the sale of hot food and non-alcoholic beverages and both applications complied with the designating resolution for the site.

The Committee, at its meeting on 21st May, 2025, had agreed that it was minded to grant and approve the licence to Mr. A. Arputharaj. One of the reasons given by the Committee was that, in line with previous decisions, the street trading licence should be awarded to the application which had been received first. As a result, that had meant that the designated site had been taken and, there being no suitable location for the other applicant, the Committee was therefore minded to refuse the application submitted by Mr. A. Smallwood.

Mr. Smallwood had submitted a written representation to appeal the Committee's decision, which it was now being asked to consider before arriving at its final decision on the competing street trading applications for the designated site.

Moved by Councillor Bunting,
Seconded by Alderman McCullough and

Resolved – that the Committee agrees to uphold its decision of 21st May, 2025, and grant and approve the Stationary Street Trading Licence to Mr. A. Arputharaj and to refuse the licence application made by Mr. A. Smallwood.

**Final decision on competing Stationary Street
Trading Licence applications for Duncrue Link
50ft from the junction with Duncrue Road,
for which appeal received**

The Director of Planning and Building Control reminded the Committee that it had previously considered two competing Stationary Street Trading Licence applications to trade at a designated site at Duncrue Link, 50 feet from the junction with Duncrue Road. The site was designated to allow for the sale of hot food and non-alcoholic beverages and both applications complied with the designating resolution for the site.

The Committee, at its meeting on 21st May, 2025, had agreed that it was minded to grant and approve the licence to Ms. V. Kemp. One of the reasons given by the Committee was that, in line with previous decisions, the street trading licence should be awarded to the application which had been received first. As a result, that had meant that the designated

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site had been taken and, there being no suitable location for the other applicant, the Committee was therefore minded to refuse the application submitted by Mr. D. Smith.

Mr. Smith had submitted a written representation to appeal the Committee's decision, which it was now being asked to consider before arriving at its final decision on the competing street trading applications for the designated site.

A Member stated that they felt that the appeal from Mr. Smith held validity, in that there were specific personal reasons as to why the licence had not been renewed and that it was a continuation of a business which had been trading on that site for years.

The Solicitor advised the Committee that the application was not a continuation and that it was from a new business.

A further Member stated that he did not feel that the Council's policy in relation to determining between competing Street Trading applications was robust. He stated that there should not be a deadline if the Council would grant licences on a first come, first served basis. He added that he felt that there should be a scoring matrix.

The Director clarified that there was no deadline for applications with regards to competing street trading applications.

Moved by Councillor McKay,
Seconded by Councillor P. Donnelly,

That the Committee agrees to amend its decision of 21st May, 2025, and, due to the personal circumstances of the previous business owner and that the van being used in the current application had been there for a decade, agrees to grant and approve the Stationary Street Trading Licence to Mr. D. Smith and refuse the application made by Ms. V. Kemp.

Amendment

Moved by Councillor Bunting,
Seconded by Councillor D. Douglas,

That the Committee agrees to uphold its decision of 21st May, 2025, and grant and approve the Stationary Street Trading Licence to Ms. V. Kemp and to refuse the licence application made by Mr. A. Smallwood.

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

The amendment was thereupon put as the substantive motion and it was accordingly declared carried.

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**Applications for the Grant of Indoor and
Outdoor Entertainments Licences for Liquid,
10-14 Tomb Street**

The Committee considered an application for the grant of a 7-Day Annual Indoor Entertainments Licence based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind and an application for the grant of a 7-Day Annual Outdoor Entertainments Licence to provide outdoor musical entertainment at the above premises.

The Members were advised that the premises, formerly known as Libertine, previously operated as a Public Bar/Nightclub on the ground Floor and First Floor and held an Outdoor Entertainments Licence for the smoking area located at the side.

The areas where entertainment was proposed to be provided were the same as previously licenced, that is:-

- Ground Floor, with a maximum capacity of 180 persons.
- First Floor, with a maximum capacity of 220 persons.
- External Smoking Area, with a maximum capacity of 200 persons.

The days and hours during which entertainment was proposed to be provided, both indoors and outdoors, were the same as those granted for the previous licences, that is:

- Monday to Saturday: 11.30am to 3.00am the following morning and
- Sunday: 12.30pm to 3.00am the following morning

The Committee was advised that public notice of the applications had been placed and that no objections had been received. The PSNI and the NIFRS had both been consulted and neither had any objection to the applications.

