



Subject:	Application for the Provisional Grant of an Amusement Permit at 51 Rosemary Street and consideration of an Objection.
Date:	10 December 2025
Reporting Officer:	Kate Bentley, Director of Planning & Building Control, Ext. 2300
Contact Officer:	Stephen Hipkins, Building Control Manager, Ext. 2435

Restricted Reports

Is this report restricted?

Yes

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No

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Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.

Insert number

1. Information relating to any individual
2. Information likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the council holding that information)
4. Information in connection with any labour relations matter
5. Information in relation to which a claim to legal professional privilege could be maintained
6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction
7. Information on any action in relation to the prevention, investigation or prosecution of crime

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

Call-in

Is the decision eligible for Call-in?

Yes

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No

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1.0	Purpose of Report or Summary of main Issues		
1.1	To consider the application for the Provisional Grant of an Amusement Permit under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (the Order), including the consideration of a representation which has been received, as a result of the public notice, objecting to the application.		
	Area and Location	Ref. No.	Applicant
	Twilight Zone 51 Rosemary Street Belfast BT1 1QB	Applic:23660	Mr Samuel Stranaghan, EZE Gaming Ltd. Ava House, Prince Regent Road, Belfast, BT5 6QR
1.2	The applicant company has operated an existing amusement arcade at 13 North Street for over 20 years. The applicant has confirmed that the North Street location would be closed if this application for the Provisional Grant of an Amusement Permit is approved.		
1.3	A location map is attached as Appendix 1 and a layout plan of the proposed premises as Appendix 2.		
2.0	Recommendations		
2.1	In considering the application for the Provisional Grant of an Amusement Permit, the Committee shall have regard to the requirements of the 1985 Order and to also to the criteria set out within Belfast City Council’s Amusement Permit Policy for the assessment of the suitability of the site of the proposed amusement permit.		
2.2	Under the Order the Committee shall have regard to the following:		
	a) The fitness of the applicant to hold a Permit having regard to his 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.		
2.3	You are then required to make a decision based on the following options set out under the Order. You must refuse the application unless satisfied that:		
	a) The applicant is a fit person to hold an Amusement Permit; and		
	b) The applicant will not allow the business proposed to be carried on under the Amusement Permit to be managed by, or carried on for the benefit of, a person other than the applicant who would himself be refused the grant of an Amusement Permit.		

2.2	<p>Thereafter: -</p> <p>1) You may refuse the application after hearing any representations from third parties, or</p> <p>2) You may grant the application, subject to the mandatory condition that the premises are not to be used for an unlawful purpose or as a resort of persons of known bad character, and</p> <p>3) You may also grant the application subject to discretionary conditions outlined in the Order relating to the illumination of the premises, advertising of, and window displays on the premises and the display of information notices.</p>
2.3	Should you be minded to refuse the application for the Provisional Grant of an Amusement Permit, or grant the Permit, subject to any discretionary conditions, you are required to advise the applicant of your intention to do so and you must afford the applicant the opportunity to make representations at a specified Licensing Committee meeting on the matter before making a final determination on the application.
2.4	If, upon hearing the applicant, you then refuse the application for the Provisional Grant of an Amusement Permit or decide to grant the application subject to discretionary conditions, the applicant may within 21 days from the date on which notice of the decision is served on him, appeal to the county court.
3.0	Background
3.1	Members are reminded that the Licensing Committee is responsible for determining all applications relating to the grant of Amusement Permits and for considering any objections to the grant of Amusement Permits received.
3.2	There is scope within the Order to make application for the provisional grant of an amusement permit in respect of premises which are about to be, or are in the course of being, constructed, extended or altered.
3.3	If the Council is satisfied that the premises would, if completed in accordance with plans deposited, be such that it would grant the permit, the Council may grant a provisional amusement permit. However, a provisional permit does not authorise the use of gaming machines until the permit is declared final.
3.4	The Order stipulates that the Council, upon application by the permit holder, must declare the permit final when it is satisfied that the premises have been completed in accordance with the plans deposited with the council.
3.5	Should Members be of a mind to grant the permit provisionally, Committee is requested to consider delegating authority to the Director of Planning and Building Control in consultation with the City Solicitor to issue the permit once all necessary technical requirements relating to health, safety, welfare and amenity have been completed to the satisfaction of the Building Control Service.
	<u>Application details</u>
3.6	The application is for a total of 48 gaming machines. The amusement arcade currently operated by the applicant at 13 North Street is licensed for the same number of machines, although on previous renewal inspections carried out by Council officers at that location there have in reality been fewer gaming machines (32 No).