The Chairperson welcomed Mr. M. Houston, applicant, to the meeting. He advised the Committee that he did not foresee them having entertainment until 3am but the reason he was applying for the extended hours was to reduce the impact of patrons all leaving at the same time, thereby reducing pressure on taxi services and to be competitive with other premises in the vicinity.

The Committee agreed to approve and grant the 7-Day Annual Outdoor Entertainments Licence and also agreed to approve both the Indoor and Outdoor Entertainments Licences to allow entertainment to be provided until the later hour of 3am on any night of the week.

Non-Delegated Matters

**Clarification on Competing Street
Trading Licence Applications**

The Director of Planning and Building Control presented the undernoted report:

1.0 Purpose of Report

- 1.1 To provide clarity on how the Committee considers competing Street Trading licence applications.**

2.0 Recommendations

- 2.1 The Committee is requested to note the content of the report.**

3.0 Main Report

Background

- 3.1 At the meeting in May 2025, the Licensing Committee considered two competing applications for a street trading licence at two locations in the city.**
- 3.2 During the discussion on the applications, the Committee asked for clarification on how they should deal with competing applications, and a report was requested.**

The application process

- 3.3 The Council operates a Street Trading Licence process in accordance with the Street Trading Act (Northern Ireland) 2001. As part of those processes, the Council grants stationary licences to trade from designated permanent pitches.**
- 3.4 To designate a permanent pitch, the council will publish legal notices for 28 days explaining the proposals in a local newspaper to make sure the public and other organisations are consulted. Requests for designation of a permanent pitch can be made to the Council.**
- 3.5 Once a permanent pitch is designated, applications can be considered for licences to trade from that pitch. A list of all the designated pitches in Belfast is available on the Councils [website](#). The list outlines the items that can be sold on each pitch and whether the pitch is currently available.**
- 3.6 If a pitch is available and an application for a street trading licence is received, the Council will look to process that application within reasonable timescales. Applicants should allow a minimum of 28 days from the date of receipt for the Council to process the application for a stationary or mobile street trading licence. The Council strives to notify all applicants of the outcome of their application, including**

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issuing the licence, within 10 working days of the council decision made in relation to the application.

- 3.7** Where a single application for a street trading licence is received on a designated pitch, the decision to grant the application can be made under delegated authority in line with the Council's scheme of delegation which sets out that the Strategic Director of Place and Economy has responsibility for exercising all powers in relation to the issue (but not refusal) of permits and licences.
- 3.8** Where a second application is subsequently received on a designated pitch, officers do not have delegated authority to refuse it because an application is already being considered. Similarly, officers do not have delegated authority to decide between the competing applications as this would require one to be refused. The competing applications must therefore be brought before the Licensing Committee so that one of the applications can be approved and one refused in accordance with the mandatory and discretionary reasons set out in legislation.
- 3.9** Mandatory reasons for refusal relate mostly to process issues such as the age of the individual, there isn't a designated pitch or the nature of goods to be sold.
- 3.10** The Council may refuse an application on the following discretionary grounds:
- (a) that—**
- (i)** the location at which the applicant wishes to trade as a stationary trader is unsuitable;
 - (ii)** the space in the designated street in which the applicant wishes to trade as a stationary trader is inadequate for the applicant to do so without causing undue interference or inconvenience to persons or vehicles using the street;
 - (iii)** the area or areas of the district in which the applicant wishes to trade as a mobile trader are unsuitable for the applicant to do so without causing undue interference or inconvenience to persons or vehicles in the area or areas;
 - (iv)** there are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade; or

- (v) the nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade;
- (b) that the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;
- (c) that the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence;
- (d) that the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;
- (e) that the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence;
- (f) that the applicant has failed to provide the particulars required by the council to deal with the application;
- (g) that the applicant has failed to provide or identify suitable or adequate arrangements for storing any articles, things or receptacles in or with which he proposes to trade.

The Council's Street Trading Licensing Policy

- 3.11 The Council's Street Trading Licensing Policy (included at Appendix 1) sets out guidance on matters which should be considered when deciding whether to grant to a person a Street Trading Licence. Its aim is to provide, insofar as is possible, consistent decision making to as to develop and maintain public confidence in Belfast City Council's performance of its duties.
- 3.12 The Policy was amended in early 2011 after Members had asked for the establishment of policy to assist them in determining competing applications for Street Trading Licences. The inclusion of the guidance followed considerable background research which included looking at other jurisdictions to ascertain if they have established a policy or procedure that could be used as the framework for our policy. Unfortunately, it became apparent that no jurisdiction had such a policy in operation, and that some working practices (including grating all competing applications and leaving it to the traders to agree who could trade) had created serious operational difficulties.

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- 3.13 Paragraph 5 of the Policy was created to deal with the issue of competing Stationary or Mobile Street Trading Licence applications where there are two or more applications for a licence at a designated site or there are multiple mobile licence applications for a similar geographical area within the City. It provides guidance on how to deal with situations when the Council cannot negotiate competing licence applications.**
- 3.14 Paragraph 5.1 provides that where there are competing applications each applicant will be invited to address the Licensing Committee by making a short presentation on their proposed business.**
- 3.15 The presentation should include matters such as how the business will be operated, the design of the stall, how the commodities they propose to sell will add to the area and should address any concerns or objections to their proposal, this may be followed by questions from Members.**
- 3.16 Paragraph 5.2 provides that, in determining competing applications, the Committee may take into account any consideration which they deem appropriate and take into account the discretionary ground for refusal detailed in paragraph 4.6 of the Policy (and set out in paragraph 3.10 above).**
- 3.17 Section 5 of the Policy provides guidance on how to deal with competing licence applications and states that without prejudice to the discretionary grounds for refusing an application the Council may also take the following into account:**
- 1. The suitability of the application in the context of the area or street;**
 - 2. The suitability of allowing more than one application in the area or street;**
 - 3. The commodities or services which each applicant intends to sell or supply;**
 - 4. The merits of each application in the context of the character and appearance of the proposed area;**
 - 5. Whether a mobile trader/a number of mobile traders will affect the character and appearance of the proposed area;**
 - 6. Any potential adverse impact caused to the character and appearance of the proposed location by the application, by a mobile trader or by a number of mobile traders;**

7. The extent to which the sale of the commodity will provide a useful service not otherwise provided in the area.

- 3.18 In practice, where two or more similar street trading applications have been received and the first one would not be refused under the mandatory, or discretionary grounds, the Committee has previously felt that the first application received should be granted. This then means that the subsequent applications therefore require to be refused as in line with the discretionary grounds that there are then sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade (i.e. the pitch has been taken).
- 3.19 This practice has not and would not preclude the Committee taking into account the considerations set out in the Council's Street Trading Licensing Policy and listed above in para 3.17 where there are considered to be discernible differences in the applications that are being considered.

4.0 Financial and Resource Implications

There are no financial or resource implications arising from this report.

**5.0 Equality and Good Relations Implications/
Rural Needs Assessment**

There are no issues associated with this report.

The Committee noted the contents of the report.

Decision taken under Delegated Authority

**Cinema Licensing - Showing of
Unclassified film "The Negotiator"**

The Committee considered the undernoted report:

1.0 Purpose of Report

- 1.1 The report is to inform the Committee of a decision taken under delegated authority by the Strategic Director of Place and Economy to approve the exhibition of a film called "The Negotiator" in Cineworld, Belfast on the 25 June 2025.
- 1.2 Delegated authority of the Strategic Director of Place and Economy was sought as the request was received after the

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Licensing Committee's June meeting had taken place, and a decision was needed before the Committee's August meeting.

2.0 Recommendations

2.1 The Committee is requested to note the content of the report.

3.0 Main Report

Key Issues

3.1 The Council licences cinemas and other venues under the Cinemas (Northern Ireland) Order 1991 for the exhibition of films. The main functions of the legislation relate to technical matters such as structural stability and fire safety and, as such, the powers to issue licences are delegated to the Director of Planning and Building Control.

3.2 However, the Order also requires the Council to impose conditions or restrictions prohibiting the admission of children to film exhibitions involving the showing of films designated as works unsuitable for children.

3.3 Unlike other types of Licences there is no public notification and representation process for Cinema Licence applications hence there is normally no involvement of the Committee with Cinema Licensing.