3.7	All gaming machines are to pay out a maximum all cash prize of £500, with a maximum stake of £2, in line with the Gaming (Variation of Monetary Limits) Order (Northern Ireland) 2025 became law on 29 January 2025. Admission is restricted to persons aged 18 or over.
3.8	<p>The proposed opening hours of the premises, as specified on the application, are:</p> <p style="margin-left: 40px;">Monday to Saturday: 8.00 am to 12.00 midnight Sunday: 12.00 noon to 11.00 pm</p> <p><u>Planning matters</u></p>
3.9	Planning permission for change of use from retail to amusement arcade and adult gaming centre was granted on the 4 October 2024 (Application Reference: LA04/2023/4162/F).
3.11	It is noted that Condition 2 of the planning approval states “When open on a Sunday the Arcade and Adult Amusement Centre hereby approved shall only operate between the hours of 12.00 and 23:00. Reason: To safeguard the amenity of neighbouring properties.”
3.12	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 and while the council should be slow to differ from the views of the planning authority, it is entitled to do so.
3.13	The Court also confirmed that the Council can take into account matters such as location, structure, character and impact on neighbours and the surrounding area.
3.14	<p>As is stated within the Amusement Permit Policy, in coming to its own decision, the Council is not bound to accept in its entirety the decision of the planning authority.</p> <p>A copy of the planning permission is attached as Appendix 3.</p>
4.0	Main Report – Key issues
	<u>Amusement Permit Policy</u>
4.1	Members are reminded that the Council’s Amusement Permit Policy was ratified at Council on 1 May 2013. The policy outlines those matters which may be taken into account in determining any amusement permit application and indicates that each application must be assessed on its own merits.
4.2	All applications for the provisional grant or grant of an amusement permit are assessed against Belfast City Council’s Amusement Permit Policy.
4.3	<p>The key objectives of this policy are to:-</p> <ol style="list-style-type: none"> 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.
4.4	The Policy consists of two components which are considered below:

	<u>1. Legal requirements under the 1985 Order</u>
4.5	Members must have regard to the legal requirements under the 1985 Order relating to: (a) The character, reputation and financial standing of the applicant:
4.6	References for those associated with the application are attached as Appendix 4 to the report for consideration. (b) The nature of the premises and activity proposed:
4.7	To ensure that the nature of the premises proposed is suitable for this location Members may consider how the premises are illuminated, the form of advertising and window display, and how notices are displayed on the premises. Whilst the appearance of amusement arcades is considered a Planning matter, Members may still wish to be satisfied that the facade integrates with adjacent frontages. (c) Opinions of the Police:
4.8	The PSNI has been consulted and have confirmed that they have no objections to the application. A copy of their response is attached as Appendix 5.
4.9	The Northern Ireland Fire and Rescue Service has also been consulted and confirmed that they have no objections to the application. (d) Submissions from the general public:
4.10	One objection has been received within the public notice period, as a result of the public notices placed in the three local newspapers. Representation concerning this objection must be heard by the Committee.
	<u>Objection</u>
4.11	An objection has been received from the First Non-Subscribing Presbyterian Church, Rosemary Street.
4.12	A meeting between the applicant and the objector and their representatives was held on 2 June 2025 on MS Teams, facilitated by Building Control.
4.13	The outline of the objection is that the Church believes the application is the wrong use in the wrong place and that an amusement arcade would be a bad neighbour for the Church. Having previously objected to the Planning application, and being disappointed by the planning approval, the objector feels that the application site is not a suitable location for an amusement permit and that this should be the conclusion of any assessment against the Council's Amusement Permit Policy.
4.14	While the planning permission restricted Sunday opening from 12 noon to 23:00, the objector points out that the Rosemary Street Church is a listed building and a tourist attraction and well-used beyond Sunday mornings.
4.15	At the meeting on 2 June 2025 with the applicant and church representatives, measures were discussed including further altering proposed opening hours to avoid timings of weekly meetings held in the Church involving vulnerable groups and the possibility of the applicant investigating proposals to enhance the streetscape to bring benefit to the street and make the proposal more acceptable.