3.4 When issuing Licences, the Council establishes Conditions on each Licence regarding the general running and administration of the premises. One such Condition is that only films which have been classified with a certificate issued by the British Board of Film Classification (BBFC) may be shown.

3.5 The BBFC is an independent body which classifies all films on behalf of local authorities, and they have strict guidelines and criteria in awarding films a classification.

3.6 Until recently it has been rare for a licensed cinema to seek permission to show a film that has not been through the BBFC process. However, with the development in the local creative industries and filmmaking sector here more films are being produced locally many of which are unclassified, or not classified by the BBFC, but the demand for them to be screened in local cinemas is growing.

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- 3.7** There is a proviso in the Licence Conditions which allows the Council to give permission to show an unclassified film if it is satisfied with that film. The Council can also append any Conditions it deems appropriate, including an age restriction.
- 3.8** The Council has had requests in the past for permission to exhibit films which either do not have a classification or have a classification from another country. The Council has previously agreed such requests where it considered them to be acceptable.
- 3.9** Council officers were contacted on the 19 June 2025 regarding the screening of 'The Negotiator'. The film, which was supported by Queens University, Belfast, was being broadcast as part of the 'Docs Irelands' series of international documentary films by independent film makers. Screening of the film was scheduled for 25 June 2025 at Cineworld, cinema at the Odyssey Arena, Queens Quay.
- 3.10** The film had not been classified. It has not been given a rating by the BBFC. The applicant has been informed by the programming team that a '12A' rating would be appropriate for the film.
- 3.11** Information on the BBFC classification is provided in Appendix 1.
- 3.12** Normally approval to permit the film to be exhibited is considered and given by the Licensing Committee. In this instance the request was received after the June Committee meeting and the August Committee meeting was too late to consider the request for the proposed screening on 25 June 2025.
- 3.13** Discussions took place with Legal Services as to the options available to the Council and therefore the Strategic Director of Place and Economy under his delegated authority.
- 3.14** The film does not have a BBFC classification or have a classification from another country. A screener link was afforded by the applicant permitting viewing of the film by officers of the Service. This was to permit validation of the '12A' rating expressed by the applicant. See Appendix 3.
- 3.15** The expertise for film classification is considered to exist with BBFC and other statutory bodies established for this function. The option to validate the '12A' rating was not taken in this instance.

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- 3.16** The applicant has identified that no tickets are to be made available for children for the screening.
- 3.17** The matter was discussed with the Chair of the Licensing Committee and the appropriate course of action was considered to be that the film should be allowed to be shown as an unclassified film with a rating of '18'.
- 3.18** The applicant was agreeable to screen the film as an unclassified film with a rating of '18'
- 3.19** Legal Services advised that this decision could be made under the delegated authority of the Strategic Director of Place and Economy (in accordance with para 2.3 of the Scheme of Delegation which deals with emergencies and cases of urgency) subject to advising the appropriate Chair and reporting the matter to the Licensing Committee at their next meeting.
- 3.20** This report is to inform Members that the Strategic Director of Place & Economy exercised his powers of delegated authority and approved the exhibition of "The Negotiator" in Cineworld, Odyssey Arena on 25 June 2025 as part of the 'Docs Irelands' series of international documentary films with an '18' Rating.

4.0 Financial and Resource Implications

None. Officers will carry out inspections before and during the events which will be catered for within existing Service budgets.

**5.0 Equality and Good Relations Implications/
Rural Needs Assessment**

There are no issues associated with this report.

The Committee noted the contents of the report.

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.

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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 regarding legal proceedings concerning
a decision of the Licensing Committee to refuse
an application for new HMO licences for
Flats 1 and 2, 6 Sandhurst Road**

The Solicitor (Regulatory and Planning) presented the Committee with an update on legal proceedings concerning a decision it had made to refuse an application for new HMO licences for Flats 1 and 2, 6 Sandhurst Road.

After discussion, the Committee noted the update and agreed:-

- that the Council would consent to the Statutory Appeal based on legal advice received from Counsel;
- to the County Court in Belfast granting the Applicant a 5 year HMO licence with the special condition that it was prohibited from operating the properties as DIME (Dispersed Intensively Managed Emergency) accommodation, and;
- to allow the Applicants a period of 6 months to comply with the licence condition.

Chairperson