4.16	The applicant confirmed that they wanted to be a good neighbour to the Church. For some 15 years the applicant had previously operated as a neighbour to a Church at Kingsway in Dunmurry and had maintained a very good relationship which they hoped could be the case in Rosemary Street.
4.17	However, it was not possible to find a satisfactory resolution between the two parties at or since the meeting.
4.18	The Objector's completed representation form and two letters outlining the objection are included as Appendix 6.
4.19	The Applicant's completed representation form and document in support of the application is attached as Appendix 7.
4.20	Both the applicant and the objector, along with their representatives, will be available at your meeting to give representation and to answer any questions you may have regarding the application and the objection to it.
	<u>2. Assessment criteria for suitability of a location</u>
4.21	There are five criteria set out in the Policy which should typically be considered when assessing the suitability of a location for an amusement arcade. These are detailed below as they relate to this application.
4.22	(a) Impact on the retail vibrancy and viability of Belfast - <i>While an application for an amusement permit in Belfast City Centre will be assessed on its merits, it will only be granted in the retail core if it is: a renewal of an existing amusement permit, part of a major, retail-led mixed used development, or an upper storey development. In addition, the Council will not 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.</i>
4.23	The application premises at 51 Rosemary Street are situated near the junction with Royal Avenue, across from Castle Court Shopping Centre. The application site, which has been vacant since April 2023, was previously occupied by an Anne Summers shop. It is bordered on one side by a collectables shop and on its other side at the corner with Royal Avenue by ground floor space formerly accommodating Ulster Bank ATMs. The proposal would not therefore break up a continuous shopping frontage.
4.24	The application site is located in the Primary Retail Core of Belfast City Centre, as defined in the draft Belfast Metropolitan Area Plan 2015 (dBMAP). The Council's Permit Policy indicates that, outside of renewal applications, there is a presumption against granting permits for new amusement arcades in the Retail Core unless they are related to a major, retail-led, mixed use development or an upper storey development. This policy is adopted in order to promote retailing and footfall levels, thereby maintaining City Centre vibrancy.
4.25	In general, amusement arcades are not considered compatible with retailing and regeneration for several reasons: <ul style="list-style-type: none"> • They are associated with low footfalls given their narrow appeal and it is highly questionable whether they add vitality to an area. According to the 2016 NI Gambling Prevalence Survey, prepared by the Department for Social Development NI, only 6.6% of people availed of gaming machines.

	<ul style="list-style-type: none"> The screening of their gambling interiors to the passing public means that they do not provide an active street frontage at ground floor level, as per urban design guidance for Belfast¹ and Northern Ireland². Amusement arcades therefore do little to project an image that Belfast is open for business.
4.26	The applicant has confirmed to the Building Control Service that the purpose of this permit application is for relocation and the need to vacate their nearby premises at 13 North Street in the interest of the wider regeneration initiative for this north – eastern part of the city centre. As with the application site at 51 Rosemary Street, the premises at 13 North Street is also located within the Retail Core.
4.27	However, the planning approval for the application site is not dependant on the relocation of the amusement arcade and is not subject to an agreement under Section 76 of the Planning Act (NI) 2011 to require that on first occupation of the new premises, the existing premises at 13 North Street shall no longer be used as an amusement arcade.
4.28	If the Provisional Amusement Permit that has been applied for was granted, once any building work to the premises is satisfactorily completed the council would have no option other than to declare the amusement permit final allowing the amusement arcade to open. Declaring the permit final cannot be dependent on the applicant's existing amusement arcade in North Street being closed. As there is also no planning condition requiring the existing arcade to close, if the applicant did not relocate but continued with two operational premises, the Council would have no legal redress.
4.29	As there is no mechanism for the Council to secure the surrender of the amusement permit in North Street it is necessary to assess this application as being for a new premises. Viewed in this context, the application runs contrary to the Council's Amusement Permit Policy by virtue of its location in the Retail Core of Belfast City Centre.
4.30	However, Members may wish to take into account the information provided by the applicant's solicitor about the lease for the existing amusement arcade at 13 North Street and the applicant's willingness to give an undertaking concerning the surrender of this lease.
4.31	b) Cumulative build-up of amusement arcades in a particular location – <i>The Council will limit the number of amusement permits it grants to one per shopping or commercial frontage and one per shopping centre. As the Council wants to promote retailing, it is anxious to avoid a cumulative build-up or clustering of amusement arcades in a particular location.</i>
4.32	There are no other amusement arcades on the same commercial block on Rosemary Street. However, there is availability nearby within walking proximity of the application site. These include: Oasis, 73-75 North Street; Twilight Zone, 13 North Street (Applicant's premises which may be closed and relocated to the application site on Rosemary St); Funtime, 91 Castle Street; Onassis, 17-19 Queen Street; and Oasis, 7-9 Wellington Place.
4.33	While the applicant has described this application for an amusement permit as a relocation, as outlined above it is necessary to consider it under the Policy as being for a new additional amusement arcade. However, as also outlined above Members may wish to consider information on the lease of the applicant's existing premises in North Street.

¹ Placemaking and Urban Design, Supplementary Planning Guidance, Belfast City Council, May 2023

² Living Places - An Urban Stewardship and Design Guide for Northern Ireland, 2014

4.34	In considering this as an application for a new arcade, Members may wish to more broadly consider the issue of the proliferation of amusement arcade use, cumulative build-up within the Retail Core and the effect of same on the character and amenity of the area.
4.35	c) Impact on the image and profile of Belfast – <i>Amusement permits will not be granted at locations that are regarded as tourism assets, and at Gateway locations in Belfast City Centre</i>
4.36	The application site is located close to Royal Avenue, one of the Primary Retail Frontages in Belfast City Centre, as designated in draft BMAP. It is also situated next to the corner of a Royal Avenue building that is listed for historic protection within a Conservation Area. The site is visible to the public on travelling north along Royal Avenue on the approach to Castle Court Shopping Centre and it is debateable whether the creation of an amusement arcade here would adversely affect the image and profile of Belfast. Having stated this, while the listed building on the corner of Royal Avenue contributes to the historic fabric of Belfast City Centre it is not considered a tourism asset.
4.37	As Members will be aware, Rosemary Street is of historic interest, and contains the listed First Presbyterian Church which is of historic importance as well as other listed buildings including Central Hall (37-39 Rosemary Street) Gordon House (26-28 Rosemary Street) and Masonic Hall (15 Rosemary Street)
4.38	The application site at 51 Rosemary Street is located several properties away (c.20-25m) from the First Presbyterian Church at 45 Rosemary Street. While this Church could be recognised as a Tourism Asset, even with the visual linkage of being able to see both properties simultaneously, it is not considered, by reason of its separation distance, that an amusement arcade at 51 Rosemary Street will unduly detract from its visitor appeal.
4.39	d) Proximity to residential use: <i>Amusement permits will not be granted in areas that are predominantly residential in character, including local centres within these areas. They will also not be granted in non-residential property that is immediately adjacent to residential property.</i>
4.40	The Amusement Permit Policy has a presumption against amusement arcade proposals that are located in areas that are (i) predominantly residential in character or in (ii) non-residential property that is immediately adjacent to residential property.
4.41	(i) - predominantly residential in character - The application premises are located in the Retail Core of Belfast City Centre, which is an area that is clearly not residential in character.
4.42	(ii) – non-residential property that is immediately adjacent to residential property - There is no residential use immediately adjacent to the application site. Residential properties located nearest the application site are generally found in the Cathedral Quarter and in the area around the Ulster University campus.
4.43	e) Proximity to schools, youth centres, and residential institutions for vulnerable people – <i>The Council will not 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.</i>
4.44	While amusement arcades restrict admittance to those under 18 years of age, the protection of children and vulnerable adults from gambling harm is a key objective of the Policy which states that a precautionary approach is required for applications made near locations where children, young persons and vulnerable people congregate.

4.45	<p>There are no schools, youth centres, or residential institutions for vulnerable people within 200m of the application premises. While it is respectfully acknowledged that the First Presbyterian Church facilitates meetings involving vulnerable people it is not considered to fall under this criteria of the Permit Policy.</p> <p><u>Conclusion</u></p>
4.46	<p>The proposed location is in the Retail Core where, in the interest of enhancing the retail vibrancy of the busiest part of the city centre, there is a policy presumption against allowing new amusement arcades to open.</p>
4.47	<p>In addition, given the visibility of the site next to one of the prime retail pitches in Belfast, opposite Castle Court, and within the setting of a listed building block on Royal Avenue and located in Rosemary Street with its historical interest and listed buildings including First Presbyterian Church, adverse impact on the image and profile of Belfast cannot be discounted. Members may also want to consider if the proposal would result in a cumulative build-up of arcades in this location.</p>
4.48	<p>Members are reminded that the Amusement Permit Policy does enable the Council to depart from the Policy where it appears appropriate or necessary, although it is envisaged that it will only happen in exceptional circumstances.</p>
4.49	<p>As stated in the Policy conclusion, the Council has broad discretion in the range of matters it may consider in the determination of applications for Amusement Permits, and the Policy establishes, for all interested parties, the matters which are likely to be taken into consideration. However, this does not prevent the Council from departing from the Policy where it is appropriate to do so.</p>
4.50	<p>The applicant's representation concerning their need to relocate their existing amusement arcade from 13 North Street to facilitate regeneration, the applicant's confirmation that this application is for a replacement rather than for an additional amusement permit within the Retail Core, and the information provided by the applicant's solicitor about the lease for the existing amusement arcade at 13 North Street and the applicant's willingness to give an undertaking concerning the surrender of this lease are factors Members may wish to consider in the determination of this application.</p>
4.51	<p>It is worth noting that a similar amusement centre at 19 North Street, operated by Oasis, was permitted to relocate in 2022 to facilitate regeneration in this part of Belfast (App Ref: LA04/2018/0098/F). It relocated from 19 North Street to 73-75 North Street. Likewise, it involved relocating from one part of the Retail Core to another. Even though it was confronted with similar issues, including proximity to listed buildings and visibility from Royal Avenue, the Committee exceptionally approved a provisional grant in recognition of the fact that its relocation would help facilitate much needed regeneration in Belfast City Centre. However, in that case the Planning Permission included a condition necessitating relocation.</p>
4.52	<p>Dr Tony Quinn, Braniff Associates, a Planning Consultant who has advised the Council on the formulation of the Amusement Permit Policy, will be in attendance at your meeting to speak to the Committee, if Members so wish, on the purpose and application of the Policy.</p>
4.53	<p>A copy of the Council's Amusement Permit Policy is attached for your information and reference as Appendix 8.</p>

5.0	Financial & Resource Implications
5.1	None
6.0	Equality or Good Relations Implications/Rural Needs Assessment
6.1	There are no issues associated with this report.
6.0	Appendices – Documents Attached
	<ul style="list-style-type: none"> • Appendix 1 – Location map • Appendix 2 – Proposed plans • Appendix 3 – Copy of Planning Permission • Appendix 4 – Applicant's References (Restricted) • Appendix 5 – PSNI response • Appendix 6 – Objector's Representation Forms and Information (Restricted) • Appendix 7 – Applicant's Representation Forms and Information (Restricted) • Appendix 8 – Belfast City Council's Amusement Permit Policy